January 29, 2026 Meeting with Casabella Board – Executive Session

This appeal is not based on opinions or assumptions, but solely on the provisions within our CC&R's, Bylaws and the Arizona Revised Statutes within the Condominium Act.

The REAL question here is, BASED ON THE PROVISIONS IN OUR DECLARATION, DID BRAYLON VIOLATE THE CC&R'S or THE A.R.S.?

Arizona Revised Statutes that address alterations of units

33-1221. Alterations of units

A. Subject to the provisions of the declaration and other provisions of law, a unit owner:

1. May make any improvements or alterations to the unit owner's unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium.

It's clear that, subject to the provisions of the declaration, the rights of the unit owner are clearly identified.

Casabella CC&R's that address nonstructural unit alterations

4. 3 Improvements and Alterations

(B) Any Unit Owner may make nonstructural additions, alterations and improvements within his Unit without the prior written approval of the Board, but such Unit Owner shall, to the extent permitted under Arizona law, be responsible for any damage to other Units and to the Common Elements which results from any such alterations, additions or improvements.

Our CC&R's clearly mirror the state statute addressing the issue of unit improvements and alterations.

2.1 Unit Boundaries

(A) … (iii) the interior of the finished but undecorated walls shall be the vertical boundaries. All lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of the finished surfaces are a part of the Unit, and all other portions of the walls, floors or ceilings are a part of the Common Elements. The structural elements of exterior windows and doors shall be Limited Common Elements allocated to that Unit as provided in Section 2. l(D) below.

Casabella CC&R's that address adopting ules and regulations

3.2 Unit Owners' Easements of Enjoyment

(A) …(i) The right of the Association to adopt reasonable Rules governing the use of the Common Elements.

6.2 Rules

The Board of Directors, from time to time and subject to the provisions of this Declaration and the Condominium Act, may adopt, amend, and repeal rules and regulations. The Rules may, among other things, restrict and govern the use by any Unit Owner, by the family of such Unit Owner, or by any invitee, licensee or lessee of such Unit Owner, of any area within the
Condominium subject to the Association's jurisdiction and control; provided, however, that the Rules may not unreasonably discriminate among Unit Owners and shall not be inconsistent with the Condominium Act, the applicable federal and state Fair Housing Acts, this Declaration, the Articles or Bylaws. A copy of the Rules, as they may from time to time be adopted, amended or
repealed, shall be mailed or otherwise delivered to each Unit Owner and may be recorded.

Casabella Bylaws that address adopting rules and regulations

Article 3 - Board of Directors

3.11 Powers and Duties

(A) (vii). Adopt and publish Rules and regulations governing the use of the Common Elements and facilities and the personal conduct of the Members and their guests, lessees, invitees and family members thereon and establish penalties for the infraction thereof.

Casabella CC&R's that define common elements

Article 1 – Definitions

(H) "Common Elements" means all portions of the condominium other than the units, including, without limitation, any recreational amenities, structural portions of Buildings not comprising the Units, Garage Buildings, walkway areas, and private drives.

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IN ADDITION TO THE ABOVE, BRAYLON HANSON RECEIVED A NOTICE OF VIOLATION THAT DID NOT INCLUDE 2 OF THE REQUIRED ELEMENTS PER THE A.R.S.. BRAYLON MADE A SECOND REQUEST AND THEN ONLY RECEIVED #3 BELOW, BUT HAS NEVER RECEIVED THE PROVISION(S) OF THE DOCUMENTS THAT WAS VIOLATED. ALSO, BRAYLON RECEIVED A SET OF RULES AND REGULATIONS dated October 11, 2021 THAT ARE NOT FOUND ANYWHERE ELSE.

Arizona Revised Statutes that address notice of violation by the HOA

33-1242. Powers of unit owners' association; notice to unit owner of violation

A. Subject to the provisions of the declaration, the association may:

1. **Adopt and amend bylaws and rules.**
6. **Regulate the use, maintenance, repair, replacement and modification of common elements.**

C. Within ten business days after receipt of the certified mail containing the response from the unit owner, the association shall respond to the unit owner with a written explanation regarding the notice that shall provide at least the following information unless previously provided in the notice of violation:

1. **The provision of the condominium documents that has allegedly been violated.**
2. **The date of the violation or the date the violation was observed.**
3. **The first and last name of the person or persons who observed the violation.**
4. **The process the unit owner must follow to contest the notice.**

IN SUMMARY, BASED ON THE PROVISIONS found within our CC&R's, Bylaws and the A.R.S. Condominium Act, it is obvious the Board of Directors can only adopt Rules & Regulations that fall within their jurisdiction, specifically, rules concerning the Common Elements. The Board cannot adopt Rules & Regulations that supersede these documents. The Rules & Regulations as they stand are in error and should be revised to omit any restriction on flooring to protect the HOA against potential legal issues.

The current rule in regard to the upper level flooring restriction violates the rights of the Unit owners. It is outside the jurisdiction of the association and is, therefore, unenforceable. Braylon Hanson did nothing outside of his rights as an owner and is in complete compliance with our governing documents and the Condominium Act.

Dictionary: Definitions from Oxford Languages ·

con·do·min·i·um

noun

NORTH AMERICAN ENGLISH

1. **a building or complex of buildings containing a number of individually owned apartments or houses.**