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IN THE OFFICE OF THE ARIZONA

DEPARTMENT OF REAL ESTATE

GENE WILSON, Petitioner, vs. **EAGLE ROOST MANAGEMENT INC.,** Respondent	Case No.: 26F-H084 **PETITIONER'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS FOR LACK OF JURISDICTION**

Petitioner is in receipt of the Respondent's Motion to Dismiss for Lack of Jurisdiction on July 4, 2026, and upon review, notes the following:

The Statement of Facts outlined by Respondent's Attorney contains information that is incomplete and/or incorrect. Respondent acknowledges, in the Statement of Facts, that there is an unresolved discrepancy regarding setbacks as described in the Special Use Permit approved by Maricopa County on July 31, 1978 versus those in Amendment No. 3 to the CC&R's filed on April 6, 1994. This is one of three (3) allegations in the Homeowners Association (HOA) Petition Request Form filed by Petitioner and presently before this Honorable Court. There is no mention of the other two (2) allegations which include, but are not limited to, breach of fiduciary duty(ies) and failure(s) to disclose. Additionally, pursuant to the Statutes, By-Laws and CC&R's listed in Petitioner's complaint, Petitioner has reason to believe these matters do, in fact, fall under the jurisdiction of this Honorable Court.

As Respondent's Attorney indicates Respondent no longer wishes to resolve these matters through Mediation, Petitioner respectfully requests a Hearing before the Administrative Law Judge in order to resolve this complaint in a timely manner. Petitioner recognizes Respondent has access to HOA funds to pay legal fees and remains frustrated that the HOA has not only failed to communicate in good faith, but also that the entire Eagle Roost community along with other affected lot owners must subsidize this endeavor. Petitioner, having been told by Board members and pursuant to Maricopa County's Minor Amendment to Special Use Permit process, understands that a simple, fixed-cost remedy is and has been available to the Board since before this action was filed. It should be noted that a Minor Amendment is Administrative only and, per Maricopa County, "Minor Amendments are small adjustments to the details of a site plan that allow continued compliance with an approved site plan and that do not substantively or materially alter the original character and/or intent of the approved site plan."

Petitioner respectfully requests the Administrative Law Judge deny Respondent's Motion to Dismiss for Lack of Jurisdiction and schedule a hearing as soon as is reasonably practicable.

Dated this 6th of July, 2026.

Gene Wilson

Gene Wilson, Pro Per

Mailed/E-mailed this 6th day of July, 2026 to:

Arizona Department of Real Estate
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