

PETITION FOR ADMINISTRATIVE HEARING

Date: April 20, 2026

PETITIONER

Evelyn Keiling, TTE – The Keiling Living Trust
Lone Mountain Community
Cave Creek, Arizona

RESPONDENT

Lone Mountain Community Association
c/o FirstService Residential

I. NATURE OF THE DISPUTE

This Petition challenges the Association's enforcement of a mandatory wall color requirement—Behr "Pepper Spice"—for homeowner-maintained walls.

The Association is requiring homeowners to repaint existing walls, imposing a uniform color regardless of the home's design, and threatening fines of \$100 every ten (10) days for noncompliance.

II. ISSUE

The Association violated the CC&Rs by imposing and enforcing a mandatory wall color requirement (Behr "Pepper Spice") that is not authorized by the governing documents.

III. ONE SENTENCE VIOLATION

The Association exceeded its authority by imposing a new mandatory wall color requirement not contained in the CC&Rs and applying it to existing compliant properties.

IV. STATEMENT OF FACTS

Petitioner resides in the Lone Mountain community, where homes—particularly those built by Lennar—were originally designed with front and side walls painted to match or complement the home's exterior color.

For over ten (10) years, Petitioner's walls have been maintained consistent with the home's original design and in harmony with surrounding properties, without any requirement to repaint them a uniform color.

In December 2020, the Association adopted a Design Guideline referencing Behr "Pepper Spice" as a standard color for certain walls. However, as confirmed by the Association's February 17, 2026 memorandum, this guideline was not implemented as a mandatory requirement at that time. No compliance deadline was established, and the requirement was intended to be phased in over time.

From 2020 through 2024, there was no consistent enforcement of this guideline, and homeowners were not required to repaint existing walls. During this time, many homeowners were unaware of any requirement to repaint front-facing walls to Behr Pepper Spice, further demonstrating that it was not treated as a mandatory obligation.

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The same memorandum further confirms that Behr Pepper Spice has been used throughout the community except for the front-facing walls within the Lennar neighborhood, demonstrating that variation in wall color—specifically walls matching the home—was an intentional and established part of the community design.

In 2025, the Association imposed a compliance deadline, acknowledging that uniformity would not be achieved without imposing a deadline to force compliance.

The Association is now requiring homeowners to repaint previously compliant walls to Behr Pepper Spice regardless of the home's original design and is enforcing this requirement through deadlines and the threat of fines.

The CC&Rs do not contain any provision requiring a specific wall color or mandating repainting of previously compliant walls.

The Design Guidelines expressly state that, in the event of any conflict, the Declaration (CC&Rs) shall control.

They further require that exterior elements conform to the design of the original Residential Unit in style, materials, and color, and that materials used in maintenance match the original construction.

For example, a homeowner within the community repainted their home in 2023, including the front-facing walls, in a color matching the home, consistent with the original Lennar design. At that time, no requirement was enforced to repaint the walls to Behr Pepper Spice. That same homeowner is now being

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required in 2026 to repaint those previously compliant walls to Behr Pepper Spice solely due to the current enforcement of this requirement.

Additionally, Petitioner's immediate neighbor was denied an appeal and, under the threat of fines, is proceeding with repainting their walls to Behr Pepper Spice despite disagreeing with the requirement. This action is not voluntary, but the result of enforcement pressure associated with the current mandate.

Additionally, a community petition opposing the mandatory Behr Pepper Spice wall requirement has gathered approximately 174 homeowner signatures, reflecting the widespread impact of this requirement on homeowners who are being required to modify previously compliant properties.

As shown in **Exhibit A** (Photographs), the current enforcement has resulted in visible inconsistency throughout the Lennar neighborhood, where walls now appear mismatched to their homes and adjacent properties, disrupting the original cohesive design of the community.

Petitioner does not dispute the obligation to maintain or repaint the front-facing walls and is willing to do so in compliance with the governing documents. However, Petitioner disputes the requirement to use a specific color—Behr Pepper Spice—that is not consistent with the original Lennar design scheme and is not required by the CC&Rs.

The Association's own timeline and enforcement history demonstrate that this requirement did not exist as a mandatory obligation and is now being imposed as a new requirement on previously compliant properties.

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Under ***Kalway v. Calabria Ranch HOA***, an association may not impose new restrictions or obligations that were not reasonably foreseeable from the recorded declaration and therefore not enforceable against existing, compliant properties.

By converting a non-mandatory guideline into a mandatory requirement and applying it to existing, previously compliant walls, the Association has imposed a new and unforeseeable obligation not authorized by the CC&Rs.

Petitioner seeks only to maintain their walls in a color consistent with the home's original design and the established aesthetic of the Lennar neighborhood.

V. REQUEST FOR RELIEF

1. A determination that the Association lacks authority to impose and enforce the mandatory wall color requirement
2. Immediate suspension of all enforcement actions related to this requirement
3. Invalidation of any fines issued or pending related to this requirement
4. Confirmation that Petitioner may maintain their walls in a color consistent with the home's original design

VI. CONCLUSION

The Association has converted a non-mandatory guideline into a mandatory requirement and is now enforcing it against previously compliant properties, despite no such obligation existing in the CC&Rs.

Respectfully submitted,

Evelyn Keiling, TTE – The Keiling Living Trust

EXHIBIT INDEX

The following exhibits are submitted in support of this Petition for Administrative Hearing:

Exhibit A – Photographs (Current Community Conditions)

Photographs depicting current wall conditions within the Lennar neighborhood.

Exhibit B – CC&Rs Excerpts

Relevant excerpts showing no required wall color mandate.

Exhibit C – Design Guidelines Excerpts

Including provisions that CCRs control in conflicts.

Exhibit D – December 2020 Board Meeting Minutes

Adoption of the Design Guideline.

Exhibit E – 2025 Board Actions

Deadline and enforcement changes.

Exhibit F – HOA Memorandum (February 17, 2026)

Admissions regarding phased-in and later enforced rule.

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Exhibit G – Community Correspondence

Communications regarding enforcement.

Exhibit H – Homeowner Petition (174 Signatures)

Demonstrates community impact.

Exhibit I – Lennar Design Evidence

Original paint scheme and design consistency.