Charles D. Onofry – 012837
SCHNEIDER, ONOFRY & LOMELI, P.C.
365 East Coronado Road
Phoenix, Arizona 85004
Telephone: 602.200.1280
Fax: 602.230.8985
E-mail: minute-entries@soarizonalaw.com
E-mail: conofry@soarizonalaw.com

Attorneys for Respondent

IN THE OFFICE OF ARIZONA

DEPARTMENT OF REAL ESTATE

GENE WILSON, Petitioner, vs. EAGLE ROOST MANAGEMENT INC., Respondent.	No. 26F-H084 **RESPONDENT'S REPLY IN SUPPORT OF MOTION TO DISMISS**

Respondent Eagle Roost filed a Motion to Dismiss on the basis that this Court lacked jurisdiction under A.R.S. § 33-2199.01(A) & 2199.02(A) because there was no claim that Respondent had violated any planning document or CC&R's. Petitioner's Response never addresses that issue. He states this is one of three allegations in the Petition, and there are also claims of breach of fiduciary duty and failure to disclose. But those are legal theories and do not address the issue of subject matter jurisdiction as required by these statutes. Indeed, nothing in these statutes provides that jurisdiction exists as long as claims of breach of fiduciary duty and failure to disclose are made.

Other than that, Respondent simply says, "Petitioner has reason to believe these matters do, in fact, fall under the jurisdiction of this Honorable Court." But other than to state that conclusion, no explanation is given as to why Petitioner believes jurisdiction exists.

Equally vague is Petitioner's claim that he has been told and "understands that a simple, fixed cost remedy is and has been available to the board since this action was

filed." But again, Petitioner does not tell us what this action would be, or why it creates jurisdiction.

Ultimately, Petitioner never explains how the allegations contained in this Petition fall within the jurisdiction of either A.R.S. § 33-2199.01(A) or § 334-2199.02.

For these reasons, Respondent requests this Court enter an Order granting the Motion and dismiss the Petition for lack of jurisdiction.

Dated this 13th day of July, 2026.

SCHNEIDER, ONOFRY & LOMELI, P.C.

By */s/ Charles D. Onofry*
Charles D. Onofry
Attorneys for Respondent

Mailed/E-Mailed this 13th day of July, 2026 to:

Arizona Department of Real Estate
Homeowner Association Dispute Resolution Process
100 N. 15th Ave., Ste. 201
Phoenix, Arizona 85007

Gene Wilson
51421 W. Iver
Aguila, AZ 85320
fastbuggy123@gmail.com
Petitioner

By */s/ LeeAnne Kelley*