



Evelyn Keiling <elkeiling@gmail.com>

Lone Mountain Community Association - Reconsideration Request

1 message

Emily Ottens <Emily.Ottens@fsresidential.com>

Fri, May 1, 2026 at 6:07 PM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>

Good afternoon, Evelyn,

We hope this message finds you well. Thank you for the time and effort you put into preparing and submitting your request for reconsideration.

Your communication was included in the Board packet and reviewed by the Board of Directors at the April 22 Board meeting. After careful consideration, the Board voted to deny both the request.

As outlined in Section 5.8.1 of the Association Design Guidelines, the front return walls must be painted in the community's standard color. For your reference, the Design Guidelines and records regarding the Board's authority were provided to you on March 17, 2026, and on multiple occasions thereafter in response to your records requests and messages for clarification.

As a courtesy, and to allow adequate time for completion, the compliance date associated with the notice issued on January 14, 2026, has been extended by two weeks from today – May 1st, 2026. If you require additional time to complete the repairs you mentioned and painting, please feel free to reach out and request an extension. While I am authorized to grant a two-week courtesy extension, I would be happy to coordinate with the Board of Directors should you need additional time.

We appreciate your cooperation in moving forward with repainting the walls using the community-approved color, Behr Pepper Spice (or its equivalent), and for adhering to the Association's governing documents and guidelines.

Wishing you and yours a wonderful weekend,



EMILY OTTENS
Community Manager

9000 E. Pima Center Pkwy Ste 300 | Scottsdale, AZ 85258
Direct 4805514376



24/7 Customer Care 855.333.5149



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Request to Hold Enforcement Pending ADRE Administrative Review

1 message

Evelyn Keiling <elkeiling@gmail.com>

Mon, May 18, 2026 at 6:20 AM

To: Emily Ottens <Emily.Ottens@fsresidential.com>, Marcia Hahn <lmhoamarcia@gmail.com>, lmhoabetsyw@gmail.com, lmhoaty@gmail.com, lmhoaluna@gmail.com, lmhoakeiths@gmail.com, LoneMountain.AZ@fsresidential.com

Cc: "Evelyn Keiling (HempMamaEvelyn)" <elkeiling@gmail.com>, Bobby Keiling <rwkeilingphotography@gmail.com>

Good morning Emily & LMCA Board:

Please accept this correspondence as formal notice that I am currently awaiting adjudication and a final determination from the Arizona Department of Real Estate ("ADRE") regarding the Association's enforcement of the mandated "Behr Pepper Spice" front wall color requirement pursuant to the Design Guidelines.

After extensive correspondence, multiple written objections, repeated requests for clarification, and the denial of my appeal and reconsideration requests, I felt I had no remaining option but to seek administrative review through the ADRE process.

On May 11, 2026, I received formal notice that the ADRE had accepted and approved my Petition for Administrative Hearing, and this matter is now pending before the State of Arizona for review and adjudication.

Additionally, this issue continues to impact multiple homeowners within the community who have either requested additional time, expressed concerns regarding the mandated repainting requirement, or objected to the alteration of the original Lennar community color palette and architectural harmony.

Given that this matter is now pending before the ADRE, I believe it is in all parties' interests to preserve the status quo until the State has issued its determination.

Accordingly, I fully expect that no fines, penalties, additional violations, or enforcement actions will be assessed or pursued while awaiting the ADRE's determination.

I respectfully request written confirmation that:

- All enforcement activity related to this matter will be held in abeyance;
- No fines or penalties will accrue while the ADRE matter is pending; and
- All compliance deadlines will be suspended pending final adjudication.

This correspondence is sent without waiver of any rights, claims, remedies, or defenses available to me under Arizona law or the Association's governing documents, all of which are expressly reserved.

Sincerely,

Evelyn Keiling, TTE - The Keiling Living Trust



Evelyn Keiling <elkeiling@gmail.com>

Request to Hold Enforcement Pending ADRE Administrative Review

Emily Ottens <Emily.Ottens@fsresidential.com>

Mon, May 18, 2026 at 6:21 PM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: "Evelyn Keiling (HempMamaEvelyn)" <elkeiling@gmail.com>, Bobby Keiling <rwkeilingphotography@gmail.com>

Good evening, Evelyn,

Thank you for reaching out. Notification of the Board of Directors' decision regarding your reconsideration request was sent on Friday, May 1, 2026. At that time, the compliance deadline was extended by an additional two weeks. The correspondence also included instructions to contact our office should you require a further extension beyond that timeframe to make repairs you've mentioned and to paint the walls. We did not receive a response to that communication.

Additionally, the management company has not received any correspondence from the Arizona Department of Real Estate regarding this matter.

We are unable to accommodate requests to hold enforcement as all homeowners are required to comply with the same set of guidelines. While we understand that you are dissatisfied with the outcome of the Board's decision regarding your appeal, variance request, and subsequent reconsideration request, the denial decisions and related clarifications have been communicated on multiple occasions over the past several months.

Please proceed with repainting the walls using the approved community standard color in accordance with the Association Design Guidelines.

Thank you for your cooperation and anticipated compliance.

Sincerely,

EMILY OTTENS
Community Manager

9000 E. Pima Center Pkwy
Ste 300 | Scottsdale, AZ
85258
Direct 4805514376

[Quoted text hidden]

Response Regarding Enforcement - Request to Hold Enforcement Pending ADRE Administrative Review

1 message

Evelyn Keiling <elkeiling@gmail.com>

Thu, May 21, 2026 at 2:51 PM

To: Emily Ottens <Emily.Ottens@fsresidential.com>, Marcia Hahn <lmhoamarciah@gmail.com>, lmhoabetsyw@gmail.com, lmhoaty@gmail.com, lmhoaluna@gmail.com, lmhoakeiths@gmail.com
Cc: "Evelyn Keiling (HempMamaEvelyn)" <elkeiling@gmail.com>

Good afternoon Emily & LMCA Board Members,

The Association's current enforcement posture raises serious concerns.

On May 1, 2026, management expressly invited additional communication regarding extensions and additional time for compliance (see attached email). I continued communicating with the Association in good faith while simultaneously raising legitimate concerns regarding the legality and enforceability of the mandatory Pepper Spice wall requirement.

However, after formally proceeding with a request for hearing before the Arizona Department of Real Estate, the Association's position abruptly shifted from offering flexibility and accommodation to refusing requests to pause enforcement and continuing to threaten fines regarding a disputed policy.

At the same time, similarly situated homeowners concerning the exact same Pepper Spice issue have reportedly received different compliance timelines and accommodations.

Under these circumstances, the Association's actions increasingly appear arbitrary, inconsistent, and retaliatory toward a homeowner who has continued questioning the Board's legal authority and formally exercised her rights through the ADRE process.

This rule was not part of the original recorded community design scheme. It was created through Board action in 2020, years after the community was developed, and is now being aggressively enforced in 2026 despite years of inconsistent application and enforcement.

Within this Lennar-designed community, many homeowners who repainted their homes over the years reasonably believed they were remaining compliant by repainting their front-facing walls to continue matching the corresponding home color palettes exactly as originally designed and constructed by Lennar. Matching wall colors to the home itself is also common throughout many of the surrounding communities in the area and was part of the established architectural appearance homeowners had come to expect within this neighborhood.

As a result, many homeowners were completely caught off guard by the later enforcement of a mandatory one-size-fits-all Pepper Spice wall requirement that does not coordinate with many of the home palettes and elevations throughout the community.

Importantly, the Association itself has previously acknowledged within its own memorandum materials that the original Lennar-designed front-facing walls throughout the community matched the corresponding home color palettes and that this community differed from many surrounding neighborhoods in that respect. Homeowners reasonably relied upon that long-established

architectural scheme when repainting and maintaining their homes over the years.

The current mandatory one-size-fits-all Pepper Spice policy represents a significant departure from that original professionally designed community appearance and is precisely why so many homeowners were caught off guard by the later enforcement of this requirement.

The ARC and Design Guidelines were intended to address homeowner-requested modifications and to preserve harmony and compatibility within the existing architectural character of the community — not to grant the Board unlimited authority to redesign the architectural character of the entire neighborhood years later through internal rulemaking.

Nothing within the governing documents appears to provide the Board with unlimited authority to fundamentally alter the original architectural scheme of the community years later through internal Design Guideline revisions and then aggressively enforce those changes as though homeowners originally agreed to them.

Homeowners are entitled to rely upon the recorded governing documents and the original established architectural character of the community when maintaining and repainting their properties. Significant new aesthetic burdens and community-wide architectural changes should not be imposed years later through evolving internal interpretations and discretionary enforcement practices.

The Board has denied every homeowner appeal concerning this issue, including my own, and in doing so has caused significant frustration and distress among homeowners throughout the community. Many homeowners are repainting under protest simply to avoid escalating enforcement actions and fines.

The level of homeowner concern surrounding this issue is substantial. To date, I have received 21 homeowner signatures supporting my request for hearing regarding the legality and enforceability of this mandate, and many additional homeowners have privately expressed concern regarding both the policy itself and the manner in which it is being enforced.

This one-size-fits-all wall color mandate is not what was originally intended or represented within our governing documents. Within this Lennar-designed community of more than 400 homes, the front-facing walls were intentionally coordinated to match the corresponding home color palettes as part of the original professionally designed architectural scheme of the neighborhood.

If the Association intended to fundamentally change the architectural appearance of the community through a mandatory one-size-fits-all wall color affecting hundreds of homes with varying palettes and elevations, that type of sweeping community-wide architectural change should have been openly presented to homeowners and properly voted upon through the amendment process — not implemented years later solely through internal Design Guideline revisions.

Rather than preserving harmony and the original architectural character of the neighborhood, the Association's one-size-fits-all wall color mandate has negatively impacted the visual appearance, congruency, and architectural harmony of the community.

I continue to fully dispute the legality and enforceability of this policy and respectfully again request that no additional fines or enforcement actions be assessed until the Arizona Department of Real Estate has issued a ruling regarding this matter.

Evelyn Keiling, TTE - The Keiling Living Trust

/elk

Attachments

2 attachments



Gmail - Lone Mountain Community Association - Reconsideration Request.pdf
161K



Gmail - Request to Hold Enforcement Pending ADRE Administrative Review.pdf
129K