



Youtube Videos (AZNH Revocable Trust v. Sunland Springs Village HOA)

2 messages

John Sullivan <info@sullivanappeals.com>

Sat, Mar 7, 2026 at 9:57 PM

To: me@jeremywhittaker.com <me@jeremywhittaker.com>, info@yourazhoaattorney.com

Hello, Mr. Whittaker.

I see you have posted videos to Youtube regarding AZNH Revocable Trust v. Sunland Springs Village HOA, and the requirement to retain election ballots. Your videos leave an impression with viewers that the case is over and in favor of the HOA.

The case is long from over; the matter is now in Maricopa County Superior Court with a real judicial officer (a Superior Court Judge). ALJ's are not judicial officers; they're administrative hearing officers who work for the Executive Branch of government in the OAH, not the Judicial Branch.

You should look at ARS § 10-3701(F):

F. Notwithstanding this chapter, a condominium association shall comply with title 33, chapter 9 and a planned community association shall comply with title 33, chapter 16 to the extent that this chapter is inconsistent with title 33, chapters 9 and 16.

The referenced chapter is **10**, which is the chapter in which § **10-3708** appears. Thus, § 10-3708 (referenced in your Youtube video) is not applicable to Planned Communities or Condominiums because all of chapter 10 is excluded when in conflict with the Planned Communities Act (ARS §§ 33-1801 to 33-1820).

Additionally, ARS § 33-1812(A) states, that § 10-3708 does not apply ("Notwithstanding § 10-3708" the provisions of ARS § 33-1812(A)(1-5) apply).

Also, see § 10-3140 defining "vote" as written ballot and written consent. So, when § 10-3708 states "votes" is means **ballots**.

Thus, the ALJ went way out of bounds in deciding that Sunland Springs could comply with § 33-1812 by retaining only "votes" in a spreadsheet, under § 10-3708. The Planned Communities Act, § 33-1812(A)(7), requires retention of "**ballots**" for homeowner inspection.

I have attached the most recent Superior Court filings of AZNH Revocable Trust which is before the Superior Court. Please take note of the difference between a motion and a peremptory act. Although the ALJ used the term 'motion' that term does not apply to a peremptory act by a litigant. The Superior Court is expected to issue a decision before the end of March, 2026. The case is a public record and the case number appears on the filings (CV2025-036466).

If you do not have another source, you can find the above statutes at [findlaw.com](https://www.findlaw.com) (drop down menu, search laws by state).

Thank you for your consideration.

Respectfully,

John F. Sullivan

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2 attachments

 **Complaint For Special Action.pdf**
996 KB

 **Plaintiff's+Motion+for+Judgment+on+the+Case+Filings+.pdf**
217 KB

Sat, Mar 7, 2026 at 10:01 PM

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Thank you sir. This site is an autonomous pipeline. I will manually inject your documents and have it update itself as you have requested. If there are any other documents you want to be ingested please send them all over and I will override the system and import them.

Jeremy R. Whittaker



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