

Briefing Document: AZNH Revocable Trust v. Arizona Department of Real Estate and Sunland Springs Village HOA

Executive Summary

This document synthesizes the legal proceedings and core disputes in the matter of **AZNH Revocable Trust v. Arizona Department of Real Estate (ADRE) and Sunland Springs Village Homeowners Association (HOA)** (Case No. LC2025-000025-001 / Administrative Docket 24F-H047-REL). The conflict originated from a records dispute regarding a February 2024 HOA election. After an initial administrative denial by the ADRE, the Plaintiff (the Trust) appealed to the Maricopa County Superior Court. The court remanded the case back to the ADRE for the limited purpose of conducting an evidentiary hearing regarding two specific items of evidence: an electronic ballot screenshot and a vendor video. Subsequent litigation centered on the Plaintiff's attempts to expand the scope of that hearing and a Motion to Enforce Judgment/Order to Show Cause, alleging the ADRE had refused to comply with the court's remand. On September 17, 2025, the Superior Court denied the Plaintiff's motion for contempt/enforcement, finding that the administrative hearing was already scheduled and that the ADRE had fulfilled its obligations under the remand order.

I. Factual and Statutory Background

A. The Core Dispute: HOA Election Records

The litigation began on April 20, 2024, when the Plaintiff filed a Homeowner Association Dispute Process Petition. The Plaintiff alleged that the Sunland Springs Village HOA failed to comply with **A.R.S. § 33-1812(7)** by refusing to produce election materials from the February 27, 2024, election. Specifically, the Plaintiff requested:

- Paper ballots and envelopes.
- Sign-in sheets.
- Electronic voting records.

B. Initial Administrative Ruling

The matter was initially heard by an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH). The ALJ found the HOA had complied with the statute and denied the Plaintiff's petition. The ADRE subsequently denied the Plaintiff's request for a rehearing on January 8, 2025, for lack of sufficient grounds.

II. Superior Court Appeal and Remand

The Plaintiff filed a Notice of Appeal in the Maricopa County Superior Court on January 14, 2025. The appeal asserted that the ADRE decision was contrary to law, unsupported by evidence, and arbitrary.

A. Request for Additional Evidence

On January 21, 2025, the Plaintiff filed a *Motion for Evidentiary Hearing to Introduce Additional Evidence* pursuant to **A.R.S. § 12-910 and JRAD Rule 10** . The Plaintiff claimed to have discovered "previously undisclosed" evidence that disproved the HOA's claim that no ballots were used in electronic voting:

1. A computer screenshot characterized as an "electronic ballot."
2. A 50-second video from the vendor, VoteHOANow.

B. The Court's Remand Order (April 17, 2025)

The Honorable Joseph P. Mikitish issued a Minute Entry and Order of Dismissal on April 17, 2025. Key findings included:

- **Venue:** The Court found the ADRE was in the "best position to conduct the hearing" due to its experience in HOA disputes.
- **Mandate:** The Court dismissed the appeal and remanded the matter to the ADRE for the "limited purpose of considering the two additional pieces of evidence" identified by the Plaintiff.
- **Refusal to Conduct Hearing Directly:** The Court denied the Plaintiff's request for the Superior Court itself to conduct the evidentiary hearing.

III. Post-Remand Conflicts and Administrative Delays

Following the remand, a dispute arose regarding the scheduling and scope of the new administrative hearing.

A. Scheduling of the Remand Hearing

The ADRE initially scheduled a rehearing for July 24, 2025. This was later continued to **September 26, 2025** , at the request of the HOA.

B. Attempted Expansion of Scope

The HOA alleged that following the remand, the Plaintiff "attempted improperly to broaden the scope" of the hearing by submitting motions to the ADRE to subpoena new witnesses and obtain additional records from VoteHOANow. The ADRE denied these requests on August 15, 2025, stating they were "beyond the scope of the Evidentiary Hearing on remand."

C. Motion to Enforce Judgment

On August 27, 2025, the Plaintiff filed a *Motion to Enforce Judgment and for Order to Show Cause* . The Plaintiff argued that the ADRE and OAH had "refused" to hold the hearing or issue subpoenas as ordered by the Superior Court.

IV. Legal Arguments and Judicial Determination

A. Positions of the Parties

Party,Argument

Plaintiff (AZNH Trust), Claimed the ADRE/OAH acted in contempt by not holding the hearing immediately and refusing to issue subpoenas for the September 26 hearing.

Defendant (HOA), "Characterized the Plaintiff's motion as ""frivolous"" and ""misleading,"" noting the hearing was already on the docket for September 26, 2025."

Defendant (ADRE), "Stated they are a ""nominal party"" with no pecuniary interest. Argued they complied with the remand by referring the matter to OAH to schedule the hearing."

B. Final Ruling (September 17, 2025)

The Court held a virtual Order to Show Cause Return Hearing on September 17, 2025. After reviewing the filings and discussing the status of subpoenas and exhibits, the Court:

1. **Denied all relief** requested in the Plaintiff's Motion to Enforce Judgment.
2. **Confirmed the hearing status:** Acknowledged that the administrative process was ongoing and the hearing was set for September 26.
3. **Closed the Superior Court matter:** Stated the Court would "not be issuing any other orders in this matter."

V. Key Evidence and Statutory References

Central Evidence in Dispute

- **A.R.S. § 33-1812(7):** Requires HOAs to provide ballots and related materials for member review.
- **The "Electronic Ballot":** A screenshot the Plaintiff claims is a "ballot" which the HOA previously denied existed.
- **The Vendor Video:** A 50-second recording from VoteHOANow that the Plaintiff asserts disproves the HOA's prior testimony regarding the "user interface" of the voting system.

Procedural Authorities

- **A.R.S. § 12-911:** Grants the Superior Court authority to remand cases to administrative agencies.
- **JRAD Rule 10:** Governs the introduction of new evidence in the review of administrative decisions.
- **A.R.S. § 32-2199.01:** Establishes the ADRE's jurisdiction over HOA dispute processes.

Important Quotes from the Record

"The Department... is in the best position to conduct the hearing." — **Judge Joseph P. Mikitish, April 17, 2025 Order.** "Plaintiff lacks standing to bring this Motion before this court and the Motion is frivolous as the Arizona Department of Real Estate ("ADRE") has scheduled an Evidentiary hearing in this matter to take place on September 26, 2025." — **HOA Response in Opposition, August 29, 2025.** "The Department does not regulate HOAs, and acts solely as a conduit for HOA disputes... the Department is not in a position to decide the dispute and has no role in the dispute other than acting as the gateway to initiate the dispute process." — **ADRE Memorandum of Points and Authorities, September 15, 2025.**