

MICHELE BEAUCHAMP

April 30, 2023

Mulcahy Law Firm
C/O The Village at Rio Paseo
3001 E Camelback Rd., Suite 130
Phoenix, AZ 85016

Dear Beth Mulcahy and Shawn Nemmers,

I am writing to the both of you again to inform you about CC&RS, Federal and Arizona law violations by the board and property manager at The Villages at Rio Paseo. Someone needs to inform them to read our governing documents (CC&RS), 2010 ADA Standards for Accessible Design and ARS 33-2002 Homeowners' association dwelling actions; conditions.

VISITOR PARKING

The Association's visitor parking is being reassigned for members exclusive use if they have a third vehicle or if their vehicle doesn't fit in their garage, this would be in violation of the CC&RS Section 5.14.2. The purchaser was aware of the (2) parking spaces and rules in the CC&RS. Board members are now amending the CC&RS parking rules and allowing Common Element property to benefit 1 member. The Board didn't follow, CC&RS Section 13.5 Procedure for Change of Use of General Common Elements. An adoption of a resolution by the board wasn't presented to the Association nor was there a vote by the Association to remove 6 visitor parking spaces from the Association's 26 visitors spaces for 144 units and allowing 1 member to use common element property exclusively, CC&RS Section 1.6. This would leave only 19 visitor parking spaces and 1 disabled parking space for 4 "Parking Facilities", see enclosed site map. And this is where the board is in violation of Federal law for disability parking for visitors.

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ADA VISITOR PARKING

Under ADA Standards there has to be 1 disabled parking space for every “Parking Facilities”, with 1-25 parking spaces, (the required number **is not** to be based on the total number of parking spaces provided in all of the parking facilities provided on the site), Advisory 208.2 Minimum Number. I brought this issue to the other board members in 2021 general meeting but was ignored. See enclosed pages from the 2010 ADA Standards for Accessible Design and recorded General meeting available on request.

PDA MATERIAL INFORMATION RELATED TO THE FILING

Under ARS 33-2002 Homeowners' association dwelling actions; conditions, material information related to the filing needs to be disclosed in writing to the unit owners. “A, 1. The board of directors has provided full disclosure in writing to all members of the association of all material information relating to the filing of the action.”, see enclosed statute ARS 33-2002. The members only received a brief description of damages from a PowerPoint presentation before the members voted to pursue litigation and during a General meeting where the majority of the members didn't attend, including me because I thought the information would be disclosed in writing but it wasn't. Members are saying that information on the filing is on the Association's Facebook page where I and other members don't read. This information along with all materials should be on Associa's TownSq app to view and print by members. Members want to know what and where the damages are on the Buildings and Units. If a Unit Owner wants to sell their Unit what do they have to disclose to the purchaser?

CONCLUSION

It's either we get these issues resolved now in a meeting with the two of you or the Association's failure to abide by the law and not being fiscally responsible will result in me handing over documents to the US Attorney's Office in Phoenix and the United States Department of Justice, Criminal Division, showing that board members intentional or negligent withheld information and financial criminal evidence amounting up to \$480,000+ from members. I am making this request because as I am sure you know, HOA Board Members may be held personally liable for their actions on behalf of the HOA for up to 2 years. I would be committing a crime, Spoliation.

Spoliation of evidence is the intentional, reckless, or negligent withholding, hiding, altering, fabricating, or destroying of evidence relevant to a legal proceeding, the Association's PDA filing, construction defect lawsuit.

Sincerely yours,

Michele Beauchamp

The Villages at Rio Paseo
cc: Shawn Nemmers, Vice President of Operations, Accocia
Please excuse any typos or grammar due to dictating or typing on electronic devices.