

Atty. JOHN SULLIVAN  
1909 E. Ray Rd., Suite 9198  
Chandler, Arizona 85225  
(480) 818-5070  
Bar No. 023018  
Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

**AZNH REVOCABLE TRUST,  
by and through  
JOHN and SUSAN SULLIVAN,  
TRUSTEES, REAL PARTIES IN  
INTEREST**

Plaintiff

v.

**SUSAN NICOLSON,  
COMMISSIONER,  
ARIZONA DEPARTMENT OF  
REAL ESTATE**

**and**

**TAMMY EIGENHEER,  
INTERIM DIRECTOR,  
ARIZONA OFFICE OF  
ADMINISTRATIVE HEARINGS**

**and**

**SUNLAND SPRINGS VILLAGE  
HOMEOWNERS ASSOCIATION,**

Defendants

No. CV2026-008484

**Plaintiff's Motion for  
Judgment on the Case Filings**

**Assigned to the  
Hon. Adele Ponce**

1 NOW COMES THE PLAINTIFF to respectfully request judgment on the case filings.  
2

3 **I. Judgment on the Case Filings**

4 Superior courts may decide special actions based on case filings and written evidence. *See,*  
5 *e.g., Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 347-48 nn. 4,6, ¶¶ 8, 12 (App. 2001)  
6 (deciding legal issues in special action based on the factual record created by the case filings).  
7 *See also*, 2 Camila Alarcon et al., *Arizona Appellate Handbook 2.0* at 24.15 (2nd ¶) (2020)  
8 (stating same).  
9

10 **II. Introduction**

11 The Plaintiff (“AZNH”) filed a Petition with the Arizona Dept. of Real Estate (“ADRE”)   
12 complaining that the Defendant (“HOA”) violated A.R.S. § 33-1812 of the Planned  
13 Communities Act. **Complaint Exhibit B.**

14 The Commissioner of ADRE served the Petition on the HOA by U.S. Mail on Dec. 11, 2025.  
15 **Complaint Exhibit C.** In the mailing, the Commissioner provided a “Response Form” and told  
16 the HOA to submit their Response no later than twenty (20) days after Dec. 11, 2025 (Dec. 31,  
17 2025). *Id.*

18 A.R.S. § 32-2199.01(E) states (emphasis added):

19 “Failure of the respondent to answer is deemed an admission of the allegations  
20 made in the petition, and the commissioner **shall** issue a default decision.”

21 The HOA, an Arizona nonprofit corporation, did not submit a Response at any time.

22 The HOA president pretended to act on behalf of the corporation and signed a Response  
23 Form which he then caused to be delivered to the ADRE through Atty. Chad Gallacher who  
24 falsely told the Commissioner that it was the Response of the HOA. **Complaint Exhibits D &**  
25 **E.**

1 As explained herein-below, the Response is a nullity because it is *NOT* the Response of the  
2 corporation. And, because it is a nullity, the applicable statute [§ 32-2199.01(E)] requires the  
3 Commissioner to issue a default decision in favor of AZNH.  
4

### 5 **III. Exercise of Corporate Powers**

6 A nonprofit corporation must have a Board of Directors (“BOD”). A.R.S. § 10-3801.  
7 “All corporate powers shall be exercised by or under the authority of and the affairs of the  
8 corporation shall be managed under the direction of its board of directors. . . .” (“corporate  
9 powers”) *Id.*

10 The articles of incorporation (“Articles”) may delegate corporate powers to other persons. *Id.*  
11 But the HOA Articles do not delegate powers to anyone. **Complaint Exhibit A.** Thus, all  
12 corporate powers are vested exclusively in the BOD.

13 The power to defend in the corporate name is among the specific corporate powers listed in  
14 A.R.S. § 10-3302. See § 10-3302(1).

15 Nonprofit corporations exercise corporate powers at a “duly called meeting” by a quorum  
16 majority vote. A.R.S. § 10-3140(2)(a).

17 To hold a duly called meeting, the BOD must publish a meeting notice and an agenda to  
18 HOA members not less than 48 hours prior to the meeting. A.R.S. 33-1804(D) & (F). Meeting  
19 notices and agendas must “contain the information that is reasonably necessary to inform  
20 members of the matters to be discussed or decided.” *Id.* The BOD is further required to “ensure  
21 that members have the ability to speak after discussion of agenda items, but before a vote of the  
22 Board is to be taken.” *Id.* See A.R.S. 33-1804(A).

23 The HOA is under a Court Order “that all voting or formal actions by the Defendant's Board  
24 of Directors must occur in open meetings.” **Complaint Exhibit F.**

25 **As further explained below, neither the HOA President nor Atty. Gallacher received**  
26 **instructions or authorization from the BOD to submit a Response to the ADRE.**

1        **IV.    The Board Did Not Authorize Any Response to ADRE**

2        AZNH submitted its Petition to the ADRE on November 27, 2025, and a Response was filed  
3        by Atty. Gallacher on December 23, 2025. That is the only time period (“**the time period**”)  
4        within which the BOD could have voted in a duly called meeting to submit a Response.

5        A corporation is required to keep written records of all minutes of all BOD meetings and a  
6        record of all actions taken by the BOD. A.R.S. § 10-11601(A & D). AZNH requested records  
7        from the HOA for **the time period**.

8        The HOA produced corporate records on March 20, 2026, which conclusively establish:

9            A.    There was only one duly called BOD meeting within **the time period** on December  
10            19, 2025.

11           B.    The combined meeting notice and agenda for the December 19<sup>th</sup> meeting did not  
12            contain any information that the Petition, or a Response thereto, would be discussed  
13            or decided.

14           C.    The minutes of the December 19<sup>th</sup> meeting do not show any corporate action taken  
15            (vote) by the BOD to submit a Response to the ADRE.

16        See **Exhibit H** (Affidavit of Susan Sullivan and HOA records).

17        Other than the December 19<sup>th</sup> records, AZNH never received a meeting notice or agenda for  
18        any BOD meeting scheduled or held within **the time period**. See Exhibit H.

19        The AZNH records request contained four (4) items. The fourth item requested:

20            “All records of all SSV [HOA] Board voting or formal action which occurred  
21            within the time period.”

22        The HOA keeper of records responded:

23            “- Aside from the records supplied for the other items of this request, no additional  
24            records responsive to this item exist.”

25        See Exhibit H.

1 The HOA records show, *and the HOA admits*, the BOD did not vote or take any action by a  
2 duly called meeting within **the time period** to submit a Response to ADRE. So, neither the  
3 HOA President nor Atty. Gallacher had any authority to act on behalf of the corporation to file a  
4 Response in the ADRE. Consequently, the Response filed by the President and attorney did not  
5 arise from an act of the BOD, and the Response they filed is a nullity. Neither the president nor  
6 the attorney may independently usurp or exercise corporate powers. A.R.S. §§ 10-3801(B) &  
7 10-3140(2)(a).

8  
9 **V. A Response from the Corporation is Jurisdictional**

10 A Response from the corporation (HOA) to the ADRE is jurisdictional. The Commissioner  
11 may only send a Petition to the OAH for a hearing if the “named respondent” submits a  
12 Response. A.R.S. § 32-2199.01(C, D & E). Absent a Response from the corporation, the  
13 Commissioner is mandated to issue a default decision in favor of AZNH and, therefore, the  
14 OAH has no subject matter or personal jurisdiction to conduct an adversarial hearing. A.R.S.  
15 32-2199.01(E).

16  
17 **VI. Corporate Bylaws**

18 It is anticipated that the HOA may point to the HOA Bylaws, art. 4.7.1:

19 **The President shall** be the chief executive officer of the Association; shall preside  
20 at all meetings of the Board or the Members; shall see that orders and resolutions  
21 of the Board are carried into effect; and **have general and active management of**  
22 **the business of the Association.**

23 Bold added.

24 As previously stated, corporate powers may only be delegated if, and only if, allowed by the  
25 Articles of Incorporation. A.R.S. 10-3801(B & C). The HOA Articles do not allow delegation.  
26 Complaint Exhibit A.

1 “The bylaws of a corporation may contain any provision for regulating and managing the  
2 affairs of the corporation that is not inconsistent with law or the articles of incorporation.”  
3 A.R.S. § 10-3206(B)(underscore added). Thus, the above-referenced Bylaw may *NOT* be  
4 interpreted as delegating corporate powers to the HOA President because, to do so, would  
5 conflict with A.R.S. §§ 10-3801(B) and would, therefore, be “inconsistent with law or the  
6 articles of incorporation.”

## 7 8 **VII. Grounds for Special Action Relief**

9 This matter arises from a fraud perpetrated on the Commissioner of the Department of Real  
10 Estate which deprived Plaintiff of a substantive procedural right and the associated benefit  
11 which cannot be recovered by awaiting an appeal, i.e., a default decision and avoiding litigation.  
12 See, *Desert Mountain Energy Corp. v. City of Flagstaff*, 259 Ariz. 346, ¶ 15 (Div. 1, 2025),  
13 *review denied* (Sept. 9, 2025) (**Special Action jurisdiction appropriate** because avoiding  
14 litigation is a benefit which cannot be remedied by appeal).

15 But for the fraudulent misrepresentations of the President and Atty. Gallacher, the  
16 Commissioner would have issued a default decision in favor of the Plaintiff as mandated by  
17 A.R.S. § 32-2199.01(E). There is no provision under A.R.S. § 32-2199.01 allowing the  
18 Respondent to cure a default; failing to file a Response within the required time (20 days) is  
19 fatal. The matter is now pending an administrative hearing on **April 6, 2026**, which, but for the  
20 fraudulent misrepresentations, would not be so and the Plaintiff has been deprived of the default  
21 decision mandated by law.

22 Because the Commissioner has no discretion whether to issue a default decision when the  
23 Respondent fails to submit a Response, AZNH has a statutory right to the issuance of the default  
24 decision and avoiding litigation. Because of fraud, the Commissioner failed to perform a duty  
25 imposed by law for which she has no discretion, i.e., issue a default decision. RPSA 4(a) And,

1 the Commissioner acted without legal authority when she referred the Petition to the OAH for a  
2 hearing. RPSA 4(b).

3 Based upon the fraud perpetrated upon the Commissioner: the Director of OAH and the  
4 assigned Administrative Law Judge have proceeded, and are threatening to proceed, without  
5 jurisdiction or legal authority by conducting an adversarial hearing (identified at OAH as Docket  
6 # 25F-H115-REL). RPSA 4(b).

7  
8 **VIII. Requested Relief**

9 AZNH respectfully requests the following relief:

- 10 A. An **Order** (per A.R.S. § 10-3304) declaring that the Response signed by the HOA  
11 President (identified in the Complaint by a pseudonym: Mr. Pen Mann) and  
12 submitted to the Commissioner of the ADRE on or about December 23, 2025, in the  
13 matter identified by ADRE file # 25F-H115 is a nullity and of no effect.
- 14 B. A **permanent injunction** (per A.R.S. § 10-3304) prohibiting Sunland Springs  
15 Village Homeowners Association from participating in any proceedings, or filing any  
16 documents, at the OAH in relation to the matter identified as Docket # 25F-H115-  
17 REL.
- 18 C. An **Order** (per RPSA 10) requiring the Director of the OAH to cease all processing  
19 or adjudication of the matter identified as Docket # 25F-H115-REL, and to return all  
20 related records and materials to the Commissioner of the ADRE, except those records  
21 kept by the OAH in the ordinary course of business.
- 22 D. An **Order** (per RPSA 10) requiring the Commissioner of the ADRE to recall the  
23 matter identified as Docket # 25F-H115-REL from the OAH.
- 24 E. An **Order** (per RPSA 10) requiring the Commissioner of the ADRE to issue a default  
25 decision in the matter identified as Docket # 25F-H115-REL (previously known at  
26 ADRE as file # 25F-H115) as required by A.R.S. § 32-2199.01(E).

- 1 F. Award attorneys' fees to AZNH pursuant to A.R.S. § 12-348 and, where applicable,  
2 pursuant to A.R.S. § 12-349.  
3 G. Award AZNH its costs per A.R.S. § 12-341 and RPSA 7(i); and,  
4 H. Grant such other and further relief as justice requires.

Respectfully submitted,

Dated this 22<sup>nd</sup> day of March, 2026.

/s/ *John F. Sullivan*

John F. Sullivan, Esq. (Bar # 023018)  
Attorney for Plaintiff  
1909 E. Ray Rd.  
Suite 9198  
Chandler, AZ. 85225  
480-818-5070  
email: Info@SullivanAppeals.com

### Certificate of Service

A copy hereof shall be sent via the Court's electronic filing and delivery system this date, to:

Asst. Attorney General Deanie Reh (counsel for Az. Dept. of Real Estate) at  
Deanie.Reh@azag.gov;

Asst. Attorney General Raya Gardner (counsel for Az. Dept. of Real Estate) at  
Raya.Gardner@azag.gov; and,

Asst. Attorney General Kara Karlson (counsel for Tammy Eigenheer, Interim Director, Arizona  
Office of Administrative Hearings) at Kara.Karlson@azag.gov.

Atty. Chad Gallacher (counsel for Sunland Springs Village Homeowners Association) at  
cgallacher@hoalaw.biz.

Copy sent also to the Judicial Assistant of:  
Hon. Adele Ponce (cvj06@jbazmc.maricopa.gov)

/s/ *John F. Sullivan*

John F. Sullivan, Esq. (Bar # 023018)  
Attorney for Plaintiff

# Plaintiff's Exhibit H

Atty. JOHN SULLIVAN  
1909 E. Ray Rd., Suite 9198  
Chandler, Arizona 85225  
(480) 818-5070  
Bar No. 023018  
Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

**AZNH REVOCABLE TRUST,  
by and through  
JOHN and SUSAN SULLIVAN,  
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Plaintiff

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**SUSAN NICOLSON,  
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**and**

**TAMMY EIGENHEER,  
INTERIM DIRECTOR,  
ARIZONA OFFICE OF  
ADMINISTRATIVE HEARINGS**

**and**

**SUNLAND SPRINGS VILLAGE  
HOMEOWNERS ASSOCIATION,**

Defendants

No. CV2026-008484

**AFFIDAVIT  
of  
SUSAN SULLIVAN**

1 My name is Susan Sullivan and I am greater than twenty-one (21) years of age.

2 I am a Trustee of AZNH Revocable Trust (“Trust”) which has its principal place of  
3 administration in Gilford, N.H. and I am the keeper of records for the Trust.

4 The Trust holds title to a home within Sunland Springs Village, a planned community in  
5 Mesa, Arizona.

6 On March 11, 2026, I sent an email to Ms. Kathy Fowers who is known to me as an  
7 employee of FirstService Residential and the keeper of records for Sunland Springs Village  
8 Homeowners Association (“HOA”), wherein I requested specific HOA records. See **Exhibit A**  
9 (my email request).

10 FirstService Residential is a property management company contracted by the HOA as the  
11 community manager and Ms. Fowers is their on-site representative.

12 On March 20, 2026, I received a response to my March 11<sup>th</sup> records request from Ms.  
13 Fowers via email. See **Exhibit B**.

14 In responding, Ms. Fowers inserted her written responses within my writings, and her email  
15 does not clarify which writings are hers and which are mine.

16 The first page of Exhibit B contains clarification of Ms. Fowers email so that the writings of  
17 each party are separately identified, and Exhibit B includes the original emails of each party.

18 Exhibit B also includes all the documents Ms. Fowers provided in response to my request:

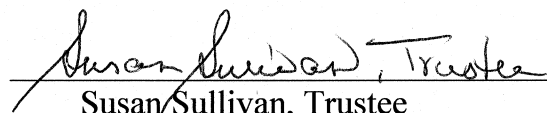
19 (1) a combined meeting notice and agenda for an HOA Board of Directors meeting on  
20 December 19, 2025; and (2) the minutes of the December 19, 2025, Board meeting.

21 Excluding the HOA records in Exhibit B, and for the time period beginning on **November**  
22 **27, 2025**, through and including **December 23, 2025**, the Trust does not have, and has never  
23 received, any other HOA records specified in my March 11, 2026, records request.

24 Affiant says nothing further.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge  
and belief.

Dated this 22<sup>nd</sup> day of March, 2026.

  
Susan Sullivan, Trustee  
AZNH Revocable Trust

# Affidavit Exhibit A

## Records Request

---

From: Sue Sullivan (susanbs4@yahoo.com)

To: kathy.fowers@fsresidential.com; melissa.ashby@fsresidential.com

Bcc: susanbs4@yahoo.cm

Date: Wednesday, March 11, 2026 at 05:08 PM MST

---

Good afternoon.

For the time period beginning on **November 27, 2025**, through and including **December 23, 2025** ("**time period**"), would you please make available for inspection (or, alternatively, provide copies electronically) the following records of Sunland Springs Village Homeowners Association:

1. All notices of SSV Board meetings which were scheduled to occur within the **time period**;
2. All agendas for SSV Board meetings which occurred within the **time period**;
3. All minutes of SSV Board meetings which memorialize any SSV Board meeting held within the **time period**; and,
4. All records of all SSV Board voting or formal action which occurred within the **time period**.

Please contact me by email to arrange inspection. Alternatively, please provide copies of all requested records via email to me at: susanbs4@yahoo.com.

Please acknowledge receipt of this email.

Thank you,

Susan Sullivan, Trustee

AZNH Revocable Trust

SSV Property: 11360 E. Keats Ave., Unit 90, Mesa, AZ. 85209

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# Affidavit Exhibit B

Clarifying Note: The numbered paragraphs show the document requests, and the text boxes show the responses inserted by Ms. Fowers. Ms. Fowers actual email, and the attachments to her email, appear on the pages which follow.

Re: Records Request

From: Kathy Fowers (kathy.fowers@fsresidential.com)

To: susanbs4@yahoo.com; melissa.ashby@fsresidential.com

Date: Friday, March 20, 2026 at 11:27 AM MST

Hi Sue,

1. All notices of SSV Board meetings which were scheduled to occur within the **time period**;

- Required notice information is included with the agenda that gets posted.

2. All agendas for SSV Board meetings which occurred within the **time period**;

- attached

3. All minutes of SSV Board meetings which memorialize any SSV Board meeting held within the **time period**; and,

- attached

4. All records of all SSV Board voting or formal action which occurred within the **time period**.

- Aside from the records supplied for the other items of this request, no additional records responsive to this item exist.

This completes the HOA's response to your records request.

**KATHY FOWERS CMCA®, AMS**

General Manager

Direct 480.354.8758

## Re: Records Request

---

From: Kathy Fowers (kathy.fowers@fsresidential.com)

To: susanbs4@yahoo.com; melissa.ashby@fsresidential.com

Date: Friday, March 20, 2026 at 11:27 AM MST

---

Hi Sue,

1. All notices of SSV Board meetings which were scheduled to occur within the ***time period***; - Required notice information is included with the agenda that gets posted.
2. All agendas for SSV Board meetings which occurred within the ***time period***; - attached
3. All minutes of SSV Board meetings which memorialize any SSV Board meeting held within the ***time period***; and, - attached
4. All records of all SSV Board voting or formal action which occurred within the ***time period***. - Aside from the records supplied for the other items of this request, no additional records responsive to this item exist.

This completes the HOA's response to your records request.



---

**KATHY FOWERS CMCA®, AMS**

General Manager

Direct 480.354.8758



---

**From:** Sue Sullivan <susanbs4@yahoo.com>

**Sent:** Wednesday, March 11, 2026 5:08 PM

**To:** Kathy Fowers <kathy.fowers@fsresidential.com>; Melissa Ashby <melissa.ashby@fsresidential.com>

**Subject:** Records Request

Good afternoon.

For the time period beginning on **November 27, 2025**, through and including **December 23, 2025** ("***time period***"), would you please make available for inspection (or, alternatively, provide copies electronically) the following records of Sunland Springs Village Homeowners Association:

1. All notices of SSV Board meetings which were scheduled to occur within the ***time period***;
2. All agendas for SSV Board meetings which occurred within the ***time period***;
3. All minutes of SSV Board meetings which memorialize any SSV Board meeting held within the ***time period***; and,
4. All records of all SSV Board voting or formal action which occurred within the ***time period***.

Please contact me by email to arrange inspection. Alternatively, please provide copies of all requested records via email to me at: susanbs4@yahoo.com.

Please acknowledge receipt of this email.

Thank you,

Susan Sullivan, Trustee

AZNH Revocable Trust

SSV Property: 11360 E. Keats Ave., Unit 90, Mesa, AZ. 85209



Sue Sullivan records request 3.11.26.pdf

8.5 MB



# SUNLAND SPRINGS VILLAGE

## Board of Directors Meeting

December 19, 2025 1:30 PM

Auditorium

2240 S Springwood Blvd

Mesa, AZ 85209

### BOARD OF DIRECTORS MEETING - CONSENT OPEN SESSION AGENDA

*Disclosure: Per Arizona State Statute 33-1248 (condo) or 33-1804 (single family homes): All meetings of the association and board of directors are open to all members of the association or any person designated by a member in writing as the member's representative and all members or designated representatives so desiring shall be permitted to attend and speak at an appropriate time during the deliberations and proceedings. The board may place reasonable time restrictions on those persons speaking during the meeting but shall permit a member or a member's designated representative to speak before the board takes formal action on an item under discussion in addition to any other opportunities to speak. The board shall provide for a reasonable number of persons to speak on each side of an issue.*

#### I. CALL TO ORDER

A. PLEDGE OF ALLEGIANCE

B. RESIDENT COMMENTS LIMITED TO THE AGENDA TOPIC, & MADE AFTER BOARD DISCUSSION.

C. RESIDENT COMMENTS LIMITED TO 2 MINUTES/PERSON & 3 COMMENTS ON EITHER SIDE OF AN ISSUE.

D. RESIDENTS MAY ONLY SPEAK ONCE ON EACH AGENDA TOPIC.

E. COMMENTS ON ITEMS NOT ON THE AGENDA WILL BE HEARD DURING OPEN FORUM.

#### II. CONSENT AGENDA ITEMS

A. MINUTES

B. FINANCIALS

C. ARCHITECTURAL REVIEW COMMITTEE REPORT

D. LANDSCAPE COMMITTEE REPORT

E. RECREATION FACILITIES COMMITTEE REPORT

F. STRATEGIC PLANNING COMMITTEE REPORT

G. COMPLIANCE REPORT

#### III. TREASURER'S REPORT

#### **IV. MANAGEMENT ADMINISTRATIVE/MAINTENANCE REPORT**

#### **V. PRESIDENT'S REPORT**

#### **VI. OLD BUSINESS**

A. PROPOSAL TO REVISE ARCHITECTURAL CONTROL POLICY ADDING A SECTION REGARDING PERMANENT EAVE LIGHTING

#### **VII. NEW BUSINESS**

A. ELECTION COMMITTEE -DRAWING FOR 5 MEMBERS & 3 ALTERNATES

B. PROPOSAL -AUTHORIZE USE OF ACTIVITY P-CARDS FOR PURCHASE OF GIFT CARDS FOR PRIZES @ LIFESTYLE EVENTS

C. INVESTMENTS FINANCIAL ANALYSIS & PROPOSAL (RESERVES, CDF & ACTIVITY FUNDS INVESTMENTS)

D. CLUB BYLAWS - STAINED GLASS & VETERAN'S

E. TENNIS PROPOSAL TO PURCHASE A 3RD COURT DRYER AND REPLACE 1 BALL MOWER

F. LANDSCAPE COMM. PROPOSAL TO TEMPORARILY ADDRESS SISSOO ROOT ISSUES IN THE DOG PARK

G. BUSINESS PROPOSAL - TO ADVERTISE A RESIDENT RUN BUSINESS IN THE OFFICE, NEWCOMERS MATERIALS & EMAILS

H. STRATEGIC PLANNING COMM. PROPOSAL - CERTIFIED POOL INSPECTION OF SPRINGWOOD POOL & EQUIPMENT

I. RECREATION FACILITIES COMM. PROPOSAL TO REMOVE SAN TAN WATER FEATURE, ADD SHADE & MORE LOUNGES

#### **VIII. HOMEOWNER FORUM**

**IX. THE NEXT MEETING IS SCHEDULED FOR JANUARY 16TH AT 1:30 PM IN THE AUDITORIUM**

#### **X. ADJOURNMENT**



# SUNLAND SPRINGS VILLAGE

## Board of Directors Meeting

December 19, 2025 1:30 PM

Auditorium

2240 S Springwood Blvd

Mesa, AZ 85209

### MINUTES

#### Directors Present

Monica Stein - Vice President  
Terry Garrett TTE - Member  
Ronald Willig - Member  
Eric Loeffler - Member  
Cathy Braun - Secretary/Treasurer  
Paul Marena - President  
Brian Crowe - Member

#### Directors Absent

None

#### Additional Attendees

Kathy Fowers, General Manager  
Melissa Ashby, Assistant General Manager  
Margaret Santarossa, Lifestyle Director

### I. CALL TO ORDER

Quorum was met and P. Marena called the meeting to order at 1:30 PM.

#### A. PLEDGE OF ALLEGIANCE

#### B. RESIDENT COMMENTS LIMITED TO THE AGENDA TOPIC, & MADE AFTER BOARD DISCUSSION.

#### C. RESIDENT COMMENTS LIMITED TO 2 MINUTES/PERSON & 3 COMMENTS ON EITHER SIDE OF AN ISSUE.

#### D. RESIDENTS MAY ONLY SPEAK ONCE ON EACH AGENDA TOPIC.

#### E. COMMENTS ON ITEMS NOT ON THE AGENDA WILL BE HEARD DURING OPEN FORUM.

### II. CONSENT AGENDA ITEMS

#### A. MINUTES

##### Resolved

To approve the minutes of the November 21, 2025 Board of Directors meeting.

## **B. FINANCIALS**

November 2025 financial summary for the Board:

### Overall:

- The balance of all Association funds at the beginning of November was \$5,107,577
- Expenses paid from the Association's operating account for November totaled \$150,741
- The balance of all Association funds at the end of November was \$5,031,283

Unpaid assessments were \$8,344 as of November 30, 2025.

### Operating Fund:

Total Operating funds as of November 30, 2025 were \$736,816

November's operating receipts were primarily from assessments \$54,035, interest income \$5,896, fees and fines \$-1,080, and the final Cox Revenue Share payment of \$10,530.

Total net operating receipts for November were \$69,380.

November's operating expenses were \$28,319 under budget due to decreased spending in all categories, with the exception of Maintenance. Maintenance expenses were \$3,159 over budget due to unexpected repairs needed to replace a broken fob reader, along with replacement of the east gate at the San Tan pool, and the east pump house door at the Springwood pool.

### Activity Account:

The Activity Account had a balance of \$206,821 as of November 30, 2025.

Activity Account Income for November: \$9,764

Activity Account Expenses for November: \$13,128

### Community Development Fund (CDF):

The CDF had a balance of \$868,214 as of November 30, 2025.

CDF Income for November: \$0

CDF Expenses for November: \$0

### Reserve Fund:

Total Reserve funds were \$3,219,432 as of November 30, 2025.

November's Reserve income was primarily from resale transfer fees \$27,450, and interest income of \$23,839.

Total Reserve income for November was \$51,289.

Reserve expenses for the month of November included \$31,500 paid to resurface the 4 bocce ball courts and \$11,356 paid to replace a portion of the tennis fencing.

Total Reserve expenses for November were \$42,856.

The Association remains in a strong financial position.

Respectfully submitted,

Cathy Braun, Secretary/Treasurer

### **Resolved**

To acknowledge that the Board has fulfilled their duty to review the financial statements for the periods ending November 30, 2025, including the reconciliation of the operating and reserve accounts, the actual revenues and expenses for the operating and reserve accounts compared to this year's budget.

### **C. ARCHITECTURAL REVIEW COMMITTEE REPORT**

The committee met twice, discussed and compiled a draft of Permanent Eave Lighting guidelines; and reviewed resident architectural change requests.

MONTH OF NOVEMBER 2025: 10 Items APPROVED, 5 Items APPROVED WITH CONDITIONS, 4 Items Declined, 38 CONSENT items by Administration.

#### **Resolved**

To acknowledge receipt of the Architectural Review Committee Report.

### **D. LANDSCAPE COMMITTEE REPORT**

The committee met and discussed root liability at the dog park and clean-up of the SRP easement's westernmost 2 basins.

#### **Resolved**

To acknowledge receipt of the Landscape Committee Report.

### **E. RECREATION FACILITIES COMMITTEE REPORT**

The Recreation Facilities Committee met this month and discussed the San Tan water feature, decorative rafter tails on the community buildings, card room cubbies, remodel of the pottery room, auditorium chairs, the AED at the south tennis courts, and member reports.

#### **Resolved**

To acknowledge receipt of the Recreation Facilities Report.

### **F. STRATEGIC PLANNING COMMITTEE REPORT**

The Strategic Planning Committee met this month and finalized a draft of proposed goals, objectives and 2026 action items to recommend for inclusion in the community's strategic plan.

#### **Resolved**

To acknowledge receipt of the Strategic Planning Committee Report.

### **G. COMPLIANCE REPORT**

Since the last meeting on NOVEMBER 20, 2025 we have sent out 38 violation notices, we currently have 48 open violations: 44 landscaping, 1 parking, 1 gate, 2 unapproved ARC modification

#### **Resolved**

To acknowledge receipt of the Compliance Report.

All members consented.

## **III. TREASURER'S REPORT**

November 2025 financial summary for the Board:

#### Overall:

- The balance of all Association funds at the beginning of November was \$5,107,577
- Expenses paid from the Association's operating account for November totaled \$150,741
- The balance of all Association funds at the end of November was \$5,031,283

Unpaid assessments were \$8,344 as of November 30, 2025.

#### Operating Fund:

Total Operating funds as of November 30, 2025 were \$736,816

November's operating receipts were primarily from assessments \$54,035, interest income \$5,896, fees and fines \$-1,080, and the final Cox Revenue Share payment of \$10,530.

Total net operating receipts for November were \$69,380.

November's operating expenses were \$28,319 under budget due to decreased spending in all categories, with the exception of Maintenance. Maintenance expenses were \$3,159 over budget due to unexpected repairs needed to replace a broken fob reader, along with replacement of the east gate at the San Tan pool, and the east pump house door at the Springwood pool.

Activity Account:

The Activity Account had a balance of \$206,821 as of November 30, 2025.

Activity Account Income for November: \$9,764

Activity Account Expenses for November: \$13,128

Community Development Fund (CDF):

The CDF had a balance of \$868,214 as of November 30, 2025.

CDF Income for November: \$0

CDF Expenses for November: \$0

Reserve Fund:

Total Reserve funds were \$3,219,432 as of November 30, 2025.

November's Reserve income was primarily from resale transfer fees \$27,450, and interest income of \$23,839.

Total Reserve income for November was \$51,289.

Reserve expenses for the month of November included \$31,500 paid to resurface the 4 bocce ball courts and \$11,356 paid to replace a portion of the tennis fencing.

Total Reserve expenses for November were \$42,856.

The Association remains in a strong financial position.

Respectfully submitted,

Cathy Braun, Secretary/Treasurer

**Resolved**

To acknowledge that the Board has fulfilled their duty to review the financial statements for the periods ending November 30, 2025, including the reconciliation of the operating and reserve accounts, the actual revenues and expenses for the operating and reserve accounts compared to this year's budget.

All members consented.

**IV. MANAGEMENT ADMINISTRATIVE/MAINTENANCE REPORT**

**V. PRESIDENT'S REPORT**

**VI. OLD BUSINESS**

**A. PROPOSAL TO REVISE ARCHITECTURAL CONTROL POLICY ADDING A SECTION REGARDING PERMANENT EAVE LIGHTING**

#### 4. Permanent Eave Lighting

##### General Standards (Apply to All Permanent Eave Lighting Systems)

- All permanent eave lighting systems (e.g., LED track, channel, or mounted systems) require Architectural Review Committee (ARC) approval prior to installation.
- Lighting must follow the eave line.
- Fixtures must be minimally visible when not illuminated. No visible conduit, junction boxes, cabling, or mounts may be visible from streets or common areas. Tracks, wiring, power supplies, and hardware must be concealed or painted to match the adjacent surface.
- Lighting must not trespass or shine onto adjacent properties, nor emit direct light above the horizontal plane of the eave.
- Maximum brightness must not exceed 14 lumens.
- Systems must be professionally installed.
- Permitted operating hours are from dusk to midnight.
- Permanent eave lights are decorative lighting and are not to be considered security lighting.

##### Style-Specific Rules

Dot-Style Lighting (*Individual light points visible at regular intervals*) may only be illuminated in accordance with the Christmas holiday décor dates specified in the Holiday Décor Guidelines (page \_\_\_). Regardless of color, dot-style lighting may not be illuminated outside of the approved Christmas holiday décor dates.

Diffused / Continuous-Stream Lighting (*Fully shielded or diffused so individual points of light are not visible*) is permitted for year-round use when displayed in soft white or warm white and static settings (no animation, or chasing lighting effects). Colored lighting is permitted only within the dates authorized in the Christmas holiday décor guidelines (page \_\_\_).

##### Location Rules: Where Permanent Eave Lighting is Allowed

- Standard Lots (Homes with Adjacent Neighbors on Sides and Rear) - Permanent eave lighting is permitted on the front eave only.
- Corner Lots - Permitted on front eave, and street-facing side eave.
- Homes on Golf Course or Retention Basin lots - Permitted on front eave, and eave facing the golf course or retention basin (typically, but not always, the rear eave).

##### Resolved

To approve the proposed criteria for permanent eave lighting for inclusion in the Architectural Control Policy.

**Motion:** Ronald Willig

**Second:** Paul Marenda

**AYEs:** Monica Stein, Cathy Braun, Paul Marenda, Terry Garrett TTE, Ronald Willig

**NAYs:** None

**Abstained:** Eric Loeffler, Brian Crowe

► **Resolved**  
*The motion passed*

#### VII. NEW BUSINESS

##### A. ELECTION COMMITTEE -DRAWING FOR 5 MEMBERS & 3 ALTERNATES

##### Resolved

To recognize the drawing by lot resulting in the following committee members: Agnes Weaver, Sharon Keech, Judy Konz, Denny Rausch, David Schall; and 1st alternate Karla Reiter, 2nd alternate Patricia Foley, 3rd alternate Marcia Speer.

**Motion:** Monica Stein

**Second:** Paul Marenda

- ▶ **Resolved**  
*The motion passed unanimously*

**B. PROPOSAL -AUTHORIZE USE OF ACTIVITY P-CARDS FOR PURCHASE OF GIFT CARDS FOR PRIZES @ LIFESTYLE EVENTS**

**Resolved**

To authorize the use of purchasing cards (p-cards) assigned to the Sunland Springs Village activities account for the purchase of gift cards to be used solely as prizes for Association-sponsored events, subject to existing spending limits, documentation requirements, and reconciliation procedures.

**Motion:** Cathy Braun  
**Second:** Monica Stein

- ▶ **Resolved**  
*The motion passed unanimously*

**C. INVESTMENTS FINANCIAL ANALYSIS & PROPOSAL (RESERVES, CDF & ACTIVITY FUNDS INVESTMENTS)**

**Resolved**

To approve the FirstService Financial investment analysis and proposal dated 12.4.25 with a revision that the 2 re-investments of activity funds be limited to a combined total of \$50,000.

**Motion:** Cathy Braun  
**Second:** Monica Stein

- ▶ **Resolved**  
*The motion passed unanimously*

**D. CLUB BYLAWS - STAINED GLASS & VETERAN'S**

**Resolved**

To approve the Stained Glass bylaws and Veterans Clubs bylaws.

**Motion:** Monica Stein  
**Second:** Cathy Braun

- ▶ **Resolved**  
*The motion passed unanimously*

**E. TENNIS PROPOSAL TO PURCHASE A 3RD COURT DRYER AND REPLACE 1 BALL MOWER**

**Resolved**

To approve the Tennis Club purchasing a 3rd court dryer, and replacing the ball mower at the south courts, funded by the Tennis Club.

**Motion:** Brian Crowe  
**Second:** Cathy Braun

- ▶ **Resolved**  
*The motion passed unanimously*

**F. LANDSCAPE COMM. PROPOSAL TO TEMPORARILY ADDRESS SISSOO ROOT ISSUES IN THE DOG PARK**

**Resolved**

To approve the estimate from ProQual Landscaping to remove 1 sissou tree in the small dog park, stump grind surfaced roots of all trees in the park, regardless of their proximity to seating areas, add dirt over these areas to help level them out and reduce trip hazards, allow grass to grow through the dirt over time, trench along the interior edge of the seating areas and install root barriers, remove all 3 sections of artificial turf and replace with quarter-minus granite, compacted and with an emulsified adhesive applied, for \$15,186 to be paid from operating, minus any contributions from clubs, groups, or individuals; and to furthermore request that the Tailwaggers Club develop a proposal for a more permanent solution, including estimated costs and a fundraising plan demonstrating resident participation, for future consideration.

**Motion:** Terry Garrett TTE

**Second:** Cathy Braun

**AYEs:** Paul Marena, Terry Garrett TTE, Cathy Braun, Monica Stein

**NAYs:** Ronald Willig, Brian Crowe, Eric Loeffler

► **Resolved**  
*The motion passed*

**G. BUSINESS PROPOSAL - TO ADVERTISE A RESIDENT RUN BUSINESS IN THE OFFICE, NEWCOMERS MATERIALS & EMAILS**

**Resolved**

To decline the request to authorize management to distribute or promote information regarding a privately operated, paid resident forum through Association communications, including newcomer orientation materials and recurring HOA emails; and to reaffirm that the Association does not promote or endorse individual businesses, services, or privately operated platforms through HOA communication channels unless expressly approved by the Board on a case-by-case basis.

**Motion:** Ronald Willig

**Second:** Monica Stein

**AYEs:** Ronald Willig, Terry Garrett TTE, Paul Marena, Monica Stein

**NAYs:** Eric Loeffler

**Abstained:** Cathy Braun, Brian Crowe

► **Resolved**  
*The motion passed*

**H. STRATEGIC PLANNING COMM. PROPOSAL - CERTIFIED POOL INSPECTION OF SPRINGWOOD POOL & EQUIPMENT**

**Resolved**

To approve obtaining a certified professional inspection of the Springwood Pool, including evaluation of the pool structure and associated mechanical systems, and to provide the Board with a written report of findings and recommendations, at a cost not to exceed \$2,000.

**Motion:** Eric Loeffler

**Second:** Brian Crowe

**AYEs:** Brian Crowe, Terry Garrett TTE, Cathy Braun, Monica Stein, Eric Loeffler, Ronald Willig

**NAYs:** Paul Marena

► **Resolved**  
*The motion passed*

**I. RECREATION FACILITIES COMM. PROPOSAL TO REMOVE SAN TAN WATER FEATURE, ADD SHADE & MORE LOUNGES**

**Resolved**

To defer action on the Recreation Facilities Committee's recommendation and direct the committee and management to further evaluate pool usage patterns, seating demand, alternative solutions, and cost impacts, and to return with additional information and options for Board consideration.

**Motion:** Monica Stein

**Second:** Cathy Braun

**AYEs:** Monica Stein, Cathy Braun, Paul Marena, Ronald Willig

**NAYs:** Eric Loeffler, Terry Garrett TTE, Brian Crowe

▶ *Resolved*  
*The motion passed*

#### VIII. HOMEOWNER FORUM

#### IX. THE NEXT MEETING IS SCHEDULED FOR JANUARY 16TH AT 1:30 PM IN THE AUDITORIUM

#### X. ADJOURNMENT

**Resolved**

With nothing further to come before the Board, to adjourn the meeting at 3:51 PM.

**Motion:** Eric Loeffler

**Second:** Cathy Braun

▶ *Resolved*  
*The motion passed unanimously*

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APPROVED

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DATE