

EXHIBIT D

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Attorneys for the Plaintiff

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

GALLERY COMMUNITY
ASSOCIATION, an Arizona non-profit
corporation,

Plaintiff,

vs.

K. HOVNANIAN AT GALLERY, LLC,
an Arizona limited liability company; et
al.

Defendants.

K. HOVNANIAN AT GALLERY, LLC,
an Arizona limited liability company; et
al.

Third-Party Plaintiffs,

v.

ARTISTIC STAIRS, LTD., an Arizona
limited liability company; et al.

Third-Party Defendants.

Case No. CV2020-008714

Assigned to Hon. Michael Kemp

**DECLARATION OF BOB VANDER
WAAL IN SUPPORT OF PLAINTIFF’S
RESPONSE TO DEFENDANTS’/THIRD-
PARTY PLAINTIFFS’ MOTION FOR
SUMMARUY JUDGMENT**

(Oral Argument Requested)

1 I, Bob Vander Waal, declare and state as follows:

2 1. I have personal knowledge, or am otherwise competent to testify as to, each
3 and every fact set forth in this Declaration.

4 2. I am currently the president of the board of directors of Gallery Community
5 Association (the "Association").

6 3. I have served on the Association's board of directors since December 14,
7 2017, when the first homeowners were elected to the board and transition of control of the
8 Association from the Declarant to a homeowner-elected board occurred.

9 4. Prior to December 14, 2017, all members of the Association's board of
10 directors were appointed by the Declarant and none were homeowners at The Gallery.

11 5. Since, December 14, 2017, the Association's board of directors has been
12 comprised solely of volunteer homeowners.

13 6. I have no personal experience or knowledge relating to construction or
14 engineering and, to the best of my knowledge, none of the other current or former
15 homeowner elected board members had knowledge or experience relating to construction
16 or engineering.

17 7. As a board member, I am familiar with the business records of the
18 Association.

19 a. Attached hereto as Exhibit E is a true and correct copy of the Articles of
20 Incorporation of Gallery Community Association filed with the Arizona
21 Corporation Commission, File No. 21035852, on June 27, 2016.

22 b. Attached hereto as Exhibit F is a true and correct copy of the Bylaws of
23 Gallery Community Association adopted on July 16, 2016.

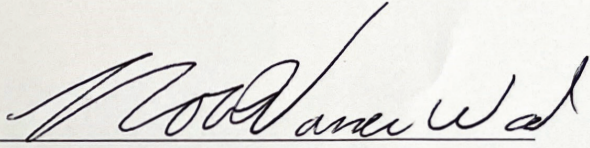
24 c. Attached hereto as Exhibit G is a true and correct copy of the Notice of
25 2017 Annual/Transition Meeting set for December 14, 2017.

26 d. Attached hereto as Exhibit H is a true and correct copy of the Annual
27 Meeting Minutes for December 14, 2017.
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I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Executed on March 22, 2021, in Scottsdale (city), AZ (state).

By: 
Bob Vander Waal, Declarant