

1 Lisa Marx
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6 Representing self

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

9
10 Lisa Marx
11 Plaintiff,

Case No. CV 2025-012980

12 vs.

13 Tara Condominiums Association, Inc.,

14 **PLAINTIFF'S SEPARATE**
15 **STATEMENT**
16 **OF FACTS IN SUPPORT OF**
17 **PLAINTIFF'S MOTION FOR**
18 **PARTIAL SUMMARY JUDGMENT**
19 **ON COUNT VII**
20 **(CLAIMS 120 AND 121 –**
21 **A.R.S. § 10-11601, CORPORATE**
22 **RECORDS)**

23 Honorable Adele Ponce

24 Pursuant to Ariz. R. Civ. P. 56(c)(3), Plaintiff Lisa Marx submits the following Separate Statement of Facts in support of her Motion for Partial Summary Judgment on Count VII (Claims 120 and 121, Violation of A.R.S. § 10-11601).

SAC Claim 120: On or about June 15, 2024 – Association refused corrections to

minutes to correctly record the actual meeting minutes despite member protests, violating A.R.S. § 10-11601 and Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

SAC Claim 121: In 2024 and 2025 – Association conducted association business without any written record of it in meeting minutes, including but not limited to appointment of board members, hiring of vendors, reorganization of committees, expenses, transferring of funds, etc. violating A.R.S. § 10-11601 and Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

PART A – CLAIM 120 (Failure to Keep Accurate Minutes)

1) Plaintiff Lisa Marx owns Unit 5, Tract G, Sun City Unit Fifteen C (13610 N. 111th Avenue, Sun City, Arizona), together with an undivided 1/50th interest in the common area of Tract G, by Warranty Deed dated September 4, 2020 and recorded as Instrument No. 20200847158. [EX A Warranty Deed (Lisa Marx)]

2) The Association is an Arizona nonprofit corporation, incorporated under Articles of Incorporation filed with the Arizona Corporation Commission (File No. 1351119-2). [TARA000019 – TARA000025 Articles of Incorporation]

3) On June 15, 2024, the Association held an open Board meeting; the written notice listed an agenda item for "Approval of March 16, 2024 Board Meeting Minutes as written and dispersed." [TARA000052 2024-06-15 Notice of Board Meeting June 15, 2024]

4) At the June 15, 2024 meeting, Plaintiff requested to offer corrections to the March

1 16, 2024 minutes, and Chairperson Mark Gottmann refused, stating: "On the board
2 meeting minutes, no, that's board businesses for the board members." "That's the way
3 we're doing it." [EX 5 240615_003 June 15, 2024 board meeting audio; EX 5

4 **TRANSCRIPT 240615_003 June 15, 2024 board meeting] (at 1:23 and 1:29 transcript)**

5 5) Other members present objected to approving the March 16, 2024 minutes as
6 written. [EX 5 AUDIO 240615_003 June 15, 2024 board meeting audio; EX 5
7 **TRANSCRIPT 240615_003 June 15, 2024 board meeting; AUTHENTICATION of EX 5**
8 **Audio Recording and Transcript]**

9 6) The Board voted 4-0 to approve the March 16, 2024 minutes as written.

10 [TARA000053 2024-06-15 Tara Board Meeting Minutes]

11 7) The Association's official minutes of the June 15, 2024 meeting record the motion
12 to approve the March 16, 2024 minutes "as written and dispersed" and the 4-0 vote
13 carrying the motion, and do not record Plaintiff's request to offer corrections to those
14 minutes or Chairperson Gottmann's refusal of that request. [TARA000053 -
15 **TARA000054 2024-06-15 Tara Board Meeting Minutes]**

16
17 **PART B – CLAIM 121 (Failure to Keep Any Record of Board Action)**

18 8) Section 9.E of the Association's Declaration states: "A majority vote of the
19 Managers shall entitle said Board to carry out action on behalf of the owners of the
20 units." [TARA000003 Declaration]

21 9) Section 12.B of the Association's Declaration states: "To use and expend the
22 assessments collected to maintain, care for and preserve the common elements,
23 buildings, grounds and improvements (other than interior of the buildings)."

24 [TARA000004 Declaration]

- 1 **10)** On July 16, 2024, Chairman Mark Gottmann issued a written "Notice of an
2 Executive Board Meeting" scheduling an executive session for July 19, 2024, at 1:00 PM.
3 and stating, "This meeting is only open to the Board of Directors." **[TARA002100**
4 **2024-07-19 ExecBoardMeetingNotice]**
- 5 **11)** On July 19, 2024, the Travis Law Firm billed the Association \$547.50 to "Attend
6 Meeting with Directors re Board training and questions." **[EX 77 Travis Law July Inv**
7 **Voucher (Page 1)]**
- 8 **12)** On September 24, 2024, Chairman Mark Gottmann and Director Stephanie
9 Buschart signed an Association "Invoice for Payment" authorizing a check to the Travis
10 Law Firm including the July 19, 2024 services. **[EX 77 Travis Law July Inv Voucher**
11 **(Pages 1-2)]**
- 12 **13)** No corporate minutes or records of any action taken for the July 19, 2024 board
13 meeting were produced by the Association in discovery. **[TARA002100 2024-07-19**
14 **ExecBoardMeetingNotice; Declaration of Lisa Marx; EX 4 Disclosure Association**
15 **Response to Pltf 1st Set of RFP; Plaintiff's Request for Production / Interrogatory and**
16 **the Association's Response (Questions 2 and 3)]**
- 17 **14)** In June of 2024 the Association paid a \$125.00 "Reserve Account Rush Set-Up &
18 Letter for HUD" fee. **[TARA000284 - TARA000303 2024-06 TaraFinancials, page**
19 **TARA000292]**
- 20 **15)** No minutes of any board meeting, and no unredacted record of any action taken
21 without a meeting, authorizing the expenditure were produced through discovery.
22 **[Declaration of Lisa Marx; EX 4 Disclosure Association Response to Pltf 1st Set of**
23 **RFP; Plaintiff's Request for Production / Interrogatory and the Association's Response**
24 **(Questions 2 and 3)]**

1 **16)** In May 2024 the Association paid Mark or Elaine Gottmann \$91.28 and Dennis
2 Anderson \$17.29 for materials, as shown in the May 2024 AP Distribution Report.

3 **[TARA000269 – TARA000283 2024-05 TaraFinancialsMay2024 (pg. TARA000275)]**

4 **17)** The March 16, 2024 minutes contain no record of any board action authorizing
5 the May 2024 materials expenditure, and the Association produced no unredacted
6 record of any action authorizing that expenditure taken without a meeting.

7 **[TARA000050 – TARA000051 2024-03-16 TaraBoardMeetingMinutes; Declaration of**
8 **Lisa Marx; EX 4 Disclosure** Association Response to Pltf 1st Set of RFP; Plaintiff’s
9 Request for Production / Interrogatory and the Association’s Response (Questions 2
10 and 3)]

11 **18)** The June 15, 2024 minutes contain no record of any board action authorizing the
12 May 2024 materials expenditure, and the Association produced no unredacted record
13 of any action authorizing that expenditure taken without a meeting. **[TARA000053 –**

14 **TARA000054 2024-06-15 TaraBoardMeetingMinutes; Declaration of Lisa Marx; EX 4**
15 **Disclosure** Association Response to Pltf 1st Set of RFP; Plaintiff’s Request for
16 Production / Interrogatory and the Association’s Response (Questions 2 and 3)]

17 **19)** In August 2024 the Association performed carport-fascia work at 13601, 13657,
18 and 13659 N. Newcastle, as admitted in its December 10, 2024 email. **[TARA000137**
19 Email 12-10-24 from the Association]

20 **20)** The July 27, 2024 and September 21, 2024 minutes contain no record of any board
21 action authorizing carport-fascia work at 13601, 13657, and 13659 N. Newcastle.

22 **[TARA000065 – TARA000067 2024-07-27 TaraBoardMeetingMinutes; TARA000069 –**
23 **TARA000070 2024-09-21 TaraBoardMeetingMinutes]**

1 **21)** No unredacted record of the carport-fascia work at 13601, 13657, and 13659 N.
2 Newcastle taken without a meeting authorizing the work was produced through
3 discovery. **[Declaration of Lisa Marx; EX 4 Disclosure** Association Response to Pltf
4 1st Set of RFP; Plaintiff's Request for Production / Interrogatory and the Association's
5 Response (Questions 2 and 3)]

6 **22)** A March 16, 2025 email regarding October 2024 financials stated, "Mickey
7 replaced 2 yellow security bulbs at the Aster court front gate, removed an old light
8 fixture in front of a unit, and repaired a trash receptacle cover. Mark and Mickey
9 repaired 3 concrete driveway border breaks and repaired broken sidewalk edges in
10 sidewalk to Aster Court patio and in front of a unit." **[TARA000148** Email 3-16-25
11 with Oct. repairs]

12 **23)** No unredacted record of the October 2024 work stated in the email March 16,
13 2025 that authorizes the work is documented in any board minutes with or without a
14 meeting produced through discovery. **[Declaration of Lisa Marx; EX 4 Disclosure**
15 Association Response to Pltf 1st Set of RFP; Plaintiff's Request for Production /
16 Interrogatory and the Association's Response (Questions 2 and 3)]

17 **24)** In January 2025, "Mark Gottmann fixed multiple leaks in the drip system in front
18 of Aster Court" as admitted in its April 3, 2025 email. **[TARA000158 - TARA000159**
19 April 3, 2025 email]

20 **25)** The February 22, 2025 minutes contain no record of any board action authorizing
21 Mark Gottmann to fix multiple leaks in the drip system in front of Aster Court.
22 **[TARA000077 - TARA000079** 2025-02-22 TaraBoardMeetingMinutes]

23 **26)** No unredacted record of the January 2025 drip system repair work stated in the
24 email April 3, 2025 that authorizes the work is documented in any board minutes with

1 or without a meeting produced through discovery. **[Declaration of Lisa Marx; EX 4**
2 **Disclosure** Association Response to Pltf 1st Set of RFP; Plaintiff's Request for
3 Production / Interrogatory and the Association's Response (Questions 2 and 3)]
4 **27)** In May 2025 the Association forgave \$35.00 in returned-payment fees owed by
5 director Stephanie Buschart. **[TARA003397 - TARA003399** email chain removal of
6 homeowner fees Stephanie Buschart]
7 **28)** The May 2025 Homeowner Activity Report for Stephanie Buschart shows a \$35
8 prior balance, a \$310 charge, a \$310 payment, a \$35 Adjustment for a \$0 balance.
9 **[TARA000536 - TARA000571** 2025-05 TaraMay2025Financials, page **TARA000551]**
10 **29)** No minutes of any board meeting, and no unredacted record of any action taken
11 without a meeting, authorizing the \$35 adjustment were produced in discovery.
12 **[Declaration of Lisa Marx; EX 4 Disclosure** Association Response to Pltf 1st Set of
13 RFP; Plaintiff's Request for Production / Interrogatory and the Association's Response
14 (Questions 2 and 3)]
15 **30)** On or about February 28, 2024, the Association transferred \$5,198.69 from
16 Account 301, Homeowner Equity to Account 325, Reserve-Major Maintenance.
17 **[TARA000210 - TARA000228** 2024-02 February2024TaraFinancials (page
18 TARA000216) Association General Ledger Report]
19 **31)** No minutes of any board meeting, and no unredacted record of any action taken
20 without a meeting, authorizing the transfer were produced in discovery. **[Declaration**
21 **of Lisa Marx; EX 4 Disclosure** Association Response to Pltf 1st Set of RFP; Plaintiff's
22 Request for Production / Interrogatory and the Association's Response (Questions 2
23 and 3)]
24

1 **32)** In July 2024 the Association paid a \$52,385.33 insurance premium, drawing part
2 of the funds from its reserve accounts per a payment voucher signed by Mark
3 Gottmann and Stephanie Buschart. **[TARA001166 – TARA001167 July 23, 2024**
4 **payment voucher]**

5 **33)** No minutes of any board meeting, and no unredacted record of any action taken
6 without a meeting, authorizing the reserve draw were produced through discovery.
7 **[Declaration of Lisa Marx; EX 4 Disclosure Association Response to Pltf 1st Set of**
8 **RFP; Plaintiff’s Request for Production / Interrogatory and the Association’s Response**
9 **(Questions 2 and 3)]**

10 **34)** The Association admitted that it received Plaintiff’s November 3, 2024 letter and
11 determined that no meeting or other action was required. **[EX 1 Disclosure**
12 **ASSOCIATION’S RESPONSE TO first set of Requests for Admissions 12-29-25, No. 4**
13 **(Dec. 29, 2025) admitted]**

14 **35)** No minutes of any board meeting, and no unredacted record of any action taken
15 without a meeting, recording a vote of the board in regards to calling a meeting to turn
16 in ballots was produced in discovery. **[Declaration of Lisa Marx; EX 4 Disclosure**
17 **Association Response to Pltf 1st Set of RFP; Plaintiff’s Request for Production /**
18 **Interrogatory and the Association’s Response (Questions 2 and 3)]**

19 **36)** Plaintiff requested the Association’s board and executive-session minutes in
20 discovery; the Association’s production contains no minutes of any board meeting, and
21 no unredacted record of any action taken without a meeting, for the meetings and
22 actions set out above. **[EX 4 Disclosure Association Response to Pltf 1st Set of RFP;**
23 **Plaintiff’s Request for Production / Interrogatory and the Association’s Response**
24 **(Questions 2 and 3)]**

1
2 RESPECTFULLY SUBMITTED this 10th day of July, 2026.

3 /s/ Lisa Marx

4 Lisa Marx, Plaintiff Pro Se

5 13610 N. 111th Ave.

6 Sun City, AZ 85351

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9

10 **CERTIFICATE OF SERVICE**

11 I certify that on July 10, 2026, a true copy of the foregoing was served via e-file to the
12 Court and Defendant's Counsel and by email on counsel for Defendant:

13 Chuck Oldham — Chuck.Oldham@chdblawn.com

14 Ari Bowhay — Ari.Bowhay@chdblawn.com

15 /s/ Lisa Marx

16 Lisa Marx, Plaintiff Pro Se

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