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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.,

**PLAINTIFF'S SEPARATE
STATEMENT OF FACTS IN
SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT
(CLAIMS 23 AND 67; 24 AND 68; 25
AND 69; 33, 34, 77 AND 78;
49 AND 93)**

Honorable Adele Ponce

18 **PLAINTIFF'S SEPARATE STATEMENT OF FACTS**
19 **FOUNDATION (applicable to all claims)**

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21 **1.** Plaintiff Lisa Marx owns Unit 5, Tract G, of Tara Condominiums, together with
22 an undivided 1/50th interest in the common area of Tract G. [EX A – Warranty Deed;
23 Marx Decl. ¶ 3]
24 **SAC Claim 23:** On or about February 1, 2024 – Association did not hold a board vote

1 or open meeting to elect the position of Chairperson in violation of Declaration § 9.E.,
2 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

3 **SAC Claim 67:** On or about February 1, 2024 — Association did not hold a board vote
4 or open meeting to elect the position of Chairperson in violation of A.R.S. § 33-1248.
5 Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

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7 2. Declaration § 9.B. of the Tara Condominium Association Declaration of
8 Condominium states that the Board shall choose a chairman from among them.
9 [TARA000001–TARA000012; Declaration § 9.B.](TARA000003)

10 3. On January 31, 2024, Tina Marie Shepherd resigned as Chairperson of the Tara
11 Condominium Association Board of Directors. [TARA002084; 2024-02-01 Tara
12 Executive Board Meeting Minutes]

13 4. Mark Gottmann assumed the position of Chairperson on February 1, 2024
14 without the Board choosing a chairman from among them in an open meeting.
15 [TARA002084; EX 1; Marx Decl. ¶ 4]

16 5. Declaration § 9.E. of the Tara Condominium Association Declaration of
17 Condominium requires: “A majority vote of the Managers shall entitle said Board to
18 carry out actions on behalf of the owners of the units.” [TARA000001–TARA000012;
19 Declaration § 9.E.] (TARA000004)

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21 6. On February 1, 2024 at 4:30 p.m. the Board held a closed Executive Board
22 Meeting. No notice of this meeting was provided to unit owners prior to the meeting.
23 [TARA002084; 2024-02-01 Tara Executive Board Meeting Minutes]

24 7. During the February 1, 2024 closed Executive Board Meeting, Mark Gottmann

1 proposed that he assume the position of Chairman. [TARA002084; 2024-02-01 Tara
2 Executive Board Meeting Minutes]

3
4 8. During the February 1, 2024 closed Executive Board Meeting, the Board voted
5 Yes 2, No 1 to approve his self-appointment. [TARA002084; 2024-02-01 Tara Executive
6 Board Meeting Minutes]

7 9. The self-appointment of Mark Gottmann as Chairman on February 1, 2024 was
8 taken without any open meeting, without any agenda item, without notice to unit
9 owners, and without any emergency declaration. [TARA002084; 2024-02-01 Tara
10 Executive Board Meeting Minutes]

11 10. At 5:27 p.m. on February 1, 2024, immediately following the closed executive
12 session, Mark Gottmann emailed all owners announcing that he had assumed the role
13 of Chairman. [EX 1; Marx Decl. ¶ 4]

14 11. The February 17, 2024 Board Meeting Notice listed “Chairperson: Mark
15 Gottmann” and quoted A.R.S. § 33-1248, yet contained no reference to any
16 appointment of a Chairperson, no agenda item for such appointment, and no vote at
17 any open meeting. [TARA000042; 2024-02-17 Notice of Board Meeting Feb 17 2024]

18 12. The February 17, 2024 Board Meeting Minutes show Gottmann presiding as
19 Chairperson with no record of any open-meeting vote, discussion, or choosing of a
20 chairman. [TARA000043–TARA000044; 2024-02-17 Tara Board Meeting Minutes]

21 **SAC Claim 24:** On or about February 1, 2024 – the Association conducted Association
22 business without an open meeting, including removing Plaintiff from the Landscaping
23 Committee and dissolved the committee violating Declaration § 9.E., Restatement
24

1 (Third) of Prop.: Servitudes §§ 6.13–6.14.

2 **SAC Claim 68:** On or about February 1, 2024 – the Association conducted Association
3 business without an open meeting, including removing Plaintiff from the Landscaping
4 Committee and dissolved the committee violating A.R.S. § 33-1248. Violation of
5 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

6 **13.** On January 20, 2024, the Board convened a properly noticed open meeting.
7 [TARA000039; 2024-01-20 Notice of Board Meeting]

8 **14.** On January 20, 2024, the agenda expressly included “Looking for volunteers for
9 Landscaping Committee.” [TARA000039; 2024-01-20 Notice of Board Meeting]

10 **15.** On January 20, 2024, the Plaintiff presented the Landscaping Report.
11 [TARA000040–TARA000041;(TARA000040)2024-01-20 Tara Board Meeting Minutes]

12 **16.** On January 20, 2024, Renee Snow volunteered to serve on the committee with
13 Plaintiff as chair. [TARA000040–TARA000041; (TARA000041)2024-01-20 Tara Board
14 Meeting Minutes]

15 **17.** On February 1, 2024 at 10:19 a.m., Plaintiff sent an email to the Board addressing
16 open meeting violations and stating her intent to continue serving on the Landscaping
17 Committee. [EX 82; Plaintiff February 1, 2024 email to the Board]

18 **18.** On February 1, 2024 the board held an unnoticed Executive Board meeting.
19 [TARA002084 - 2024-02-01 TaraExecBoardMeetingMinutes020124_Redacted]

20 **19.** At the same February 1, 2024 closed Executive Board Meeting, the Board voted
21 on the exact wording of the email removing Plaintiff Lisa Marx from the Landscaping
22 Committee. [TARA002084; 2024-02-01 Tara Executive Board Meeting Minutes]

1 **20.** The removal of Plaintiff Lisa Marx from the Landscaping Committee on
2 February 1, 2024 was taken without any open meeting notice, without any agenda item,
3 without any open meeting vote, and without any emergency declaration.

4 [TARA002084; 2024-02-01 Tara Executive Board Meeting Minutes]

5 **21.** Seven minutes after the February 1, 2024 closed executive session ended,
6 Gottmann sent Plaintiff the following email: “You are not part of a landscaping
7 committee as that committee does not exist.” [TARA005318 February 1, 2024 email]

8 **22.** The February 17, 2024 Board Meeting Notice contains no reference to the
9 committee dissolution, Plaintiff’s removal, any vote dissolving the committee, or any
10 vote removing Plaintiff from the Landscaping Committee. [TARA000042; 2024-02-17
11 Notice of Board Meeting Feb17 2024]

12 **23.** The February 17, 2024 Board Meeting Minutes contain no reference to the
13 committee dissolution, Plaintiff’s removal, any vote dissolving the committee, or any
14 vote removing Plaintiff from the Landscaping Committee. [TARA000043–
15 TARA000044; 2024-02-17 Tara Board Meeting Minutes]

16 **24.** The Association’s denial of Request for Admission No. 3 did not deny that the
17 removal of Plaintiff Lisa Marx from the Landscaping Committee and the dissolution of
18 that committee occurred on or about February 1, 2024. [EX 1 Disclosure, RFA No. 3]

19 **25.** The Association denied Request for Admission No. 3 solely on the grounds that
20 the request called for a legal conclusion regarding whether an open meeting was
21 required under Declaration § 9.E. [EX 1 Disclosure, RFA No. 3]

22 **26.** The February 1, 2024 Executive Board Meeting Minutes contain no vote,
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24

1 discussion, or communication directed to Renee Snow, the other documented
2 Landscaping Committee volunteer. [TARA002084; 2024-02-01 Tara Exec Board Mins.]

3 **SAC Claim 25:** On or about February 5, 2024 — Association announced a new board
4 member without proper meeting or notice, in violation of Declaration § 9.E.,
5 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

6 **SAC Claim 69:** On or about February 5, 2024 — Association announced a new board
7 member without proper meeting or notice, in violation of A.R.S. § 33-1248. Violation of
8 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

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10 **27.** Declaration § 9.E. of the Tara Condominium Association Declaration of
11 Condominium requires: “A majority vote of the Managers shall entitle said Board to
12 carry out actions on behalf of the owners of the units.” [TARA000001–TARA000012;
13 Declaration § 9.E.](TARA000004)

14 **28.** On or about February 5, 2024, Mark Gottmann sent an email to all owners
15 stating: “Please welcome our new Board Member at Large at Tara Condominiums
16 Association: Stephanie Buschart. Thank You, Mark Gottmann Chairman Tara
17 Condominiums Association.” [EX 5 — Mark Gottmann February 5, 2024 email
18 announcing Stephanie Buschart as new Board Member at Large]

19 **29.** On February 5, 2024, the Board held a closed Executive Board Meeting. No notice
20 of this meeting was provided to unit owners. [TARA002085]

21 **30.** On February 5, 2024, the Board’s appointment of Stephanie Buschart was
22 discussed and acted upon in this unnoticed executive session. [TARA002085; 2024-02-
23 05 Tara Executive Board Meeting Minutes]
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1 **31.** The February 17, 2024 Board Meeting Notice contains no reference to any
2 appointment of Stephanie Buschart as a Board member and no open meeting vote on
3 her appointment to the Board. [TARA000042; 2024-02-17 Notice Feb 17 2024]

4 **32.** The February 17, 2024 Board Meeting Minutes contain no reference to any
5 appointment of Stephanie Buschart to the Board and no vote on her membership on the
6 Board. [TARA000043-TARA000044; 2024-02-17 Tara Board Meeting Minutes]

7 **33.** No notice or minutes exists for any open Board meeting held in 2024 at which the
8 appointment of Stephanie Buschart as Board Member at Large was noticed.
9 [TARA000040- TARA000075]

10 **SAC Claim 33:** On or about June 21, 2024 — The Association announced the
11 appointment of a board member without an open meeting vote, violating Declaration §
12 9.E., Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

13 **SAC Claim 34:** On or about June 20, 2024, upon belief, the Association appointed a new
14 board member in executive session only which is not permitted, violating Declaration §
15 9.E. and Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

16 **SAC Claim 77:** On or about June 21, 2024 — The Association announced the
17 appointment of a board member without an open meeting vote, violating A.R.S. § 33-
18 1248. Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

19 **SAC Claim 78:** On or about June 20, 2024, The Association appointed a new board
20 member in executive session only which is not permitted, violating A.R.S. § 33-1248.
21 Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

22 **34.** Declaration § 9.E. of the Tara Condominium Association Declaration of
23

1 Condominium requires: “A majority vote of the Managers shall entitle said Board to
2 carry out actions on behalf of the owners of the units.” [TARA000001–TARA000012;
3 Declaration § 9.E.](TARA000004)

4 **35.** By-Law § 1.04 of the Tara Condominium Association By-Laws provides that any
5 board vacancy “shall be filled by appointing an owner-member by a majority vote of
6 the remaining Board members.” [TARA000013–TARA000018; By-Laws § 1.04, January
7 2018](TARA000014)

8 **36.** The June 20, 2024 Executive Board Meeting Notice stated the executive session
9 was noticed and conducted solely under A.R.S. § 33-1248.2. [TARA002092; 2024-06-18
10 Corrected Email Notice of Executive Session (redacted)]

11 **37.** The June 20, 2024 Executive Board Meeting Minutes record: “Mark Gottmann
12 introduced a motion to appoint Sheryl Rawlings as a new board member. Seconded by
13 Dennis Anderson. Board Vote: Yes: 4 No: 0 Abstain: 0.” [TARA002094–TARA002095;
14 June 20, 2024 Executive Board Meeting Minutes]

15 **38.** The June 20, 2024 appointment of Sheryl Rawlings was taken in a closed
16 executive session from which Plaintiff was excluded. [TARA002094–TARA002095;
17 June 20, 2024 Executive Board Meeting Minutes]

18 **39.** No open Board meeting notice prior to June 20, 2024 contained any agenda item
19 for the discussion, nomination, or appointment of a new board member. [TARA000039;
20 TARA000042; TARA000049]

21 **40.** On June 21, 2024, Chairperson Mark Gottmann sent an email to unit owners
22 stating: “Please welcome our new Board Member at Large at Tara Condominiums
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24

1 Association: Sheryl Rawlings. Thank You, Mark Gottmann Chairman Tara
2 Condominiums Association.” [EX 34]

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4 **41.** The July 20, 2024 Board Meeting Minutes list Sheryl Rawlings as present and part
5 of the quorum, and record her participation in board business before any ratification
6 vote had occurred. [TARA000057–TARA000059; July 20, 2024 Board Meeting Minutes]

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8 **42.** The July 27, 2024 Board Meeting Minutes contain a purported ratification vote on
9 the appointment of Sheryl Rawlings. [TARA000065–TARA000067; July 27, 2024 Board
Meeting Minutes]

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11 **43.** At the July 27, 2024 Board meeting, Plaintiff personally addressed the Board
12 regarding the open-meeting violation in the appointment of Sheryl Rawlings. [EX 7 –
Transcript p. 3 (10:28), Audio, Authentication, Marx Decl ¶ 6]

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14 **44.** At the September 21, 2024 open Board meeting, in response to Plaintiff’s motion
15 to correct the July 27, 2024 Board Meeting Minutes, Chairperson Gottmann stated on
16 the record: “She was actually appointed by the board in an executive board meeting,
17 um, before that. So yes, she was a board member at that time.” [EX 8 TRANSCRIPT –
18 September 21, 2024 Board Meeting Transcript, pg 1, 1:23; EX 8 AUDIO – September
19 21, 2024 Board Meeting Audio Recording, EX 8 AUTHENTICATION OF
TRANSCRIPT September 21, 2024; Marx Decl ¶ 6]

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21 **SAC Claim 49:** On or about February 2024, The Association established and enforced a
22 meeting speaking time-limit rule without proper process, equal application and
23 selective enforcement using it to cut off Plaintiff from speaking. Violation of the
24 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

1 **SAC Claim 93:** On or about February 2024, The Association established and enforced a
2 meeting speaking time-limit rule without proper process, equal application and
3 selective enforcement using it to cut off Plaintiff from speaking. Violation of A.R.S. §
4 33-1248. Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14. (Also, a
5 violation of Declaration 12L and By-laws 1.09 without a vote of the membership)

6 **45.** Declaration § 9.E states: “A majority vote of the Managers shall entitle said Board
7 to carry out action on behalf of the owners of the units.” [TARA000001–TARA000012;
8 Declaration § 9.E](TARA000004)

9 **46.** Declaration § 12.L states that the Board has the right “to make reasonable rules
10 and to amend the same from time to time, and such rules and amendments shall be
11 binding upon the owners when the owners of a majority of the units have approved
12 them in writing.” [TARA000001–TARA000012; Declaration § 12.L] (TARA000005)

13 **47.** By-Law § 1.09 states: “A proposed change or addition to these Bylaws and Rules
14 and Regulations may be made by the Board of Management, but such new rules,
15 changes or modifications must be approved by the simple majority (51%) of voters at
16 the next January annual meeting or a special meeting called by the Board of
17 Management.”[TARA000013–TARA000018; By-Laws § 1.09] (TARA000014)

18 **48.** The January 20, 2024 Board meeting notice listed a three-minute speaking limit
19 for open discussion. [TARA000039; 2024-01-20 Notice of Board Meeting]

20 **49.** On February 14, 2024, Chairperson Mark Gottmann emailed all homeowners
21 announcing a unilateral change to a two-minute speaking limit per motion, stating it
22 was based on his personal research into Robert’s Rules of Order and AZ Condominium
23 Statutes, without any Board discussion, motion, or documentation of the change in
24

1 official records. [EX 330 — February 14, 2024 email from Chairperson Mark Gottmann]

2 50. The February 17, 2024 Board meeting notice stated: “In open discussion, one
3 person at a time has the floor for 2 minutes.” [TARA000042; 2024-02-17 Notice of Board
4 Meeting Feb 17 2024]

5 51. The January 20, 2024 Board meeting minutes contain no agenda item, no
6 discussion, no motion, and no vote establishing or changing any speaking time-limit
7 rule. [TARA000040–TARA000041; 2024-01-20 Tara Board Meeting Minutes]

8 52. The February 17, 2024 Board meeting minutes contain no agenda item, no
9 discussion, no motion, and no vote establishing or changing any speaking time-limit
10 rule. [TARA000043–TARA000044; 2024-02-17 Tara Board Meeting Minutes]

11 53. No membership vote approving a speaking time-limit rule by a simple majority
12 of 51% of unit owners was held at any annual meeting or special meeting.
13 [TARA000029–TARA000075; TARA002077–TARA002081]

14 54. At the February 17, 2024 Board meeting, Plaintiff was prevented from finishing a
15 prepared written statement addressing open-meeting violations and the unilateral
16 dissolution of the Landscaping Committee. [EX 3 — Transcript p. 14 (36:28), Audio,
17 Authentication; Marx Decl. ¶ 7]

18 55. At the February 17, 2024 Board meeting, Chairperson Gottmann repeatedly
19 talked over Plaintiff and declared her statements untrue without allowing her to
20 complete her remarks. [EX 3 Transcript pp. 14–15 (36:28), Audio, Auth; Marx Decl. ¶7]

21 RESPECTFULLY SUBMITTED this 16th day of July, 2026.

22 /s/ Lisa Marx, Lisa Marx, Representing self, 13610 N. 111th Ave., Sun City, AZ 85351
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CERTIFICATE OF SERVICE

I certify that on July 16th, 2026, a true copy of the foregoing was served via e-file to the Court and Defendant's Counsel and by email on counsel for Defendant:

Chuck Oldham – Chuck.Oldham@chdblawn.com

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