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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 OF FACTS IN**
16 **SUPPORT OF MOTION FOR**
17 **PARTIAL SUMMARY JUDGMENT**
18 **(CLAIMS 40 AND 85; 41 AND 86; 51**
19 **AND 95; 53 AND 97)**

Honorable Adele Ponce

20 **PLAINTIFF'S SEPARATE STATEMENT OF FACTS**

21 Pursuant to Ariz. R. Civ. P. 56(c)(3), Plaintiff Lisa Marx submits the following separate
22 statement of material facts in support of her Motion for Partial Summary Judgment.

23 **FOUNDATION (applicable to all claims)**

24 **1.** Plaintiff Lisa Marx owns Unit 5, Tract G, of Tara Condominiums, together with
an undivided 1/50th interest in the common area of Tract G. [EX A – Warranty Deed;
Marx Decl. ¶ 3]

1 **2.** The Association is an Arizona nonprofit corporation, incorporated under Articles
2 of Incorporation filed with the Arizona Corporation Commission. [TARA000019-
3 TARA000025 – Articles of Incorporation]

4 **3.** The Association is governed by its Declaration, By-Laws, and Articles of
5 Incorporation. [TARA000001-TARA000012 – Declaration; TARA000013-
6 TARA000018 – By-Laws; TARA000019-TARA000025 – Articles of Incorporation]

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

10 **5.** Mark Gottmann acted as Chairperson of the Board of Management at all times
11 relevant to the claims in this motion. [TARA002084 – 2024-02-01 Tara Executive Board
12 Meeting Minutes; EX 3 DISCLOSURE Interrogatory signed by Gottmann]
13

14 **SAC Claim 40:** On or about October 12, 2024 – It is believed that the Association held
15 Budget Committee work sessions without open meetings notice, vote, or approval.
16 Declaration § 9.E., Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

17 **SAC Claim 85:** On or about October 12, 2024 – Association held Budget Committee
18 work sessions held without open meetings notice, vote, or approval. Violating A.R.S. §
19 33-1248. Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

20 **6.** At the June 15, 2024 Board meeting, the Association formally announced that a
21 Budget Committee would be chaired by Stephanie Buschart, with members Mark
22 Gottmann, Judy Rice, Tina Marie Shepherd, Debbie Nihei, Robert Kreuter, and Sher
23 Rawlings, and the minutes stated: “Budget committee meetings will be announced and
24

homeowners will be welcome to attend.” [TARA000052 – 2024-06-15 Notice of Board Meeting June 15, 2024; TARA000053-TARA000054 – 2024-06-15 Bd. Meeting Minutes]

7. At the June 15, 2024 Board meeting, Chairperson Gottmann called the meeting to order and announced the members of the Budget Committee. [TARA000053-TARA000054 – 2024-06-15 Bd. Meeting Mins.; EX 5 TRANSCRIPT June 15, 2024 Bd. Meeting; EX 5 AUDIO – June 15, 2024 Bd. Meeting Recording; EX 5 AUTHENTICATION of Transcript June 15, 2024 Board Meeting]

8. By-Law § 1.03 provides: “The Chairperson shall preside at all meetings. He/she shall appoint needed committees, the committee chairperson and shall serve as an advisor to such committees.” [TARA000013-TARA000018 – By-Laws § 1.03, Jan. 2018]

9. The June 15, 2024 minutes identify the members of the Board of Management as Stephanie Buschart, Mark Gottmann, Dennis Anderson, and Judy Rice. [TARA000053-TARA000054 – 2024-06-15 Tara Board Meeting Minutes]

10. At the time of the October 2024 Budget Committee meetings, four of the seven Budget Committee members – Stephanie Buschart, Mark Gottmann, Judy Rice, and Sher Rawlings – were sitting members of the Board of Management. [TARA000053-TARA000054 – 2024-06-15 Tara Board Meeting Minutes; EX 8 TRANSCRIPT – September 21, 2024 Board Meeting; EX 8 AUDIO – September 21, 2024 Bd. Meeting Recording; EX 8 AUTHENTICATION of Transcript September 21, 2024 Bd. Meeting]

11. At the July 20, 2024 Board meeting, Buschart stated regarding the Budget Committee: “we haven’t even started with the budget committee yet.” [EX 6 TRANSCRIPT – July 20, 2024 Ins. Meeting, 16:13; EX 6 AUDIO – July 20, 2024 Ins. Meeting Recording; EX 6 AUTHENTICATION of Transcript July 20, 2024 Ins. Mtg]

12. On September 17, 2024, Chairperson Gottmann sent a letter to all Tara

1 Condominium homeowners naming Plaintiff by name nine times in connection with
2 the Association's legal costs and the retention of legal counsel. [TARA003507 –
3 September 17, 2024 Gottmann letter to community]

4 **13.** At the September 21, 2024 Board meeting, when a member asked whether the
5 budget was done, Gottmann stated: "The budget is not done." [EX 8 TRANSCRIPT –
6 September 21, 2024 Board Meeting, 08:47; EX 8 AUDIO – September 21, 2024 Board
7 Meeting Audio Recording; EX 8 AUTHENTICATION of Transcript September 21,
8 2024 Board Meeting]

9 **14.** At the September 21, 2024 Board meeting, when a member asked whether the
10 Budget Committee had been meeting, Buschart stated: "Not yet. We haven't been able
11 to start yet ...," and Gottmann stated: "We're going to be starting that up for the next
12 couple weeks." [EX 8 TRANSCRIPT – September 21, 2024 Board Meeting, 28:46,
13 28:57; EX 8 AUDIO – September 21, 2024 Board Meeting Audio Recording; EX 8
14 AUTHENTICATION of Transcript September 21, 2024 Board Meeting]

15 **15.** Prior to the October 12, 2024 Budget Committee Meeting, Gottmann and
16 Buschart jointly sent an email to Budget Committee members and Board members
17 attaching two draft 2025 budgets showing a \$50 and a \$75 monthly assessment
18 increase. [TARA006617 – Budget Committee communications email from Gottmann
19 and Buschart; TARA003430 – 50 increase 2025 budget; TARA004242 – 2025 75
20 increase budget]

21 **16.** The TARA006617 email stated: "We need to agree on a budget to present to the
22 board for a vote by the end of this month and send out ballots to be returned by the
23 end of Nov so we can get the new assessments to Colby the first week of Dec so the
24 January statements have the new assessments." [TARA006617 – Budget Committee

1 communications email from Gottmann and Buschart]

2 **17.** The TARA006617 email identified the following budget line item: "Legal; \$0 to
3 \$300 per month." [TARA006617 – Budget Committee communications email from
4 Gottmann and Buschart]

5 **18.** The TARA006617 email further stated: "Call Stephanie or myself if you have any
6 questions or suggestions before our budget meeting this Saturday Oct 12 at 2 PM in the
7 COA meeting room." [TARA006617 – Budget Committee communications email from
8 Gottmann and Buschart]

9 **19.** The TARA006617 email stated, "We were \$1,415 in the hole so we have to reduce
10 the reserve numbers in the \$50 increase option," and set out reductions to the Painting,
11 Roofing, Paving, Major Maintenance, and Irrigation reserve lines. [TARA006617 –
12 Budget Committee communications email from Gottmann and Buschart]

13 **20.** At the October 12, 2024 Budget Committee Meeting, Gottmann opened the
14 meeting and stated at timestamp 3:18: "So as a result of all these changes, we are going
15 to have to increase our monthly assessment." [EX 9 TRANSCRIPT October 12, 2024
16 Committee Meeting supposed to be chaired by Stephanie Buschart corrected, 3:18; EX 9
17 AUDIO – October 12, 2024 Budget Committee Meeting Audio Recording; EX 9
18 AUTHENTICATION of Transcript October 12, 2024 Committee Meeting]

19 **21.** At the October 12, 2024 Budget Committee Meeting, Gottmann handed out two
20 budget options showing \$50 and \$75 monthly assessment increases. [TARA003430 –
21 50 increase 2025 budget; TARA004242 – 2025 75 increase budget; EX 9 TRANSCRIPT
22 Oct. 12, 2024 Budget Meeting supposed to be chaired by Stephanie Buschart corrected,
23 pg.14, 28:39; EX 9 AUDIO; EX 9 AUTHENTICATION of Transcript Oct. 12, 2024
24 Committee Meeting; TARA002074 – Oct. 12, 2024 Tara Budget Meeting Minutes]

1 **22.** At the October 12, 2024 Budget Committee Meeting, Gottmann stated on the
2 record at timestamp 1:16–1:31: “The third line item is that we have the line item this
3 year for legal and that line item is increasing from zero to \$300 per month” and when
4 asked what it was for, Gottmann responded: “Because we have some issues related to
5 an individual homeowner here in the community that we have to deal with and have
6 legal bills.” [EX 9 TRANSCRIPT October 12, 2024 Budget Meeting supposed to be
7 chaired by Stephanie Buschart corrected, 1:16–1:31; EX 9 AUDIO – October 12, 2024
8 Budget Committee Meeting Audio Recording; EX 9 AUTHENTICATION transcript
9 October 12, 2024 Committee Meeting corrected]

10 **23.** At the October 19, 2024 Budget Committee Meeting, Gottmann stated on the
11 record at timestamps 1:06–2:04 that he had conversations with board members outside
12 the meeting and they came to a consensus to change the recommendation to a \$50
13 monthly increase along with a \$900 one-time assessment. [EX 10. TRANSCRIPT
14 October 19, 2024 Budget Committee Meeting corrected, 1:06–2:04; EX 10 AUDIO –
15 October 19, 2024 Budget Committee Meeting Audio Recording; EX 10
16 AUTHENTICATION of Transcript October 19, 2024 Budget Committee Meeting
17 corrected]

18 **24.** Plaintiff personally attended and recorded both the October 12, 2024 and October
19 19, 2024 Budget Committee Meetings. [TARA002074 Oct 12 2024 Tara Budget Meeting
20 Minutes; TARA002075–TARA002076 Oct 19 2024 Tara Budget Meeting Minutes; EX 9
21 AUTHENTICATION of Transcript October 12, 2024 Committee Meeting; EX 10
22 AUTHENTICATION of Transcript October 19, 2024 Budget Committee Meeting
23 corrected]

24 **25.** The Association produced no notice, agenda, or minutes for any open meeting at

1 which the Budget Committee developed the two draft 2025 budgets before they were
2 circulated on October 10, 2024, and produced no record of any Board motion or vote
3 authorizing that development. [Marx Decl. ¶ 5]
4

5 **SAC Claim 41:** In the latter half of 2024, Association held Budget Committee meetings
6 conducted by at least one Board Member instead of the appointed chair, violating By-
7 Law 1.03 and Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

8 **SAC Claim 86:** In the latter half of 2024, Association held Budget Committee meetings
9 conducted by at least one Board Member instead of the appointed chair, violating
10 A.R.S. § 33-1248. Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

11 **26.** By-Law § 1.03 provides: “The Chairperson shall preside at all meetings. He/she
12 shall appoint needed committees, the committee chairperson and shall serve as an
13 advisor to such committees.” [TARA000013–TARA000018 — By-Laws § 1.03]

14 **27.** At the June 15, 2024 Board meeting, Gottmann formally appointed Stephanie
15 Buschart as chairperson of the Budget Committee. [TARA000052 — 2024-06-15 Not. of
16 Board Meeting; TARA000053–TARA000054 — 2024-06-15 Bd. Meeting Minutes; EX 5
17 TRANSCRIPT June 15, 2024 Bd. Meeting; EX 5 AUDIO — June 15, 2024 Bd. Meeting
18 Recording; EX 5 AUTHENTICATION of Transcript June 15, 2024 Bd. Meeting]

19 **28.** The October 12, 2024 Budget Committee Meeting Minutes state: “The meeting
20 was called to order at 2:00 PM. by Mark Gottmann, Chairperson.” [TARA002074 —
21 October 12, 2024 Tara Budget Meeting Minutes; EX 9 TRANSCRIPT October 12, 2024
22 Committee Meeting supposed to be chaired by Stephanie Buschart corrected; EX 9
23 AUDIO — October 12, 2024 Budget Committee Meeting Audio Recording; EX 9
24 AUTHENTICATION of Transcript October 12, 2024 Committee Meeting]

1 **29.** The October 19, 2024 Budget Committee Meeting Minutes state: “The meeting
2 was called to order at 9 AM. by Mark Gottmann, Chairperson.” [TARA002075–
3 TARA002076 – October 19, 2024 Budget Mtg. Mins; EX 10 TRANSCRIPT October 19,
4 2024 Budget Committee Mtg. corrected, 0:00; EX 10 AUDIO – 10-19-24 Budget
5 Committee Meeting Audio Recording; EX 10 AUTHENTICATION of Transcript
6 October 19, 2024 Budget Committee Meeting corrected]

7 **30.** At both the October 12, 2024 and October 19, 2024 Budget Committee meetings,
8 Gottmann called the meeting to order, presented the budget and directed the
9 proceedings, and adjourned the meeting; Stephanie Buschart, the appointed
10 chairperson, presided over neither meeting. [EX 9 TRANSCRIPT – October 12, 2024
11 Committee Meeting supposed to be chaired by Stephanie Buschart corrected; EX 10
12 TRANSCRIPT – October 19, 2024 Budget Committee Meeting corrected]

13 **SAC Claim 51:** On or about June 15, 2024, Association appointed a Budget Committee
14 without open volunteer solicitation or meeting discussion, violating By-Law §§ 1.03,
15 1.08, and Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

16 **SAC Claim 95:** On or about June 15, 2024, Association appointed a Budget Committee
17 without open volunteer solicitation or meeting discussion, violating A.R.S. § 33-1248.
18 Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

19 **31.** By-Law § 1.03 provides: “The Chairperson shall preside at all meetings. He/she
20 shall appoint needed committees, the committee chairperson and shall serve as an
21 advisor to such committees.” [TARA000013–TARA000018 – By-Laws § 1.03]

22 **32.** On June 15, 2024, the Association held a duly noticed open Board meeting.
23 [TARA000052 – 2024-06-15 Notice of Board Meeting June 15, 2024]
24

1 33. The June 15, 2024 Board Meeting Notice contains no agenda item for community
2 volunteer solicitation for a Budget Committee. [TARA000052 – 2024-06-15 Not. of Bd.
3 Meeting]

4 34. At the June 15, 2024 Board meeting, Chairperson Gottmann introduced the
5 formation of the 2025 Budget Committee; the minutes record the following:
6 “Introduction of the budget committee to work on creating the 2025 budget. The
7 committee will be chaired by Stephanie Buschart and the members are Mark Gottmann,
8 Judy Rice, Tina Marie Shepherd, Debbie Nihei, Robert Kreuter, and Sher Rawlings.
9 Budget committee meetings will be announced and homeowners will be welcome to
10 attend.” [TARA000053–TARA000054 – 2024-06-15 Tara Board Meeting Minutes]

11 35. The June 15, 2024 Board Meeting Minutes reflect no open deliberation or
12 discussion regarding committee membership or the selection of its members.
13 [TARA000053–TARA000054 – 2024-06-15 Tara Board Meeting Minutes]

14 36. The June 15, 2024 Board Meeting Minutes contain no record of a Board motion or
15 vote in connection with the formation of the Budget Committee or the appointment of
16 its members. [TARA000053–TARA000054 – 2024-06-15 Tara Board Meeting Minutes]

17 37. The June 15, 2024 Board Meeting Minutes identify Chairperson Gottmann as a
18 member of the 2025 Budget Committee. [TARA000053–TARA000054 – 2024-06-15
19 Board Meeting Minutes.

20
21 **SAC Claim 53:** In 2025, the Association made landscaping decisions without notice to
22 members to participate, open meetings, and vote to approve, violating By-Law 1.08 and
23 Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

24 **SAC Claim 97:** In 2025, the Association made landscaping decisions without notice or

opening to members to participate, violating A.R.S. § 33-1248. Violation of Restatement (Third) of Prop.: Servitudes §§ 6.13–6.14.

38. The 2024 Gardener Service Agreement between the Association and Lopez Lawn Service provides, in the section titled Tara Condominiums Association Agrees, ¶ A, that the Association will pay “for general supplies such as grass seed, nursery stock, soil, fertilizer, herbicides, pesticides, gravel, etc., when the purchase has been authorized by the Board of Management.” [EX 21 MISC – Signed 2024 Lopez Landscaping Contract]

39. Neither the February 22, 2025 nor the April 13, 2025 Board Meeting minutes contain any agenda item, motion, or vote authorizing the purchase of gypsum or any landscaping supplies. [TARA000076 – 2025-02-22 Not. of Bd. Meeting; TARA000077–TARA000079 – 2025-02-22 Board Meeting Minutes; TARA000080 – 2025-04-13 Notice of Bd. Meeting; TARA000081–TARA000082 – 2025-04-13 Tara Bd. Meeting Minutes]

40. On June 17, 2025, the Association paid Lopez Lawn Service \$380.00 for adding gypsum to the common-area lawns (Invoice No. 2025-152), without any open Board meeting, agenda, notice to members, motion, or majority vote authorizing that expenditure. [EX 2 NOT APPROVED – Lopez Lawn Service Voucher June 17, 2025 \$380 and Invoice; TARA000572–TARA000612 (TARA000584) – June 2025 Financials]

41. The Association admitted in writing April 3, 2025 that Gottmann personally fixed multiple leaks in the drip system in front of Aster Court in 2025 without any open Board meeting, agenda, notice to members, motion, or majority vote authorizing that work. [TARA000158–TARA000159 – Request Reply for January 2025 records; Marx Decl. ¶ 5]

42. Video evidence shows Gottmann personally performing sprinkler maintenance

1 on the common areas in 2025 without any open Board meeting, agenda, notice to
2 members, motion, or majority vote authorizing that work. [EX 10 NOT APPROVED
3 Screen shot; EX 582 Work in 2025, no record docu. it (last photo); Marx Decl. ¶ 5]
4 43. On or about September 5, 2025, the Association ordered porch light bulbs for the
5 common elements without any open Board meeting, agenda, notice to members,
6 motion, or majority vote authorizing that expenditure; a voucher for reimb. to
7 Gottmann in the amount of \$53.88 was submitted on Sept. 25, 2025. [EX 4 NOT
8 APPROVED – Gottmann Light Expense Reimbursement Voucher \$53.88; EX 8 NOT
9 APPROVED – Tara GL AP Distr. Bank Statements Sept. 2025, pg. 6; Marx Decl. ¶ 5]
10 44. On November 18, 2025, the Association processed a reimbursement of \$12.63 to
11 Gottmann for concrete patching without any open Board meeting, agenda, notice to
12 members, motion, or majority vote authorizing that expenditure. [EX 3 NOT
13 APPROVED – Gottmann Concrete Patch Voucher Nov. 2025 \$12.63; Marx Decl. ¶ 5]
14 45. Photographs show Gottmann and Anderson performing landscaping and
15 maintenance work on the common elements during 2025 without any documentation
16 of Board authorization in any meeting notice, agenda, or minutes. [EX 9 NOT
17 APPROVED – Photos of 2025 common area work; no documentation; Marx Decl. ¶ 5]
18 RESPECTFULLY SUBMITTED this 21st day of July, 2026.
19 /s/ Lisa Marx
20 Lisa Marx
21 Plaintiff Pro Se
22 13610 N. 111th Ave.
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24 602-748-7781
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CERTIFICATE OF SERVICE

I certify that on July 21, 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

Ari Bowhay – Ari.Bowhay@chdblawn.com