

1. EXHIBIT F Statement read

Good afternoon, members of the Tara Condominium Association Board. I am addressing a significant concern regarding the 2025 amendment to our Declaration of Restrictions. According to our original 1970 Declaration and our deeds, we unit owners possess only the interior of our units—defined as the airspace within the four walls, including finished surfaces—along with a 1/50 undivided interest in the common elements, such as the building structure, roofs, and exterior walls. However, the recent amendment redefines "Residential Unit" to include these structural components, mandating that we obtain HO3 insurance policies to cover the entire building, not just our interiors as with the typical HO6 policies. This shift implies we individually own the structure, which contradicts our deeds and the Arizona Condominium Act, specifically A.R.S. § 33-1212, where structural elements are part of the common elements unless unanimously redefined. Under A.R.S. § 33-1227(D), changing unit boundaries or allocated interests requires 100% owner consent, not the 67% used here. The Arizona Supreme Court's decision in *Kalway v. Calabria Ranch HOA, LLC* (2022) further illustrates this by holding that amendments imposing unforeseeable changes to vested property rights, such as redefining ownership scopes, generally require unanimous agreement to be enforceable, even if the declaration suggests otherwise. Based on my understanding, I urge the board to reconsider this amendment, as it may be invalid without full agreement.