

1. EXHIBIT Q Budget vote 24 email

aimtodogood@gmail.com

From: Lisa Marx <aimtodogood@gmail.com>
Sent: Sunday, November 3, 2024 6:59 PM
To: tara-condos; Judy; sbuschart5@gmail.com; dennisanderson1945@gmail.com; SHER RAWLINGS
Cc: Lisa Marx
Subject: Issues regarding the 2025 Budget Vote
Attachments: Letter re 2025 budget vote.pdf
Flag Status: Flagged

Please see the attached letter regarding the budget vote.

Sunday, November 3, 2024

Tara Board,

The 2025 Budget Ballot and manner in which the board is collecting the ballots for the Budget Vote are not legal according to ARS 33-1250 C. and D., and ARS 33-1243 D. Other than 9. D in our C, C, and Rs which states:

D. For the purpose of election, each unit shall constitute one vote. It is understood that the owners of each unit shall be entitled to one vote among them regardless of grantees who may own such unit.

Our C, C, and Rs are silent in regards to a budget vote therefore we are obligated to follow the state statute which states: ARS 33-1250 C and D: "C. **Notwithstanding any provision in the condominium documents**, after termination of the period of declarant control, votes allocated to a unit may not be cast pursuant to a proxy. **The association shall provide for votes to be cast in person and by absentee ballot and, in addition, the association may provide for voting by some other form of delivery, including the use of e-mail and fax delivery.** **Notwithstanding section 10-3708 or the provisions of the condominium documents**, any action taken at an annual, regular or special meeting of the members shall comply with all of the following if absentee ballots or ballots provided by some other form of delivery are used:

1. The ballot shall set forth each proposed action.
2. The ballot shall provide an opportunity to vote for or against each proposed action.
3. The ballot is valid for only one specified election or meeting of the members and expires automatically after the completion of the election or meeting.

4. The ballot specifies the time and date by which the ballot must be delivered to the board of directors in order to be counted, which shall be at least seven days after the date that the board delivers the unvoted ballot to the member.

5. The ballot does not authorize another person to cast votes on behalf of the member.

6. The completed ballot shall contain the name, the address and either the actual or electronic signature of the person voting, except that if the condominium documents permit secret ballots, only the envelope shall contain the name, the address and either the actual or electronic signature of the voter.

7. Ballots, envelopes and related materials, including sign-in sheets if used, shall be retained in electronic or paper format and made available for unit owner inspection for at least one year after completion of the election.

D. Votes cast by absentee ballot or other form of delivery, including the use of e-mail and fax delivery, are valid for the purpose of establishing a quorum.”

ARS 33-1243 D states: “D. **Except as provided in the declaration**, within thirty days after adoption of any proposed budget for the condominium, the board of directors shall provide a summary of the budget to all the unit owners. Unless the board of directors is expressly authorized in the declaration to adopt and amend budgets from time to time, **any budget or amendment shall be ratified by the unit owners in accordance with the procedures set forth in this subsection. If ratification is required, the board of directors shall set a date for a meeting of the unit owners to consider ratification of the budget not fewer than fourteen or more than thirty days after mailing of the summary. Unless at that meeting a majority of all the unit owners or any larger vote specified in the declaration rejects the budget, the budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the unit owners shall be continued until such time as the unit owners ratify a subsequent budget proposed by the board of directors.**”

The board does not have a right to ignore the state statutes or supersede them, but is required to follow them.

NO WHERE does the statute state that if the budget fails that you pull from the reserves for any deficits until a new budget can be passed. The statute states: “If the proposed budget is rejected, the periodic budget last ratified by the unit owners shall be continued until such time as the unit owners ratify a subsequent budget proposed by the board of directors.”

NO WHERE does the state statute state that the ballots are to be returned to a third party, but in fact the statute states the ballots are to be returned to the Board and that the Board **shall set a date for a meeting of the unit owners to consider ratification of the budget not fewer than fourteen or more than thirty days after mailing of the summary.** Additionally, the statutes state: **The association shall provide for votes to be cast in person and by absentee ballot and, in addition, the association may provide for voting by some other form of delivery, including the use of e-mail and fax delivery.**

NO WHERE on the ballot provided is there a **TIME** the ballot needs to be returned by.

The board needs to call a meeting for the ballots to be returned in person to fulfill the requirements of the law.

Sincerely,

