

3. PLAINT_1.PDF 1

1 Lisa Marx
2 13610 N. 111th Ave.
3 Sun City, AZ 85351
4 602-748-7781
5 aimtodogood@gmail.com
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 Defendant.

**PLAINTIFF'S REPLY TO
DEFENDANT'S CONSOLIDATED
RESPONSE AND OBJECTION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY AND PERMANENT
INJUNCTION**

Honorable Randall H. Warner

15
16
17
18 Plaintiff Lisa Marx respectfully submits this Reply to Defendant Tara Condominium
19 Association, Inc.'s ("Defendant") Consolidated Response and Objection to Plaintiff's
20 Motion for Preliminary and Permanent Injunction, filed October 13, 2025. This Reply is
21 filed concurrently with Plaintiff's Motion for Leave to File Reply Out of Time,
22 supported by Affidavit, and addresses issues consistent with Plaintiff's Emergency
23 Motion for Temporary Restraining Order (filed October 29, 2025), which incorporates
24 post-October 15 developments into the ongoing injunction request. Pursuant to ARCP

1 65 and A.R.S. § 33-1242, Plaintiff has demonstrated a likelihood of success on the
2 merits, irreparable harm, balance of equities in her favor, and public interest alignment,
3 warranting injunctive relief to enjoin the invalid Declaration amendments. Defendant's
4 objections lack merit, as detailed below.

5 **I. PLAINTIFF HAS A STRONG LIKELIHOOD OF SUCCESS ON THE MERITS**

6 Defendant claims Plaintiff's allegations are derivative or previously dismissed, but the
7 Motion for Injunction focuses on direct violations of the Arizona Condominium Act
8 (A.R.S. §§ 33-1201 et seq.) and governing documents causing individualized harm to
9 Plaintiff (e.g., improper voting under A.R.S. § 33-1250, open meeting violations under
10 A.R.S. § 33-1248, unauthorized amendments under A.R.S. § 33-1227). These are direct
11 claims for harms unique to Plaintiff, such as increased insurance burdens and property
12 devaluation, supported by *Johnson v. Pointe Cmty. Ass'n, Inc.*, 205 Ariz. 485, 73 P.3d
13 616 (App. 2003) (boards owe duties to individual owners for specific harms). Post-
14 October 15 evidence (e.g., ballot refusal transcript, amendment recording) further
15 evidences ultra vires acts, not derivative issues. The Court's prior dismissals (e.g.,
16 August 5, 2025, for individuals) do not bar Association liability, and Plaintiff's pending
17 TAC refines these as direct. Defendant's process was flawed (e.g., no meeting held for
18 ballot submission, unanimity required to change documents, restricted inspections),
19 rendering amendments void.

20 **II. PLAINTIFF WILL SUFFER IRREPARABLE HARM ABSENT INJUNCTION**

21 Defendant minimizes harm, claiming amendments are authorized and harms
22 speculative. However, the imminent November 15, 2025, insurance shift exposes
23 Plaintiff to uncovered risks, diminished property value, and financial burdens not
24 compensable by money damages alone (e.g., potential uninsurability). Arizona law

1 recognizes such governance violations as irreparable per se in HOA contexts (see Tierra
2 Ranchos Homeowners Ass'n v. Kitchukov, 216 Ariz. 195, 165 P.3d 173 (App. 2007)
3 (irreparable harm from invalid restrictions)). Post-filing developments (e.g., restricted
4 ballot access) exacerbate this, as detailed in Plaintiff's TRO Affidavit.

5 **III. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR PLAINTIFF**

6 Defendant argues equities favor routine operations, but enjoining invalid amendments
7 prevents unlawful shifts in owner responsibilities, preserving status quo without
8 harming Defendant (who can re-vote compliantly). Public interest supports enforcing
9 statutory protections (A.R.S. Title 33) against ultra vires acts, promoting fair
10 governance (Restatement (Third) of Prop.: Servitudes § 6.13). No undue burden on
11 Defendant, as delay allows proper process.

12 For these reasons, the Court should grant the Motion for Preliminary and Permanent
13 Injunction.

14 DATED: November 13, 2025.

15 Respectfully submitted,

16 /s/ Lisa Marx

17 Lisa Marx, Pro Per

18 13610 N. 111th Ave.

19 Sun City, AZ 85351

20 602-748-7781

21 aimtodogood@gmail.com

22 **COPY of the foregoing e-mailed**

23 **This 13th day of November, 2025, to:**

24 Charles H. Oldham, Esq.

1 Chuck.Oldham@chdblawn.com

2 Ari Bowhay

3 ari.bowhay@chdblawn.com

4 By: Lisa Marx

5 /s/ Lisa Marx

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24