

4. EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
(ARCP 65(b); Expedited Consideration Requested)

1 Lisa Marx
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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,

12 vs.

13 Tara Condominiums Association, Inc.,
14 Defendant.

Case No. CV 2025-012980

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER (ARCP 65(b); Expedited
Consideration Requested)**

Honorable Randall H. Warner

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17 Plaintiff Lisa Marx, pro per, moves for a Temporary Restraining Order (TRO) under
18 ARCP 65(b), supplementing her October 9, 2025 Motion for Preliminary Injunction, to
19 enjoin Defendant from canceling the master insurance policy, implementing the
20 October 17, 2025 Declaration amendments (shifting insurance to owners by November
21 15, 2025), or enforcing related changes. This Motion incorporates all prior filings and
22 new information since October 15, 2025, including the Association's announcement of
23 amendment approval, restricted ballot inspection (with transcript of refusal), and
24 recording. This is supported by the attached Verified Affidavit of Lisa Marx

1 (incorporating facts from prior affidavit/exhibits), Exhibits A-F (EX. A. October 18
2 email announcing approval; EX. B. October 22 email on inspection; EX. C. October 23
3 email on inspection; EX. D. Recorded Amendment; EX. E. October 26 inspection
4 transcript; EX. F. Email 10-5-25 from Lisa Marx to view voting materials; and prior
5 injunction motion exhibits already part of the record.), and the record. Plaintiff lodges a
6 proposed form of TRO for the Court's consideration.

7 **I. BACKGROUND AND NEW INFORMATION SINCE OCTOBER 15, 2025**

8 Plaintiff's October 9, 2025 Motion for Preliminary Injunction (and Request for
9 Expedited Hearing) sought to enjoin Defendant from proceeding with, counting,
10 implementing, or recording proposed amendments to the Declaration, citing violations
11 of A.R.S. §§ 33-1242, 33-1227(D) (requires unanimity of owners with boundary
12 changes), 33-1250 (incorrect ballot and no meeting scheduled to turn in ballots in
13 person), and others. Supported by affidavit and Exhibits A-U (e.g., ballots, emails
14 showing flaws). Defendant opposed on October 13, 2025. No ruling yet.

15 Since October 15 (post-consent deadline, when hybrid ballots were deemed "passed"):

- 16 • October 5, 2025 Email from Lisa Marx requesting to view voting materials (EX. F)
17 Record's request was due by October 20th and not fulfilled timely.
- 18 • October 17, 2025: Association executed Amendment (Exhibit D), claiming ≥67%
19 member consent under § 33-1227(A), amending Declaration to shift
20 insurance/upkeep responsibilities (redefining "Residential Unit" to include
21 exteriors/roofs, requiring owner HO-3 policies per recitals: "Declaration may be
22 amended by affirmative vote or written consent of at least sixty-seven percent
23 (67%) of the Members"; remains in full force except as amended). Recorded
24 October 20, 2025 (Maricopa Recorder No. 2025-0605584). Invalid due to

1 procedural defects (e.g., hybrid ballots, no unanimous consent for material shifts
2 per § 33-1212).

- 3 • October 18, 2025: Email announcement (Exhibit A) declared approval of items 1-2
4 (insurance shifts to owners), failure of item 3 (late fees), directing owners to
5 obtain expanded coverage by November 15, 2025, and Association to modify
6 master policy – risking cancellation/exposure.
- 7 • October 22/23, 2025: Emails (Exhibits B, C and F) offer limited viewing in
8 response to requests by Plaintiff and Brenda Spieldenner for all voting materials
9 (consents, envelopes, revocations).
- 10 • October 26, 2025: Inspection occurred, but signatures/ dates hidden; transcript
11 (Exhibit D) shows Gottmann stating "we're just showing you the votes, the
12 names... and the way they voted is not going to be revealed," violating § 33-1258
13 and suggesting fraud/invalidity (e.g., untimely consents).

14 These events confirm amendments' invalidity and escalate harm, supplementing the
15 original motion under ARCP 15(d).

16 **II. LEGAL STANDARD AND ARGUMENT FOR ISSUANCE WITHOUT NOTICE**

17 Under ARCP 65(b)(1), a TRO may issue without notice if specific facts show immediate,
18 irreparable harm before opposition can be heard, or notice would cause such harm, and
19 efforts/reasons for no notice are certified.

- 20 • **ARCP 65(b)(1)(A) - Immediate and Irreparable Harm:** As detailed in the
21 attached Verified Affidavit, master policy cancellation by November 15 will
22 cause immediate, irreparable injury: uncovered structural risks (e.g., roofs/walls
23 under § 33-1253), financial burdens on owners, and potential liens/foreclosures
24 for non-compliance. Amendments violate § 33-1253 (association insurance

1 duties), § 33-1247 (upkeep), § 33-1212 (unanimous consent required for shifts), §
2 33-1227(D) (requires unanimity of owners with boundary changes), and § 33-
3 1250 (incorrect ballot and no meeting called to turn in ballots in person). Board
4 refused to call a meeting to allow Plaintiff to view ballot tally. Prior notice via
5 October 9 motion insufficient, as no ruling and harm now imminent. Notice
6 could prompt acceleration.

- 7 • **ARCP 65(b)(1)(B) - Certification of Notice Efforts/Reasons:** See attached
8 Certification – prior notice given via injunction motion (served October 9);
9 further notice not required as it risks immediate cancellation.

10 III. PRAYER

11 Grant TRO as proposed; set prompt hearing; waive bond under ARCP 65(c)
12 (minimal/no harm to Defendant).

13 Dated: October 29, 2025

14 /s/ Lisa Marx

15
16 **Certificate of Service:** (To be Served after filing if granted.)

17 **CERTIFICATE OF SERVICE** I hereby certify that on October ____, 2025, I caused a
18 true and correct copy of the foregoing document to be served via email to:

19 Charles H. Oldham, Esq

20 Chuck.Oldham@chdblawn.com

21 By: /s/ Lisa Marx
22
23
24

1 (e.g., damage claims) unrecoverable; before hearing, harm likely as deadline
2 approaches and no injunction ruling; notice risks acceleration. Amendments
3 violate § 33-1253 (association insurance duties), § 33-1247 (upkeep), § 33-1212
4 (unanimous consent required for shifts), § 33-1227(D) (requires unanimity of
5 owners with boundary changes), and § 33-1250 (incorrect ballot and no meeting
6 to turn in ballots in person).

7 Executed: October 29, 2025

8 /s/ Lisa Marx
9

10 **Certificate of Service:** (To be Served after filing if granted.)

11 **CERTIFICATE OF SERVICE** I hereby certify that on October ____, 2025, I caused a
12 true and correct copy of the foregoing document to be served via email to:

13 Charles H. Oldham, Esq

14 Chuck.Oldham@chdblaw.com

15 By: /s/ Lisa Marx
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