

5. PLAINTIFFS AMENDED MOTION TO SET Evidentiary Hearing on Motion for Preliminary Injunction

1 Lisa Marx  
2 13610 N. 111<sup>th</sup> 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 AMENDED MOTION  
TO SET EVIDENTIARY HEARING  
ON MOTION FOR PRELIMINARY  
INJUNCTION  
(Expedited Consideration Requested)  
(Telephonic or video hearing  
requested for health reasons)**

Honorable Randall H. Warner

15 Pursuant to Arizona Rule of Civil Procedure ("ARCP") 65(a) and Maricopa County  
16 Superior Court Local Rule 3.2, Plaintiff Lisa Marx, pro per, moves this Court to set an  
17 evidentiary hearing on her Motion for Preliminary Injunction (filed October 5, 2025).

18 This request is made due to the imminent harm from the Defendant's illegally held,  
19 hybrid vote and implementation of the October 17, 2025, Declaration amendments,  
20 which shift insurance and boundary responsibilities to me as an individual owner  
21 effective November 15, 2025, contrary to the statutory requirements that the association  
22  
23  
24

1 is to maintain property insurance on the common elements, which includes "all  
2 portions of the condominium other than the units" according to the definition of  
3 "common elements" in A.R.S. § 33-1202(9).

4 This Motion incorporates the record, including Plaintiff's denied Emergency Motion for  
5 Temporary Restraining Order (filed October 29, 2025; denied November 5, 2025), which  
6 detailed violations of A.R.S. §§ 33-1227 (amendment process), 33-1250 (voting  
7 irregularities), and 33-1248 (open meetings), along with evidence such as the  
8 Association's amendment approval announcement, restricted ballot inspection  
9 transcript, and improper recording. This Motion incorporates by reference all exhibits  
10 previously submitted with Plaintiff's Motion for Preliminary Injunction (filed October  
11 5, 2025) and Emergency Motion for Temporary Restraining Order (filed October 29,  
12 2025). It is supported by the attached Supplemental Verified Affidavit of Lisa Marx  
13 (updating harms prior to the TRO filing) and Exhibits [A-Z as applicable, e.g., ballot  
14 transcript, insurance notices from Board].

### 15 **I. GOOD CAUSE FOR EXPEDITED HEARING**

16 An evidentiary hearing is necessary to allow presentation of testimony, cross-  
17 examination, and additional evidence on:

18  
19 Likelihood of success: Direct violations causing individualized harm (e.g., improper  
20 voting, restricted inspections; see *Johnson v. Pointe Cmty. Ass'n, Inc.*, 205 Ariz. 485,  
21 490, 73 P.3d 616, 621 (App. 2003)).

22 Irreparable harm: Immediate exposure to uninsured risks, uninsurability of structure  
23 and roof due to lapse of coverage, property devaluation, and financial and maintenance  
24 burdens post-November 15 (see *Tierra Ranchos Homeowners Ass'n v. Kitchukov*, 216

1 Ariz. 195, 199, 165 P.3d 173, 177 (App. 2007)) and breach of contractual rights placing  
2 new responsibilities on me as a homeowner that were not foreseeable when I bought  
3 my unit in violation of Kalway v. Calabria Ranch Homeowners Ass'n, 252 Ariz. 532,  
4 506 P.3d 18 (2022), which would have required a unanimous vote of the homeowners to  
5 change the contract requirements.

6 Balance of equities and public interest: Preserves status quo without prejudice to  
7 Defendant, enforcing statutory protections (Restatement (Third) of Prop.: Servitudes §  
8 6.13).

9  
10 Without a hearing before November 15, 2025, the amendments will take effect, mooting  
11 relief and causing irreversible damage as the changes are not enforceable being  
12 contradictory to statutes and I as a homeowner will be left without insurance on my  
13 structure and roof to my unit. Plaintiff proposes hearing dates: November 12, 13, or 14,  
14 2025, at 9:00 AM or as available, lasting 2-3 hours. No bond is required under ARCP  
15 65(c), as relief imposes minimal burden (waiver requested if needed).

16 Plaintiff did not confer with opposing counsel pursuant to ARCP 7.1(h) due to futility,  
17 based on prior adversarial interactions.

18 A proposed form of order is attached.

19 DATED: November 6, 2025.

20 Respectfully submitted,

21 /s/ Lisa Marx

22 Lisa Marx, Pro Per

23 13610 N. 111th Ave.

24 Sun City, AZ 85351

1 602-748-7781

2 aimtodogood@gmail.com

3

4 COPY of the foregoing e-mailed

5 This 6th day of November, 2025, to:

6 Charles H. Oldham, Esq.

7 Chuck.Oldham@chdblaw.com

8 Ari Bowhay

9 ari.bowhay@chdblaw.com

10 By: Lisa Marx

11 /s/ Lisa Marx

12

13

14

15

16

17

18

19

20

21

22

23

24