

1 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**

Attorneys at Law

2 1400 E. Southern Ave., Suite 400

Tempe, Arizona 85282-5691

3 (480) 427-2800, Facsimile (480) 427-2801

minuteentries@carpenterhazlewood.com

4 Edith I Rudder - 020560

eadie.rudder@carpenterhazlewood.com

5 Maria G. McKee - 034659

maria.mckee@carpenterhazlewood.com

6 AFI.HILTONC.03

Attorneys for Respondent

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 R.L. WHITMER, an individual,

10 Petitioner,

11 vs.

12 HILTON CASITAS HOMEOWNERS
13 ASSOCIATION, also known as HILTON
14 CASITAS COUNCIL OF HOMEOWNERS,
15 also known as COUNCIL OF CO-
OWNERS, also known as HILTON
CASITAS COUNCIL OF CO-OWNERS, an
Arizona nonprofit corporation,

16 Respondent.

Case No. CV2022-014709

**RESPONDENT'S REPLY IN SUPPORT
OF ITS MOTION DISMISS AMENDED
PETITION FOR A SHOW CAUSE
HEARING RE CONTEMPT**

(Assigned to the Hon. John C. Rea)

17 Respondent Hilton Casitas Council of Homeowners, pursuant to Rule 12(b)(6),
18 *Ariz.R.Civ.P.*, hereby submits its Reply in Support of Its Motion to Dismiss Petitioner R.L.
19 Whitmer's Amended Petition for a Show Cause Hearing Re Contempt (the "Amended Petition").
20

21 Petitioner's Response fails to address the long-standing principle that broad "obey the
22 law" injunctions are presumptively invalid, and this Administrative Law Judge's ("ALJ")
23 Decision issued in 2015 in Office of Administrative Hearings Case No. 14F-41415004-BFS (the
24

1 “Administrative Decision”) is exactly the type of broad injunctive order presumed to be invalid.
2 See Petitioner’s Response to Respondent’s Motion to Dismiss (“Response”) at Pages 2-4. The
3 United States Supreme Court is not the only court that considers broad “obey the law” injunctions
4 to be an issue. See *NLRB v. Express Pub. Co.*, 312 U.S. 426, 435-36 (1941) (“[T]he mere fact that
5 a court has found that a defendant has committed an act in violation of a statute does not justify
6 an injunction broadly to obey the statute...”). See also Ariz.R.Civ.P. 65(h). Rule 65(h) applies to
7 injunctive orders issued by the Arizona Superior Court, requiring any order to state “the reasons
8 why it is issued,” “state its terms specifically,” and “describe in reasonable detail—and not by
9 referring to the complaint or other document—the act or acts restrained or required.”
10 Ariz.R.Civ.P. 65(h).

13 Ensuring these details are in injunctive orders such as the Administrative Decision is of
14 paramount importance. The purpose is to inform the target of the injunction what they need to do
15 moving forward. *Reno Air Racing Ass’n., Inc. v. McCord*, 452 F.3d 1126, 1134 (9th Cir. 2006)
16 (“[t]he benchmark for clarity and fair notice is not lawyers and judges, who are schooled in the
17 nuances of [the] law. The ‘specific terms’ and ‘reasonable detail’ mandated by Rule 65(d)¹
18 should be understood by the lay person, who is the target of the injunction.” ALJs are not relieved
19 from these long-standing principles regarding specifying the relief being ordered, including the
20 specific conduct enjoined, which in this case purportedly is violating a statute within Arizona’s
21 Condominium Act. Clarity is especially important in the context of A.R.S. §33-1243(D) because
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23
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25 ¹ Rule 65(d), Federal Rules of Civil Procedure, mirrors the language reflected in Rule 65(h),
26 Ariz.R.Civ.P.

1 of the various requirements imposed under the statute and the cyclical nature of Board of
2 Directors for homeowners associations. Although the Administrative Decision contains a
3 “Findings of Fact” section, the “Recommended Order” portion only broadly states that the
4 Association “shall fully comply with the applicable provisions of A.R.S. §33-1243(D) in the
5 future.” *See* Exhibit B attached to original Petition for a Show Cause Hearing re Contempt, at 4-
6 5. Under these circumstances, clarity is sorely lacking.

8
9 By way of example as to why this broad language is an issue, the Association complied
10 with A.R.S. §33-1243(D) for ratification of the 2021 budget. *See* Respondent’s Motion to
11 Dismiss at Exhibit A. Accordingly, the Association complied with the broad order encompassed
12 in the Administrative Decision; i.e., the “applicable provisions of A.R.S. §33-1243(D) in the
13 future” by way of that ratification. *See* Exhibit B attached to original Petition for a Show Cause
14 Hearing re Contempt, at 4-5.

16 Petitioner’s Response cites to A.R.S. §32-2199.02 in an attempt to emphasize that ALJs
17 have the authority to issue such an injunctive order. Although it is true A.R.S. §32-2199.02
18 permits an ALJ to issue an order that a party “abide by the statute,” when the statute at issue
19 (A.R.S. §33-1243(D)) contains numerous provisions and potential requirements, the broad
20 injunctive language of the Order is invalid; it fails to comply with requirements that it be specific
21 regarding the act(s) to be restrained.² Because Petitioner has sought a contempt finding related to
22 this Administrative Decision in the past and successfully defended against a subject matter
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25
26 ² *See*, the “Recommended Orders” section of the Administrative Decision at Pages 4-5.

1 jurisdiction challenge, he tries to assert that his past success is indicative of the validity of the
2 Administrative Decision. *See Whitmer v. Hilton Casitas Homeowners Ass’n*, 245 Ariz. 77, 81
3 (App. 2018). However, that case did not involve an analysis on the validity of the Administrative
4 Decision, and instead remanded after deciding the sole issue on appeal, subject matter
5 jurisdiction. *Id.*

7 Because the Administrative Decision fails to specify with reasonable detail the
8 “applicable” conduct being prohibited in the “recommended order” portion, future Boards may
9 not fully understand what is required of them vis-à-vis A.R.S. §33-1243(D). This Court should
10 find the Administrative Decision an invalid and overly broad “obey the law” injunction. *See*
11 *NLRB v. Express Pub. Co.*, 312 U.S. 426, 435-36 (1941); Ariz.R.Civ.P. 65(h); *West Valley View,*
12 *Inc. v. Maricopa Cnty. Sheriff’s Office*, 216 Ariz. 225, 228, ¶11 (App. 2007) *E. & J. Gallo*
13 *Winery v. Gallo Cattle Co.*, 967 F.2d 1280, 1297 (9th Cir. 1992) (an injunction should be
14 “tailored to eliminate only the specific harm alleged”); *Stormans, Inc. v. Selecky*, 586 F.3d 1109,
15 1140 (9th Cir. 2009) (An overbroad injunction is an abuse of discretion). *See also* Exhibit B
16 attached to original Petition for a Show Cause Hearing re Contempt, at 4-5.

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18
19 In his Response, Petitioner also urges the Court to read A.R.S. §33-1243(D) as requiring
20 immediate amendment to a budget and ratification each time overspending occurs or is
21 contemplated. However, neither the plain language of the statute nor the Administrative Decision
22 imposes this requirement. *See* Response at 5; A.R.S. §33-1243(D); Exhibit B attached to original
23 Petition for a Show Cause Hearing re Contempt, at 4-5. There are no cases in Arizona indicating
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25
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1 that Arizona Courts have adopted Petitioner’s reading of this alleged “obligation” under A.R.S.
2 §33-1243(D). The statute is silent in the event an association over-spends in one area but under-
3 spends in another, meaning it is entirely possible for an association to stay within the overarching
4 budgeted amount even if it over-spends on legal services in a particular year. *See* A.R.S. §33-
5 1243(D). Here, determining an accurate annual budget is nearly impossible for the Association in
6 any given year because of the excessive and unpredictable amount of legal proceedings initiated
7
8 by this particular Petitioner. *See* Motion at Exhibit B.
9

10 Petitioner’s position in this matter is made in bad faith when taking into account recent
11 arguments he made that Article 8, Section 8.2, of the Declaration supersedes A.R.S. §33-
12 1243(D). *See Exhibit A* at Page 6, Petitioner’s Motion for Summary Judgment in Office of
13 Administrative Hearings Docket No. 22F-H2222043-REL filed on May 27, 2022 (“§8.2 of the
14 Declaration is superior to A.R.S. §33-1243(D)”). In his Motion for Summary Judgment,
15 Petitioner argued that the assessment obligation portion of the budget was required to be
16 approved by Owners above and beyond the ratification procedures in A.R.S. §33-1243(D).
17 Petitioner did not present any evidence that the 2022 budget and assessment was rejected by
18 Owners pursuant to A.R.S. §33-1243(D), or that other Owners have failed to agree to the
19 incremental increases each year in the budget due to Petitioner’s litigious nature.
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21

22 Despite Petitioner’s assertion that ratification by the Owners in the subsequent year is
23 insufficient to address this issue, there is no suggestion this has not been a sufficient approach for
24 the Association thus far. In fact, that approach is supported by the language of A.R.S. §33-
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26



1 1243(D). A.R.S. §33-1255 also states, “assessments [for common expenses] shall be made at
2 least annually, based on a budget adopted at least annually by the association.” This language
3 within Arizona’s Condominium Act supports the permissive reading of A.R.S. §33-1243(D) that
4 amended budgets are not an “obligation,” and adopting a budget annually is sufficient as a
5 general principle, even to rectify potential overspends in the prior year. As such, Petitioner’s
6 assertions regarding the requirements of A.R.S. §33-1243(D) are unsupported.
7

8
9 Lastly, in his Response, Petitioner appears to rescind his allegations against individual
10 Board Members in their personal capacities. Therefore, the Court should not include the current
11 Board Members of the Association, or any prior Board members, in any orders issued in this
12 matter, especially since those Board Members are not properly before this Court. *See* A.R.S.
13 §§10-3830(A) and (D) and A.R.S. §§10-3842(A) and (D); Motion to Dismiss at Page 10.
14

15 With the contradictory positions taken by Petitioner on the applicability of A.R.S. §33-
16 1243(D) as recently as May 2022, it is clear this contempt proceeding and the requested relief are
17 further attempts by Petitioner to harass the Association. *See generally*, **Exhibit A**. Such action on
18 his part further perpetuates this vicious cycle he has created with respect to the Association’s
19 legal fees, which are ultimately born by the twenty-eight (28) remaining Casita Owners within
20 the Association. The Association requests that this Court dismiss the Petition in its entirety and
21 with prejudice for all the foregoing reasons, as well as all those stated in its Motion to Dismiss.
22 The Association further preserves its request for an award of its attorneys’ fees and costs incurred
23 in defending this action pursuant to A.R.S. §§12-349, 12-341, and 12-341.01.
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1 RESPECTFULLY SUBMITTED this 16th day of February, 2023.

2 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**

3
4 By: /s/Maria McKee
5 Edith I. Rudder, Esq.
6 Maria G. McKee, Esq.
7 1400 East Southern Avenue, Suite 400
8 Tempe, Arizona 85282-5691
9 *Attorneys for Respondent*

10 **ORIGINAL** of the foregoing e-filed
11 this 16th day of February, 2023 with:

12 Clerk of the Court
13 Maricopa County Superior Court

14 **COPY** of the foregoing emailed and
15 served via the TurboCourt system
16 this 16th day of February 2023, to:

17 Ross P. Meyer
18 Meyer & Partners, PLLC
19 3104 E. Camelback Road #2562
20 Phoenix, Arizona 85016
21 ross@meyerpllc.com
22 *Attorney for Petitioner*

23
24 By: /s/ Suzanne Hilborn
25
26

Exhibit A



1 R. L. Whitmer
2 6333 N. Scottsdale Road, Casita 21
3 Scottsdale, Arizona 85250
4 Phone: (602) 531-2615
5 Fax: (480) 945-2339
6 E-Mail: rlw@fulcrumgroup.biz

7 Pro per

8 **ARIZONA OFFICE OF ADMINISTRATIVE HEARINGS**

9 R. L. WHITMER,

10 Petitioner,

11 vs.

12 HILTON CASITAS
13 HOMEOWNERS ASSOCIATION,

14 Respondent,

Case No. HO 22-22043/004

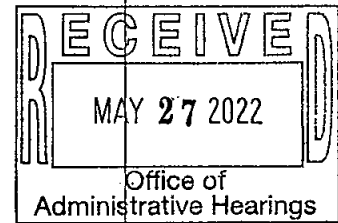
DOCKET NO. 22F-H2222043-REL

**MOTION FOR SUMMARY
JUDGMENT AND REQUEST FOR
ORDER TO COMPLY WITH
SECTION 8.2 OF THE
DECLARATION OF HORIZONTAL
PROPERTY REGIME FOR HILTON
CASITAS**

(Assigned to Hon. Tammy
Eigenheer)

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18 Pursuant to *Arizona Administrative Code § R-2-19-106* and
19 consistent with *Rule 56* of the *Arizona Rules of Civil Procedure*,
20 Petitioner submits this motion for summary judgment, supported by the
21 following memorandum of points and authorities and an accompanying
22 statement of facts.

23 The Hilton Casitas Homeowners Association ("HOA") 2022 "Budget
24 Ratification Absentee Ballot" did not request Homeowner approval in
25 setting the 2022 annual assessment as required by section 8.2 of the
26 Declaration of Horizontal Property Regime for Hilton Casitas (**SOF ¶ 1**).



1 Because there was no quorum of Homeowners voting on the 2022
2 assessment as required by Section 8.2 of the Declaration (**SOF ¶ 1**) and
3 Article III, § 6 of the Bylaws (**SOF ¶ 4**), there is no valid 2022 assessment.

4 Though 2020, the HOA distributed ballots that required the
5 Homeowners to affirmatively vote to adopt an annual budget and set the
6 annual assessment as required by Section 8.2 of the Declaration (**SOF ¶ 1**)
7 and Article III, § 6 of the Bylaws (**SOF ¶ 4**). Until the HOA complies with
8 Section 8.2 of the Declaration (**SOF ¶ 1**) and Article III, § 6 of the Bylaws
9 (**SOF ¶ 4**), there is no valid assessment; therefore, the HOA lacks the legal
10 authority to collect assessments.

11 The Petitioner is entitled to summary judgment based on application
12 of law and indisputable facts.

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **Background**

15 Pursuant to the Arizona Horizontal Property Regime Act, a
16 Declaration of Horizontal Property Regime ("Declaration") (**SOF ¶ 1**) for the
17 8-acre casita parcel was recorded in Maricopa County in 1972 at Docket
18 9448. The Declaration established the Hilton Casitas Condominium
19 consisting of 29 casita condominiums. The Council consisting of the 29
20 casita owners adopted Bylaws in 1973 (**SOF ¶ 4**).

21 Hilton Casitas is a 29-unit condominium which is located on 8-acre
22 casita parcel behind the Scottsdale Hilton Hotel on the southeast corner of
23 Scottsdale Road and Lincoln Road in Scottsdale, Arizona.

24 Section 8.2 of the Declaration reserves the authority to the 29 casita
25 owners (defined as the "Council" in Section 1.4, (**SOF ¶ 1**)) to set the
26 assessment:

1 Section 8.2. Establishment and Basis of Common
2 Expenses:

3 The Owner of each Casita, for himself, his heirs,
4 executors, administrators, successors and assigns
5 covenants and agrees that each Casita shall be
6 subject to an annual assessment in an amount to
7 be determined by the Council, which shall be such
8 Casita's pro rata share (as determined in Section
9 3.6 hereof) of the following aggregate costs:

10 (1) The actual cost to the Council of all taxes,
11 insurance, repairs, maintenance, management and
12 related charges and expenses necessary to carry
13 out the purposes of the Council as set forth in this
14 Declaration, the Bylaws, and any Articles of
15 Incorporation. (Emphasis added) **(SOF ¶ 1).**

16 The March 29, 2012 HOA annual meeting agenda shows that Mr.
17 Sheedy, the 2012 HOA treasurer, handled the adoption of the 2012 annual
18 budget which included Homeowners setting the annual assessment as
19 required by ¶ 8.2 of the Declaration **(SOF ¶ 1)** and Article III, § 6 of the
20 Bylaws **(SOF ¶ 4)**. At the March 13, 2013 annual meeting, Mike Sheedy
21 stated: "The Council of Co-Owners is supposed to approve the budget by
22 vote." **(SOF ¶ 18).**

23 Since 2014, the HOA board provided the Petitioner with ballots,
24 which included setting the assessment as required by ¶ 8.2 of the
25 Declaration **(SOF ¶ 1)** and Article III, § 6 of the Bylaws **(SOF ¶ 4)**. The
26 ballots were distributed in 2015 **(SOF ¶ 19)**, 2016 **(SOF ¶ 21)**, 2017 **(SOF ¶**
27 **22)**, 2018 **(SOF ¶ 23)**, 2019 **(SOF ¶ 24)** and 2020 **(SOF ¶ 25)**.

28 From 2015 to 2019¹ the Homeowners voted their ballots to approve
29 that year's annual budget and set the annual assessment, and thereby

30 ¹ While the HOA board mailed out ballots to Homeowners for their approval of
31 the 2020 budget and assessment **(SOF ¶ 24)**, the board failed to have an annual
32 or special meeting to count the votes cast by the mailed ballots.

1 determined the amount of the annual assessment needed for paying the
2 common expenses as required by Section 8.2 of the Declaration (**SOF ¶¶**
3 **19 - 25**), and Article III, § 6 of the Bylaws (**SOF ¶ 4**).

4 **2022 Budget Issues**

5 The HOA's first attempt on November 5, 2021 was to actually adopt
6 the 2022 budget prior to the start of the "2022 fiscal year". The HOA board
7 via email scheduled a board meeting for November 10, 2021 (**SOF ¶ 6**) to
8 discuss and approve the 2022 annual budget.

9 On November 25, 2021, the HOA board via email scheduled a board
10 meeting for November 29, 2021 (**SOF ¶ 7**) as a follow up to approve the
11 2022 annual budget. However, on November 29, 2021 the HOA board via
12 email canceled the November 29, 2021 board meeting (**SOF ¶ 8**).

13 On December 2, 2021, the HOA board via email rescheduled the
14 board meeting to December 6, 2021 to approve the 2022 budget for
15 adoption (**SOF ¶ 9**).

16 On December 30, 2021, the Petitioner emailed the HOA treasurer
17 regarding the lack of an adopted annual budget prior to the start of the
18 HOA's fiscal year:

19 "In a conference with the HOA's general counsel,
20 [board member] Mr. Roberts, [Homeowner] Mr. Eli
21 and [the Petitioner] me, [HOA's general counsel]
22 Mr. Phillips agreed that the budget and assessment
23 must be made before the start of the fiscal year to
24 be lawful. This also involves the homeowners
25 affirmatively voting to set the annual assessment as
26 required by Article VIII Section 8.2 of the
Declaration." (**SOF ¶ 10**)

On January 12, 2022, the HOA president responded by email to an
inquiry from the Petitioner regarding the Petitioner never receiving the 2022

1 budget package **(SOF ¶ 11)**.

2 The Petitioner responded on January 13, 2022 to the HOA president:

3 "Not only have we not received the budget
4 ratification package, but I check with several
5 neighbors and they have not received their as well.
6 Hopefully you included an assessment approval
7 ballot as required by Article VIII Section 8.2 of the
8 Declaration of Horizontal Property Regime for Hilton
9 Casitas." **(SOF ¶ 12)**

10 On January 16, 2022, the Petitioner emailed the HOA treasurer in
11 response to the treasurer's email stating he had received his 2022 budget
12 package in mail. The Petitioner once again affirmed in his reply email that
13 he and several homeowners had not received the 2022 budget, and
14 reminding the treasurer that the HOA board needs to comply with § 8.2 of
15 the Declaration **(SOF ¶ 13)**.

16 On January 18, 2022, the HOA president emailed a meeting notice to
17 the homeowners that the HOA board would hold a closed board meeting
18 with its attorney **(SOF ¶ 14)**. In response, the Petitioner emailed the HOA
19 board on January 19, 2022 about incurring expenses prior to an approved
20 budget and assessment, and once again reminding the president and
21 board that the HOA board needs to comply with § 8.2 of the Declaration
22 **(SOF ¶ 15)**.

23 On January 25, 2022, the HOA board via email canceled the January
24 26, 2022 special members 2022 budget meeting that the Petitioner never
25 received notice for **(SOF ¶ 16)**. The email also noticed a rescheduled
26 special members 2022 budget meeting for February 9, 2022 along with a
"Budget Ratification Absentee Ballot", and a summary budget **(SOF ¶ 16)**.

The "Budget Ratification Absentee Ballot" stated that "Unless a

1 majority of all unit owners reject the budget, the budget is ratified, whether
2 or not a quorum is present at the Special Meeting.” (SOF ¶ 16).

3 While the ballot quotes directly from ARS § 33-1243(D), it fails to
4 recognize that § 8.2 of the Declaration is superior to ARS § 33-1243(D):

5 ARS § 33-1243(D) Except as provided in the
6 declaration, within thirty days after adoption of any
7 proposed budget for the condominium, the board of
8 directors shall provide a summary of the budget to
9 all the unit owners. Unless the board of directors is
10 expressly authorized in the declaration to adopt and
11 amend budgets from time to time, any budget or
12 amendment shall be ratified by the unit owners in
13 accordance with the procedures set forth in this
14 subsection. If ratification is required, the board of
15 directors shall set a date for a meeting of the unit
16 owners to consider ratification of the budget not
17 fewer than fourteen nor more than thirty days after
18 mailing of the summary. Unless at that meeting a
19 majority of all the unit owners or any larger vote
20 specified in the declaration rejects the budget, the
21 budget is ratified, whether or not a quorum is
22 present. If the proposed budget is rejected, the
23 periodic budget last ratified by the unit owners shall
24 be continued until such time as the unit owners
25 ratify a subsequent budget proposed by the board
26 of directors. (Emphasis added).

20 In the event that the HOA board might actually assert as a defense
21 that they complied with § 8.2 of the Declaration by asserting that a quorum
22 (15 or more homeowners) participated in the February 9, 2022 meeting and
23 therefore the issue raised by the Petitioner is moot, the Petitioner through a
24 records request obtained the ballots from the February 9, 2022 meeting.
25 The result were 14 total votes cast, 11 ballots for approval, 2 for rejecting
26 the 2022 budget, and 1 not voting (SOF ¶ 17). The meeting was without

1 the needed 15 votes for a quorum, and therefore the annual assessment,
2 as required by § 8.2 of the Declaration (**SOF ¶ 1**) and Article III, § 6 of the
3 Bylaws (**SOF ¶ 4**) was not approved.

4 **Other Budget Issues**

5 The Tribunal should also note that A.R.S. § 33-1255 requires the
6 HOA to “[a]fter any assessment has been made by the association,
7 assessments shall be made at least annually, based on a budget adopted
8 at least annually by the association.”

9 The HOA is on a calendar fiscal year (January to December) and
10 their proposed budgets and assessments have been presented on a fiscal
11 year basis, as seen by the proposed budgets in 2019 **SOF ¶ 24**) and 2020
12 (**SOF ¶ 25**). The HOA’s current and previous boards have failed to have
13 the HOA annual budgets and assessments presented timely for approval
14 by the 29 casita owners before the start of the fiscal year. With the
15 exception of the 2017 (**SOF ¶ 23**) all of the budgets and assessments from
16 2015 to 2020 have been authorized in March rather than prior to the
17 January start of the fiscal year (see **SOF ¶ 18, ¶ 19, ¶ 20, ¶ 21, ¶ 22, ¶ 24**
18 **and ¶ 25**).

19 In 2014 when the HOA overspent its approved budget, the Petitioner
20 obtained the Administrative Law Order No. 14F-H1415004-BFS. In 2016
21 the Petitioner in enforcing the Administrative Law Order through contempt
22 action in the superior court. The HOA obtained a judgment that action that
23 the Arizona Office of Administrative Hearings had contempt of court
24 jurisdiction. The Petitioner, as a pro per, appealed and secured ***Whitmer***
25 ***v. Hilton Casitas Homeowners Ass'n***, 425 P.3d 253 (Ariz. Ct. App. 2018)
26 clarifying that the superior court has exclusive contempt of court jurisdiction


1 over HOA related administrative law orders.

2 **Conclusion**

3 The Declaration requires "that each Casita shall be subject to an
4 annual assessment in an amount to be determined by the [29 casita
5 owners]." Up until 2021, the HOA distributed ballots that required the
6 Homeowners to affirmatively vote to adopt an annual budget and set the
7 annual assessment as required by Section 8.2 of the Declaration (**SOF ¶ 1**)
8 and Article III, § 6 of the Bylaws (**SOF ¶ 4**). Until the HOA complies with
9 Section 8.2 of the Declaration (**SOF ¶ 1**) and Article III, § 6 of the Bylaws
10 (**SOF ¶ 4**), there is no valid assessment. Clearly the HOA lacks the legal
11 authority to collect the 2022 annual assessments from the Homeowners.

12 WHEREFORE, the Petitioner requests that a summary judgment be
13 granted that the Respondent failed to comply with Section 8.2 of the
14 Declaration of Horizontal Property Regime for Hilton Casitas (**SOF ¶ 1**) and
15 Article III, § 6 of the Bylaws (**SOF ¶ 4**) and therefore the 2022 assessment
16 was not approved by the Homeowners. That the Respondent be ordered to
17 comply with Section 8.2 of the Declaration of Horizontal Property Regime for
18 Hilton Casitas (**SOF ¶ 1**) and Article III, § 6 of the Bylaws (**SOF ¶ 4**).
19 Additionally, the Respondent should pay the Petitioner his filing fee and a civil
20 penalty be assessed.

21 DATED this 27th day of May, 2022.

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24 
25 R. L. Whitmer
26 Petitioner

25 Original filed this 27th day of
26 May, 2022 with the Office of
Administrative Hearings

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And a copy emailed to:
Edith Rudder
Carpenter Hazelwood
1400 E. Southern Ave., Ste. 400
Phoenix, AZ 85282