

Saguaro View Board Communication and Clarification

The Board of Directors would like to take this opportunity to address a letter recently circulated, containing inaccurate and ill-conceived information. It is extremely unfortunate that the Board has to take the time to respond to a complete list of misnomer information and personal conjecture and innuendoes with the intent of the author attempting to sway Homeowners of this Association to vote against the proposed CC&R amendment.

Where Dr. Smith states in his letter, "While the current CC&Rs are not perfect they have served us for these 40 years and for anyone who takes the time to read them carefully will find they are not as ambiguous as Mr. Morera and his cronies would have you believe."

Then one should ask, Dr. Smith, why he initiated his claims against the Association when he hired two separate Law Firms "Bainbridge Law Firm" and "Dessaules Law Group" to represent him against the Associations membership of Saguaro View Management, Inc.?

- ✓ It should be noted that while Dr. Smith is claiming "NO" (Legal Action) filed against the members of Saguaro View Home Owners Association, he is the single causal factor for the Legal fees attributed by his actions that have been charged to the Association totaling **\$7,187.95 as of 11/30/2020.**
- ✓ Initially, Dr. Smith hired "Bainbridge Law Firm" to set forth his claims against the Association stating the Board does not possess the authority to establish nor set assessments per Section 3 of the CC&R's. However, during Dr. Smith short tenure as Board President he was instrumental in hiring "Bainbridge Law Firm" to represent the Association in a legal matter. The Board immediately recognized a "Conflict of Interest" and filed a claim with the AZ. Bar Association at NO cost to the Association! The AZ. Bar Association fully agreed with the Boards claim and Dr. Smith then hired his second legal advisor "Dessaules Law Group" in pursuit of his claims against the Association.
- ✓ During this unfortunate and costly action against the members of Association, the Board of Directors extended an invitation to Dr. Smith to take part in the writing of the amendment to the CC&R's, Section 3, and DR. Smith DECLINED.
- ✓ Instead of becoming part of the resolution, Dr. Smith has chosen to continue to remain part of the problem! In Dr. Smith letter he stated "I believe this should give validity to my credential of knowing the intimate details of our CC&R's as well as our SVM Articles of Incorporation and SVM Bylaws. So, maybe you should ask Dr. Smith, why he did not assist in the proposed amendment to the CC&R's or stop his claims against the membership and put a stop expending any further of the Association's monies?"

In closing, prior to drafting the amendment, the Board of Directors conducted an extensive review of neighboring HOA's governing documents and found that what is written in the proposed amendment, is similar if not the exact wording contained in neighboring HOA's governing documents. It should be understood that this amendment complies with all AZ. Laws and the Arizona Revised Statutes governing Planned Communities. Nothing in this amendment grant the Board of Directors any authority above and beyond what the Law requires.

The Board ask that you VOTE-YES so that we may move forward and stop expending Associations money on Attorney fees. I'm sure we can all agree this is NOT how we should be spending Associations money!

With the Greatest Respect – Your Saguaro View Homeowners, Board of Directors.