

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
ADRIAN FONTES

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When Recorded Return To:

Clint G. Goodman, Esq.  
Goodman Law Group, LLP  
3654 N. Power Road, Suite 132  
Mesa, Arizona 85215

Resolutionb-3-1-1--  
Garcia

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**RESOLUTION OF THE BOARD OF DIRECTORS FOR  
THE BRIARWOOD PLACE HOMEOWNERS ASSOCIATION, INC.**

A. WHEREAS, The Briarwood Place Homeowners Association, Inc. fka The Briarwood III Homeowner's Association ("Association") is an Arizona non-profit corporation and leasehold condominium association organized pursuant to a Declaration of Covenants, Conditions and Restrictions recorded in the Maricopa County Records, Instrument No. 1976-0318711 ("CC&Rs"); the Master Lease Agreement recorded in the Maricopa County Records, Instrument No. 1976-0316120 ("Master Lease"); and the Arizona Condominium Act, A.R.S. §§ 33-1201, *et seq.*

B. WHEREAS, Article VI, Section 2 of the CC&Rs provides that the purpose of assessments are meant to benefit the entire Association:

The assessments levied by the Association shall be used for the purpose of promoting the general benefit, recreation, health, safety and welfare of the owners of the properties...including but not limited to...the improvement, construction, repair, maintenance and management of the common areas and the improvements and facilities devoted to this purpose and related to the use and enjoyment of the common areas and of the residences situated on the properties.

C. WHEREAS, Paragraph 1 of the Master Lease grants to the Association and its Members the right to certain real property, which consists of the Common Area for the benefit of the entire membership and Units/Limited Common Elements for the exclusive benefit of the respective Unit Owner of said Unit/Limited Common Elements.

D. WHEREAS, Article IX of the CC&Rs requires the Association to maintain Common Area aka Common Elements.

E. WHEREAS, Articles IX through XII of the CC&Rs require, among other things, (1) that each Unit Owners maintain his or her Unit and Limited Common Elements, at his or her sole expense, and (2) that common expenses caused by said Unit Owner be allocated to that Unit.

F. WHEREAS, A.R.S. § 33-1255(C) provides:

Unless otherwise provided for in the declaration all of the following apply:

1. Any common expense associated with the maintenance, repair or replacement of a limited common element shall be equally assessed against the units to which the limited common element is assigned.
2. Any common expense or portion of a common expense benefitting fewer than all of the units shall be assessed exclusively against the units benefitted.

G. WHEREAS, on August 31, 2010, the Association amended its Master Lease with Wells Fargo Bank, N.A., a successor by merger to First Interstate Bank of Arizona, Co-Trustee of the W.J. and Hazel M. Small Grandchildren's Trusts created under the wills of W.J. and Hazel M. Small ("Lessor"), and recorded said amendment in the Maricopa County Records, Instrument No. 2010-0769814 ("First Amended Lease").

H. WHEREAS, the First Amended Lease increases the lease obligation to Lessor caused by the sale of a Unit above a threshold amount of the lesser of \$450,000 or \$176 per livable square foot ("Amended Lease Amount").

I. WHEREAS, pursuant to Articles IX and X of the CC&Rs, among others, the Amended Lease Amount is an expense benefitting fewer than all of the Units.

NOW THEREFORE BE IT RESOLVED that the Board of Directors for the Association, in furtherance of its duties set forth in the CC&Rs and the Arizona Condominium Act, hereby adopts the following resolution:

1. The Recitals are incorporated herein by this reference.
2. Any Amended Lease Amount triggered through the sale of a Unit shall be assessed solely to the Unit responsible for said amount as it is an expense benefitting less than all of the Units.

[Remainder of Page Left Blank]

**CERTIFICATION**

I HEREBY CERTIFY that the foregoing is true and correct and was a regularly presented to and adopted by the Board of Directors for the Association at a meeting duly called and held at Scottsdale, Az on the 28 day of March, 2019, at which a quorum of Directors were present and voted, and that such Resolution is duly recorded in the minute book of the Association.

The Briarwood Homeowners Association, Inc.

By: Chris Roden

Its: President

By: Frank Keery

Its: Secretary

STATE OF ARIZONA )

) :ss

County of Maricopa )

The foregoing instrument was acknowledged before me this 22 day of April, 2019, by Chris Roden, President of the Association, on behalf of the Association.

Petra Paul  
Notary Public

My Commission Expires:

STATE OF ARIZONA )

) :ss

County of Maricopa )

The foregoing instrument was acknowledged before me this 22 day of April, 2019, by Frank Keery, Secretary of the Association, on behalf of the Association.

Petra Paul  
Notary Public

My Commission Expires:

