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January 13, 2020

SENT VIA EMAIL

Bradley R. Jardine
Jardine, Baker, Hickman & Houston, PLLC
3300 N. Central Ave., Ste. 2600
Phoenix, AZ 85012

*Re: Settlement Offer for Pladgeman vs. 100 Hills Community Association; CV2019-012105. **Priveleged Settlement Communication Subject to Rule of Evidence 408.***

Bradley,

This is an offer to settle the above captioned matter on behalf of our client Martin Pladgeman to your client 100 Hills Community Association ("100 Hills"). In exhchange for dismissing the lawsuit with prejudice and a release of claims, my cient hereby demands all of the following:

- (1) Payment of Plaintiff's attorneys fees and costs that were incurred since Plaintiff first had to retain counsel to deal with the matter. As of this date that amount exceeds \$13,000 but for purposes of this offer Plaintiff will accept \$13,000 of the amount so incurred;
- (2) Written formal notice from your client confirming that Plaintiff has been cleared of all violations and fines and that Plaintiff has no HOA violations;
- (3) A written apology from 100 Hills that they made a mistake in issuing the violation notice and that the original complaint which led to it was not for excess noise coming from Plaintiff's property as was stated in the violation notice;
- (4) An agreement that 100 Hills will change the Fine Policy and Appeal Process to comply with Arizona law, namely:

- (i) Residents will have the opportunity to appeal and to be heard before fines are imposed and collected (regardless if it is the first offense, second offense, etc.) (*See* A.R.S. § 33-1803(B));
- (ii) Residents' rights to appeal shall not be limited to "extenuating circumstances which require deviation from the CC& R's and/or Community Rules and Design Review Guidelines" (*See* A.R.S. § 33-1803(B));"
- (iii) Residents will have the right to make a written response by sending the response "within twenty-one calendar days after the date of the notice" instead of the ten-days currently allowed under the current Fine Policy and Appeal Process. (*See* A.R.S. § 33-1803(C)).

All of the above my client and the residents of 100 Hills are entitled to by save for a simple written apology that can be contained in the written notice my client is entitled to under the Fine Policy and Appeal Process. Please keep in mind that my client will be foregoing any claim to damages as well as any other requests contained in the Complaint.

This offer will remain open for seven (7) days and is withdrawn if not accepted by January 20, 2020. Please let me know if you have any questions or concerns.

Sincerely,

DEGNAN LAW GROUP

/s/ Mark W. Horne

Mark W. Horne
For the Firm