

Electronically Filed
8/2/2024 7:48 PM
Steven D. Grierson
CLERK OF THE COURT

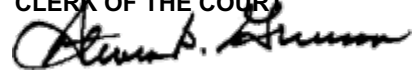


EXHIBIT 22

~BOD~

Anthem Highlands Comm Assoc
Terra West Management Services
6655 S. Cimarron Road, Suite 200
Las Vegas, NV 89113

Phone: 7028563743 : Fax: 7029986083 : www.terrawest.com : manager@anthemhighlands.org

805

JACT Trust
10620 Southern Highlands Pkwy #110431
Las Vegas, NV 89141

Process date: 4/12/2021 10:22:39 AM

Property Address: 2822 Culloden Ave
Regarding: **Courtesy Notice**
Inspection Date: April 06, 2021
Violation: **Need to submit an ARC for approval for the Oleanders. It is a view obstruction**

Location:

Governing Document: **/Article 4 Section 4.1.4 No addition, alteration, repair, change or other work which in any way alters the exterior appearance, including the exterior color scheme of any Unit, or the Improvements located thereon, from their appearance on the date this Declaration is Recorded shall be made or done without the prior written approval of the ARchitectural Committee.**

Dear Homeowner,

Anthem Highlands Comm Assoc has proven to be an exciting and comfortable place to live. All of us enjoy the appeal and pleasant surroundings that are a significant benefit to our community. In order to maintain these benefits in our community, an independent unbiased inspector performs regular property inspections. During the most recent inspection the above noted condition was observed on your property. Since this is a courtesy notice **no response is required at this time**. Should you need additional information or clarification of the alleged violation, please contact management via email at manager@anthemhighlands.org or register and login at terrawest.com to view your account details and if applicable a copy of your violation letter with a photo of the violation can be observed.

We would appreciate your prompt attention to this matter and resolve the alleged violation within 15 days. Failure to resolve this issue before the next inspection will result in a formal notice being issued at which time you will be required to respond in writing as to why the violation has not been cured.

If you have corrected the conditions referenced above we would like to thank you for your cooperation in maintaining the high standards of the community. As soon as the correction is confirmed by the Board and/or management, the violation will be closed.

Sincerely,

Anthem Highlands Comm Assoc Board of Directors

EXHIBIT 23

~BOD~

Anthem Highlands Comm Assoc
Terra West Management Services
6655 S. Cimarron Road, Suite 200
Las Vegas, NV 89113
Phone: 7028563743 : Fax: 7029986083 : www.terrawest.com : manager@anthemhighlands.org

805
JACT Trust
10620 Southern Highlands Pkwy #110431
Las Vegas, NV 89141
Process date: 5/24/2021 16:15:06 PM

Property Address: 2822 Culloden Ave
Regarding: **NOTICE OF HEARING (HSW)**
Inspection Date: May 24, 2021
Violation: **Unauthorized planting of Oleander bushes near the side yard lot is a safety issue as it creates a view obstruction for those residents or guests turning from Crathes onto Culloden in both directions. The plant material is especially obstructive to low profile vehicles. The plant material creates a safety issue in the community. Please remove plant material completely, immediately.**
Location: All Areas



5/24/2021 10:56 AM

Governing Document: **Article 4 Section 4.3 No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Unit, so as to render any such Unit or any portion thereof, or activity thereon, unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants/**

Dear Homeowner,

This letter is to notify you that a Hearing in accordance with NRS 116 regarding the above referenced alleged violation has been scheduled for:

June 09, 2021 at 5:30 pm

Please register in advance for this meeting by copying and pasting the link below:

<https://zoom.us/meeting/register/tJlqce-ppzwsGtHeK2Eqq7jIXIY9c6RKfbUJ>

After registering, you will receive a confirmation email containing information about joining the meeting.

If you are attending a hearing please allow 30 minutes as hearings are held on a first come first serve basis.

Pursuant to Nevada Law and the Association’s Governing Documents, the Board of Directors is empowered to address Violations that pose **“imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents.”**

Your hearing will be held in private and you will have the opportunity to present any information you deem important in the handling of this matter. Each homeowner has the right to counsel, the right to present witnesses and/or information relating to any conflict of interest of any member of the hearing panel. After the hearing you will receive written notification of the Board’s decision, including any enforcement actions to be taken such as the assessment of monetary penalties. Unpaid Health, Safety or Welfare fines are subject to collections up to and including foreclosure.

Action Required: Please take the necessary steps to correct the violation(s) as soon as possible and return the enclosed Health/Safety/Welfare Hearing Response Form via fax, mail or email prior to your scheduled hearing date. Phone calls are not considered an official response to this hearing notice.

Should you have any questions concerning this notice, or if there are circumstances that prevent you from correcting the condition(s) as requested, please reply to this notice via the enclosed Health/Safety/Welfare Hearing Response Form or contact Anthem Highlands Comm Assoc in writing via email manager@anthemhighlands.org, fax 7029986083, or by US Mail to the address above. You can register and login at terrawest.com anytime to view your account details and check the status of this violation. Thank you for your prompt attention to this matter.

Sincerely,
Board of Directors
Anthem Highlands Comm Assoc

EXHIBIT 24



THE LAW OFFICES OF
TIMOTHY ELSON

(702) 874-8600
timothy.elson@gmail.com
8965 S. Eastern Ave, #382
Las Vegas, NV 89123
www.elsonlawoffices.com

June 9, 2021

VIA ELECTRONIC CORRESPONDENCE

Anthem Highlands Community Association
c/o Carmen Eassa, CMCA
Community Manager
Terra West Management Services
6655 S. Cimarron Road, Suite 200
Las Vegas, NV 89113
702.251.4502
ceassa@terrawest.com
manager@anthemhighlands.org

**Re: 2822 Culloden Ave.
Violation Hearing: June 9, 2021**

Dear Ms. Eassa:

This office represents Ms. Collier, the trustee of the unit owner (“Ms. Collier”) of 2822 Culloden Ave. (the “Property”), as it relates to the Violation Hearing set for June 9, 2021. This letter serves to provide written notice to Anthem Highlands Community Association (“Anthem”) that Ms. Collier is not in violation of Sections 4.1.4 or 4.3 of the CC&Rs. Furthermore, Anthem is engaging in arbitrary and capricious enforcement of the CC&Rs that amounts to an illegal retaliatory action against Ms. Collier for being an active member of the Anthem Community in an attempt to help remedy other violations of the CC&Rs. We strongly encourage Anthem to immediately cease and desist from engaging in this type of bullying conduct to avoid Ms. Collier from pursuing all legal remedies to which she is entitled.

I. Ms. Collier Is In Compliance With Section 4.3 Of The CC&Rs

Ms. Collier is in compliance with Section 4.3 of the CC&Rs. In the Notice of Hearing dated May 24, 2021, at 16:15:06 p.m. (“Hearing Notice 1”), Anthem erroneously claims that the oleander bushes near the side yard create a view obstruction. Anthem further erroneously cites to Section 4.3 titled Nuisances; Construction Activities for support that the oleander bushes constitute a nuisance, which they don’t. Because the oleander bushes do not constitute a view obstruction, no violation exists.

June 9, 2021

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First, the oleander bushes do not create a view obstruction. After receiving the Courtesy Notice from Anthem and before Hearing Notice 1 was issued, Ms. Collier took action to trim the oleander bushes.¹ The oleander bushes now stand below 24". That is, the oleander bushes no longer create a view obstruction, to the extent such a view obstruction existed. This should have been readily apparent to Anthem when it conducted its inspection on May 24, 2021.² The Collier Photograph (which is westward facing) clearly demonstrates that no view obstruction exists. The oleander bushes are trimmed below any line of site from a vehicle, even a low-profile vehicle. Furthermore, any vehicle traveling eastbound on Culloden Ave. would be visible above the oleander bushes. That is, Hearing Notice 1 should have never been issued.

Equally problematic is that Hearing Notice 1 fails to set forth sufficient evidence that the oleander bushes are a view obstruction. The photograph of Hearing Notice 1 is a north facing view toward the property. However, Hearing Notice 1 alleges that the view obstruction is created by looking southwest from Crathes St. onto Culloden Ave. Furthermore, Hearing Notice 1 alleges that a view obstruction exists from a low-profile vehicle. There is no evidence or photograph attached to Hearing Notice 1 to support the actual alleged violation. NRS 116.31031(4)(b)(1)(II) mandates that Anthem provide sufficient photograph evidence with Hearing Notice 1 prior to bringing Ms. Collier to hearing.³

To make matters worse, Anthem's proposed remedial action to completely remove the plant material further demonstrates the harassment toward Ms. Collier. Similar plant material existed at the Property before Ms. Collier even moved into the Property. Plant material has existed in a similar manner or at heights higher than 24" since Ms. Collier moved into the Property. There is no way that Anthem can even deny knowledge of these facts given that Ms. Mossett-Puehek personally visited Ms. Collier at the Property on different evenings when the two individuals shared drinks with one another. Anthem cannot now act in an arbitrary and capricious manner and demand that all plant material be removed. NRS 116.31065.

As further evidence that Anthem is acting in an arbitrary and capricious manner, even a cursory review of the Anthem Community demonstrates that other units currently have plants in a similar manner as to the height and location of the oleander bushes *before* Ms. Collier trimmed the same to 24". While Ms. Collier cannot be certain that notices have not been issued to these

¹ In taking this action, Ms. Collier does not concede that corrective action was required. Ms. Collier took this action in an effort to resolve this matter with Anthem to avoid any further legal issues.

² It does not appear that the photograph contained in Hearing Notice 1 ("Anthem Photograph") was taken on May 24, 2021, as alleged. The photograph provided to Anthem on May 25, 2021 ("Collier Photograph" – attached hereto as **Exhibit 1**), was taken on or about May 19, 2021. Furthermore, the Anthem Photograph appears to mirror the photograph contained in Hearing Notice 2 (as defined below), which indicates it was taken on May 7, 2021. We respectfully request that Anthem preserve all metadata as it relates to the Anthem Photograph, as well as take all appropriate steps to preserve any other evidence, documents, or communications that pertain to the issues discussed herein. .

³ That is, not only does a substantive violation not exist, but Anthem failed to comply with the necessary procedural requirements to the extent a substantive violation existed.

June 9, 2021

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units, Ms. Collier did speak with some of the unit owners, all of whom confirmed that Anthem had not issued similar notices for view obstructions, despite the fact that some units were at much busier intersections and possessed much larger vegetation. Ms. Collier understands that Anthem is now pursuing this issue as a result of a personal relationship between board members and Judy Hendrickson,⁴ who lives in the gated community (Earlstone Homeowners Association) just east of the Property.⁵ This is the only rational explanation as to why Ms. Collier is being treated in an arbitrary and capricious manner in violation of Nevada law. NRS 116.31065.

In an effort to harass Ms. Collier before Anthem issued Hearing Notice 1, Anthem or those working with Anthem (such as Ms. Hendrickson), referred Ms. Collier to Henderson Code Enforcement (“HCE”). Ms. Collier met with HCE and members of the Henderson Police Department (“HPD”), all of whom ultimately agreed that the oleander bushes did not create a view obstruction. This is exactly why HCE never issued a fine or took further corrective action following HCE’s initial notice to Ms. Collier. Further demonstrating that the oleander bushes do not create a view obstruction, HCE only asked that Ms. Collier trim the oleander bushes to 24”, not completely remove the plant material. See Letter dated March 3, 2021, attached hereto as **Exhibit 2**. Anthem is now requiring corrective action above and beyond what HCE originally requested and ultimately deemed unnecessary.

The oleander bushes do not create a view obstruction. The Collier Photograph conclusively proves this. **Exhibit 1**. Furthermore, HCE also indisputably agreed that if the oleander bushes were trimmed at 24” that the oleander bushes would not create a view obstruction.⁶ **Exhibit 2**. To the extent that Section 4.3 is the proper governing document to address the view obstruction, which we do not concede, no such view obstruction exists.

II. Ms. Collier Is In Compliance With Section 4.1.3 Of The CC&Rs

Ms. Collier is in compliance with Section 4.1.4 of the CC&Rs. In the Notice of Hearing dated May 24, 2021, at 11:29:22 a.m. (“Hearing Notice 2”), Anthem alleges that Ms. Collier was required to submit an ARC application. Prior to the oleander bushes being planted, other similar plants existed in this exact same area. It is our understanding that the oleander bushes were planted during the installation of Ms. Collier’s pool, which was approved. Due to damage to the original plant material, the oleander bushes were planted. This did not alter the appearance of

⁴ We respectfully request that all communications and related documents within Anthem, including its officers, directors, agents, or those acting on its behalf, including communications on personal computers or cell phones, be preserved by Anthem. This includes communications with Mr. Hendrickson. Ms. Collier may issue a formal preservation of evidence letter depending on the outcome of the upcoming hearing.

⁵ We understand that Ms. Mossett-Puhek also resides in Earlstone, which likely creates a conflict of interest given that Ms. Mossett-Puhek appears to be pursuing this activity out of a personal motivation rather than the betterment of the Anthem Community given that arbitrary and capricious manner in which Anthem in enforcing the CC&Rs.

⁶ Again, HCE ultimately accepted Ms. Collier’s position that the oleander bushes, even before they were trimmed, did not create a view obstruction.

June 9, 2021

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the unit. Because the oleander bushes did not alter the appearance, no violation exists of Section 4.1.4 of the CC&Rs.

Section 4.1.4 of the CC&Rs requires unit owners to obtain ARC approval when the exterior appearance of the unit is altered. The oleander bushes did not alter the appearance, as it simply replaced plant material that was damaged.⁷ The oleander bushes have been present for several years. Despite actual knowledge of the oleander bushes (Ms. Collier had conversations with Ms. Mossett-Puhek, wherein Ms. Mossett-Puhek stated no issues existed with them), Anthem did not issue any notices to Ms. Collier for several years.⁸ It is not abnormal for plants to die, especially in a harsh environment such as Las Vegas. There is no requirement that unit owners submit an ARC Application every time a plant dies and needs to be replaced. This type of practice would be unnecessarily laborious to the individual unit owner every time a dead bush or plant needed replaced. To the extent such a requirement exists, Anthem certainly does not uniformly enforce it. NRS 116.31065.

With that said, Ms. Collier has already offered to resolve Anthem's alleged violation and submit an ARC Application pertaining to the oleander bushes. Rather than address Ms. Collier's offer, Anthem engaged in a barrage of inappropriate email banter with Ms. Collier, erroneously claiming that Ms. Collier did not respond in a proper procedural manner. Anthem also refused to provide a substantive response or otherwise work with Ms. Collier to resolve this dispute. See Email Exchange, attached hereto as **Exhibit 4**. This is yet another example of Anthem's harassment and unfair treatment of Ms. Collier.

It is important to note that Nevada law does not require communication in the ridged manner alleged by Ms. Mossett-Puhket. **Exhibit 4**. Anthem's own governing documents do not attempt to mandate such restrictive measures.⁹ See, e.g., Fine and Enforcement Policy. To make matters worse, Anthem's own communications to Ms. Collier permit and encourage communication from the unit owner via email. For example, the courtesy notices state as follows:

Should you need additional information or clarification of the alleged violation, please contact management via email at manager@anthemhighlands.org . . .

Equally problematic is that Hearing Notice 2 states as follows:

Should you have any questions concerning this notice, or if there are circumstances that prevent you from correcting the condition(s) as requested, **please reply to this notice** via the enclosed Hearing Response Form **or contact Anthem Highlands Comm Assoc in**

⁷ Arguably, it would have been a violation of Section 4.1.4 of the CC&Rs to not replace the plant material.

⁸ Ms. Collier understands that Ms. Mossett-Puhek drove by the oleander bushes nearly everyday given the location of her residence.

⁹ To the extent the governing documents attempted to mandate the same, such restrictions would be procedurally unconscionable and unenforceable.

June 9, 2021

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writing via email manager@anthemhighlands.org, fax 7029986083 or by US Mail to the address above.

Given the history of the communications, Ms. Collier contacted Ms. Mossett-Puhket as that was the prior point of contact. However, Ms. Collier immediately contacted the community manager and the general mailbox when requested to do so. It should be abundantly clear that Anthem failed to follow its own procedural protocol and refused to provide additional information or clarification when requested by the unit owner (yet another procedural violation).

Ms. Collier is still willing to attempt to submit an ARC Application to resolve this dispute to the extent Anthem requests that she do so. There is no reason why the ARC Application would be denied, given that Ms. Collier simply replaced prior plants with a similar plant.¹⁰ To the extent this is agreeable, we would propose that Anthem provide Ms. Collier a reasonable time to submit the ARC Application and revisit this issue at the next board meeting.

III. Anthem Is Clearly Targeting And Harassing Ms. Collier Via Its Arbitrary And Capricious Enforcement Of The CC&Rs

Ms. Collier is an active member the Anthem Community. Her unit is maintained in an attractive manner. She routinely notifies Anthem of violations, requesting that Anthem clean up the Anthem Community for the betterment of all. Ms. Collier has volunteered to assist, requesting that committees be formed. Ms. Collier has even invited board members, such as Ms. Mossett-Puhek, to her personal residence for drinks to discuss how to better the Anthem Community. It is unclear when or why the relationship soured, but it is crystal clear that Anthem is misusing its power to harass or otherwise pursue personal vendettas against Ms. Collier. These types of retaliatory acts will not be permitted. NRS 116.31184.

According to HCE, Ms. Hendrickson was responsible for reporting Ms. Collier. Once HCE determined that no violation actually existed, Anthem engaged in an inappropriate course of conduct as a result of a personal relationship with Ms. Hendrickson, by issuing courtesy and violation notices, knowing full well the history of the oleander bushes and that no violation existed. Only after HCE determined that no violation existed did Anthem take any action whatsoever, further highlighting that no violation of the governing documents existed. That is, Anthem would have pursued enforcement activity long ago if Anthem legitimately alleged a violation. The recent communications with Ms. Collier and misrepresentations regarding the procedures of Anthem further highlight the harassment.

¹⁰ It is misguided for Anthem to allege that the oleander bushes are a prohibited plant. Prior to May 30, 2018, which is approximately when the oleander bushes were planted, oleanders were not a prohibited plant. Pursuant to NRS 116.31065, a rule may not “arbitrarily restrict conduct” and must be “uniformly enforced” against all unit owners. Even a cursory review of the Anthem Community shows that oleanders are planted throughout the entire community. Anthem cannot allow certain unit owners to plant oleanders and then preclude other unit owners from planting oleanders, especially when oleanders were not initially on the prohibited plant list. This rule is clearly not enforceable.

June 9, 2021

Page 6

Ms. Collier respectfully requests that Anthem immediately terminate this course of conduct. Ms. Collier is happy to abide by the governing documents, just as all unit owners. Ms. Collier continues to work with Anthem to resolve any outstanding differences. However, the issue with the oleanders is not about compliance but harassment. Ms. Collier is being unfairly targeted, whether due to her active requests of Anthem to address matters in the community and/or the improper personal relationship with Ms. Hendrickson. Should this course of conduct persist, Ms. Collier will take appropriate legal action.

III. Ms. Collier Would Like To Resolve This Matter

We thank you for the opportunity to work with you to resolve our outstanding differences. We first respectfully request that Anthem immediately vacate the upcoming hearing, thereby negating any further attorneys' fees that Anthem unnecessarily caused Ms. Collier to incur. To the extent that Anthem still insists that an ARC Application should be submitted, Ms. Collier will do so in an effort to amicably resolve this matter. Ms. Collier respectfully requests a reasonable time to submit the ARC Application, such as 30 days. To the extent Anthem insists on moving forward with the violation hearing, we look forward to addressing these issues with you at that time.

Sincerely,

/s/ Timothy Elson

Timothy Elson
of THE LAW OFFICES OF TIMOTHY ELSON, LLC

EXHIBIT 1

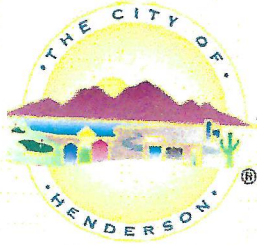
EXHIBIT 1



Crathes

EXHIBIT 2

EXHIBIT 2



Time 19
Line of Sight
\$ DIAGRAM

CODE ENFORCEMENT DIVISION

240 S Water St
P.O. Box 95050 | M.S.C. 116
Henderson, NV 89009-5050
Phone 702-267-3950
Office Hours: M-Th 6:30am - 4:30pm

Case Numer: CE-21-503
Date: 03/03/2021

**NOTICE OF VIOLATION &
ORDER TO CORRECT**

J A C T TRUST
10620 SOUTHERN HIGHLANDS PKWY # 110-431
LAS VEGAS, NV 89141

Subject Property: 2822 Culloden Avenue, Henderson, NV, 89044
Unit Number (if applicable):
APN: 19124813013

J A C T TRUST,

The purpose of this letter is to inform you that the above-listed property that you own, lease, or occupy is in violation of the City of Henderson Code of Ordinances. The City of Henderson is requiring that you make the following correction(s) by the required due date or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Resolutions	Comply-By
HMC 15.12.030.B.7 RIGHT OF WAY OBSTRUCTIONS	Any object, including but not limited to a sign, tree, or bush on private property that interferes with, obstructs, partially obstructs, or renders dangerous the free passage, use, or vision in the customary manner of any sidewalk, street, alley, highway, or traffic light or sign in the city	The oleanders in the front yard shall be trimmed or removed to provide adequate line of sight visibility at the intersection, with a maximum height of 24 inches.	03/17/2021

On or after **03/17/2021** an inspection of your property will take place to verify compliance.

Consequences of Failure to Correct Violation(s)

Failure to correct the violation may lead to the violation conditions being abated by city personnel or by a private contractor hired by the city for that purpose. City personnel or a private contractor can enter upon private property in a reasonable manner to abate the conditions as specified in a future notice to abate or administrative order. All costs incurred by the City will be recovered through any method allowed by law which can include a special assessment and/or lien against the property.

Failure to correct the violation(s) can also lead to further administrative actions such as the remedies detailed in Section 15.12.060 of the Henderson Municipal Code or criminal prosecution as a misdemeanor with a maximum penalty of a \$1,000 fine and/or six months in jail. A full description of the hearing process for the City's administrative hearings for Municipal Code violations and your rights in that process are found in the City of Henderson Municipal Code Section 15.12.060.

Re-Inspections

The code official shall re-inspect the property after the compliance date specified in the notice and order. If the violation is still in existence on the re-inspection date, the code official is authorized to impose a re-inspection fee as provided in section 15.12.060.B.3 and in the amount specified in section 15.12.090 of this Code (\$150). A re-inspection fee may be charged in advance for the third inspection and any subsequent inspection until compliance is attained.

Rights of Appeal

This Notice, a Notice of Violation and Order to Correct, is not appealable pursuant to HMC 15.12.060.B.6, as there are no fines or fees associated with this Notice. Therefore, you are not able to appeal this Notice. If you dispute the violations set forth in this Notice of Violation, please contact the officer assigned to this case so that they can assist you with any concerns that you may have. You can find their contact information at the end of this Notice, or you may call the Code Enforcement Division at 702-267-3950 during normal business hours.

You are advised that you *may* have a right to appeal a future action taken by the Division. Pursuant to HMC 15.12.060, an owner may appeal any Notice of Abatement, fines and fees, liens levied against the property, or the lack of due process. An appeal must be filed within ten (10) calendar days from the date of any of these notices and/or actions. Please note that pursuant the **appeal process is not authorized to grant exceptions or modifications to the property maintenance code or other Henderson Municipal Codes.**

The City would like to take this opportunity to thank you for helping to resolve this matter in a timely fashion.



Jason Esau
Code Enforcement Officer
City of Henderson
702-267-3964

EXHIBIT 3

EXHIBIT 3



Tim Elson <tim@elsonlawoffices.com>

Re: 2822 Culloden; Violation re Oleanders

Pennie Mossett-Puhek <pennieahca@gmail.com>

Tue, May 25, 2021 at 4:13 PM

To: Tim Elson <tim@elsonlawoffices.com>

Cc: Carmen Eassa <ceassa@terrawest.com>, manager@anthemhighlands.org, Ted Boyack <ted@boyacklaw.com>

You are doing a disservice to your client by behaving in this manner. We know the law, it doesn't appear you do. This will be the last response, so please find someone else to harass.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On May 25, 2021, at 4:11 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

That's not the way Nevada law operates. Again, your approach is not resolution oriented but creates a rigid framework that fails to appropriately address matters with unit owners. You do not even provide legal support for the contentions you set forth below. Beyond that, your email below is also not a substantive response as to why the violation still exists. We again renew our request for a substantive response. If you do not provide it, we will appear at the hearing. Issues do not need to be combative for them to get resolved.

Best,

Tim Elson

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL COMMUNICATION

THE INFORMATION CONTAINED IN THIS INTERNET E-MAIL MESSAGE AND THE ATTACHMENTS, IF ANY, ARE PRIVILEGED, CONFIDENTIAL AND INTENDED SOLELY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR REPRODUCTION OF THIS COMMUNICATION, OR ANY PART HEREOF, IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE LAW OFFICES OF TIMOTHY ELSON BY TELEPHONE (702) 874-8600 AND DELETE THE ORIGINAL MESSAGE.

On Tue, May 25, 2021 at 4:03 PM Pennie Mossett-Puhek <pennieahca@gmail.com> wrote:

Mr. Elson,

The architectural violation courtesy notice was sent the beginning of May and the formal notice the middle of May. If you read the response form, it says required and we never received the form back. This is why the hearing notice was issued for this violation. I emailed you all the information m, in a timely manner, that you requested and we never heard anything back until today.

You are correct, it's not that difficult. The notices and forms are self explanatory. You said you have read the governing documents, so you must k in the process. Response forms are required for hearings. We will not argue the issue via email. You have been provided a response form and you can present your facts, comments, and concerns at the hearing.

Pennie Puhek
President
Anthem Highlands Community Association

702-808-8917

On May 25, 2021, at 1:05 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Eassa,

We strongly encourage you to reconsider your tone of your email. The violation notices were issued yesterday so I fail to see how we could have provided a response sooner than we did. We also do not concede the the violation notices comport with Nevada law. Furthermore, your email below does not address the issues we outlined. Please substantively respond to the email. This really doesn't have to be this difficult.

Best,

Tim Elson

Sent from my iPhone

On May 25, 2021, at 12:54 PM, Carmen Eassa <ceassa@terrawest.com> wrote:

Dear Mr. Elson,

Attached please find the requested violation letters for the Oleanders. Ms. Collier has been given ample opportunity to respond to the violation via the response form provided by the association. Since we did not receive a response, these matters will move forward to hearing to determine if they are in compliance.

If you will be attending the hearings on Ms. Collier's behalf, please send in written authorization from Ms. Collier prior to June 9th.

Thank you,

Carmen

Carmen Eassa, CMCA®

Community Manager

Anthem Highlands Community Association

Terra West Management Services

[6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113](#)

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)

<image001.png>

We'd love to hear from you! Click here to answer a few questions about your experience today. We sincerely appreciate your business!

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential, proprietary, legally privileged, or otherwise protected by law from disclosure. Any unauthorized review, use, copying, disclosure, or distribution is prohibited. If you are not the intended recipient, or the person responsible for delivering this to an addressee, you should notify the sender immediately by reply e-mail and destroy all contents of the original message.

From: Tim Elson <tim@elsonlawoffices.com>
Sent: Tuesday, May 25, 2021 11:49 AM
To: Pennie Mossett-Puhek <pennieahca@gmail.com>; manager@anthemhighlands.org
Subject: Re: 2822 Culloden; Violation re Oleanders

Ms. Mossett-Puhek,

Given your prior conduct and statements, we do not necessarily agree with your email below, but we have copied the management company nonetheless. We look forward to receiving a response from the HOA in a timely manner, which will hopefully allow this matter to be resolved rather than escalated.

Best,

Tim Elson

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL COMMUNICATION

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On Tue, May 25, 2021 at 11:42 AM Pennie Mossett-Puhek
<pennieahca@gmail.com> wrote:

Good afternoon Mr. Elson,

Please direct all your correspondence and requests to the management company at manager@anthemhighlands.org . I have tried to help resolve the issues by providing as much information as possible, but it appears that this has not worked. The management company will process your requests for information and notify you about the status of violation accounts. This information is not readily available to me and I also need to request it from management. This makes the process easier for you to receive your requested information in a timely manner. Thank you.

On Tue, May 25, 2021 at 11:31 AM Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

Please forward us the current violation letters as it pertains to the oleanders. We understand that different versions have been circulated (or multiple alleged violations), and we simply want to ensure that we have the current letters.

With that said, please find attached a photograph pertaining to the oleanders that demonstrates the oleanders are within code and do not present a view obstruction. It's important to note that vegetation has been planted in a similar manner at this unit (and many other units) for years, which further negates any alleged obstruction. We trust this resolves any issue related thereto. If not, please advise.

As to the alleged ARC issue, we do not necessarily agree that the CC&Rs mandate that ARC approval be obtained to change vegetation from Plant A to Plant B. Without conceding such a requirement exists or that it is necessary, we are happy to submit an ARC application that provides that oleanders be planted instead of the prior vegetation, which was planted and maintained in a similar manner to the oleanders. If this will resolve this issue, please provide the paperwork and we will get that submitted. If not, please advise.

At this point, it appears these issues have been largely resolved. We trust that the HOA will either vacate or continue the upcoming hearings related to the oleanders while we finalize these issues.

Best,

Tim Elson

<image002.png>

(702) 874-8600

tim@elsonlawoffices.com

elsonlawoffices.com

8965 S. Eastern Ave., #382

Las Vegas, NV 89123

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<10-59-55.pdf>

<10-59-19.pdf>

EXHIBIT 4

EXHIBIT 4



Tim Elson <tim@elsonlawoffices.com>

Re: 2822 Culloden; Violation re Oleanders

Pennie Mossett-Puhek <pennieahca@gmail.com>

Tue, May 25, 2021 at 4:13 PM

To: Tim Elson <tim@elsonlawoffices.com>

Cc: Carmen Eassa <ceassa@terrawest.com>, manager@anthemhighlands.org, Ted Boyack <ted@boyacklaw.com>

You are doing a disservice to your client by behaving in this manner. We know the law, it doesn't appear you do. This will be the last response, so please find someone else to harass.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On May 25, 2021, at 4:11 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

That's not the way Nevada law operates. Again, your approach is not resolution oriented but creates a rigid framework that fails to appropriately address matters with unit owners. You do not even provide legal support for the contentions you set forth below. Beyond that, your email below is also not a substantive response as to why the violation still exists. We again renew our request for a substantive response. If you do not provide it, we will appear at the hearing. Issues do not need to be combative for them to get resolved.

Best,

Tim Elson

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On Tue, May 25, 2021 at 4:03 PM Pennie Mossett-Puhek <pennieahca@gmail.com> wrote:

Mr. Elson,

The architectural violation courtesy notice was sent the beginning of May and the formal notice the middle of May. If you read the response form, it says required and we never received the form back. This is why the hearing notice was issued for this violation. I emailed you all the information m, in a timely manner, that you requested and we never heard anything back until today.

You are correct, it's not that difficult. The notices and forms are self explanatory. You said you have read the governing documents, so you must k in the process. Response forms are required for hearings. We will not argue the issue via email. You have been provided a response form and you can present your facts, comments, and concerns at the hearing.

Pennie Puhek
President
Anthem Highlands Community Association

702-808-8917

On May 25, 2021, at 1:05 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Eassa,

We strongly encourage you to reconsider your tone of your email. The violation notices were issued yesterday so I fail to see how we could have provided a response sooner than we did. We also do not concede the the violation notices comport with Nevada law. Furthermore, your email below does not address the issues we outlined. Please substantively respond to the email. This really doesn't have to be this difficult.

Best,

Tim Elson

Sent from my iPhone

On May 25, 2021, at 12:54 PM, Carmen Eassa <ceassa@terrawest.com> wrote:

Dear Mr. Elson,

Attached please find the requested violation letters for the Oleanders. Ms. Collier has been given ample opportunity to respond to the violation via the response form provided by the association. Since we did not receive a response, these matters will move forward to hearing to determine if they are in compliance.

If you will be attending the hearings on Ms. Collier's behalf, please send in written authorization from Ms. Collier prior to June 9th.

Thank you,

Carmen

Carmen Eassa, CMCA®

Community Manager

Anthem Highlands Community Association

Terra West Management Services

[6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113](#)

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)

850

<image001.png>

We'd love to hear from you! Click here to answer a few questions about your experience today. We sincerely appreciate your business!

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential, proprietary, legally privileged, or otherwise protected by law from disclosure. Any unauthorized review, use, copying, disclosure, or distribution is prohibited. If you are not the intended recipient, or the person responsible for delivering this to an addressee, you should notify the sender immediately by reply e-mail and destroy all contents of the original message.

From: Tim Elson <tim@elsonlawoffices.com>
Sent: Tuesday, May 25, 2021 11:49 AM
To: Pennie Mossett-Puhek <pennieahca@gmail.com>; manager@anthemhighlands.org
Subject: Re: 2822 Culloden; Violation re Oleanders

Ms. Mossett-Puhek,

Given your prior conduct and statements, we do not necessarily agree with your email below, but we have copied the management company nonetheless. We look forward to receiving a response from the HOA in a timely manner, which will hopefully allow this matter to be resolved rather than escalated.

Best,

Tim Elson

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Tim Elson

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<10-59-55.pdf>

<10-59-19.pdf>

EXHIBIT 25



EXHIBIT 26



Anthem Highlands Community Association

Board of Directors Regular Session Meeting Minutes

December 8, 2021, 6:00 PM

Via Zoom Virtual Meeting

Board Members Present via Zoom

Sydney Woo	President/Treasurer
Ken Brensinger	Vice President
Pennie Puhek	Secretary
Shirley Breeden	Director
Joe Osisek	Director

Management: Terra West Management Services
Carmen Eassa - Community Manager, CMCA®

Others Present – BrightView Landscape; Arturo DePalma and Mark Bower

Homeowners Present

1. Call to Order/Establishment of a Quorum

Mr. Woo called the meeting to order at 6:04 p.m. upon establishment of a quorum. The meeting was held via Zoom due to the COVID-19 pandemic.

2. Homeowners' Forum – (Agenda Items Only)

There was a homeowner's forum where those present could address agenda items.
Anthem Council Update

3. Landscape Report

BrightView Landscape, Arturo DePalma and Mark Bower provided an update on the ongoing landscape projects in the community in accordance with the contractual landscape schedule. Safety measures were discussed regarding the landscape work being performed in the community.

4. Anthem Council Update

Mr. Woo provided an update on the Anthem Council meeting he attended on November 17th. Anthem Council's landscape projects were discussed.

5. Summary of Executive Session (Manager's Report)

In accordance with NRS 116.31083, the Board of Directors met in executive session prior to this meeting to hold hearings and address non-compliance issues, appeals, waiver requests, homeowner correspondence and reviewed delinquency reports.

6. Legal Update

Ms. Puhek provided an update on the status of the First Service Residential mediation and the Par 3 litigation Cases as noted below.

A. First Service Mediation ADR 21-156: a Settlement Agreement was tentatively reached and the terms will be discussed at the next Board Meeting.

B. Par 3 L & M, Inc. vs AHCA – Case No. A-21-834369-B - Settlement disclosure in accordance with NRS 116.31088(4): Settlement agreement was reached with Par 3. The case has been dismissed as of Nov. 30, 2021.

7. Approval of Minutes:

A. October 27, 2021 Board of Directors Meetings Minutes

Ms. Puhok made a motion to approve the October 27, 2021 Board of Directors Meeting Minutes as presented. Mr. Osisek seconded the motion. All voted in favor, motion carried.

8. Financials

A. Treasurers Report

Mr. Woo read the Treasurer's Report for September 2021 into record.

B. Acceptance of September 2021 Financials

Mr. Woo made a motion to accept the September 2021 financials as presented subject to year-end audit. Mr. Osisek seconded the motion. All voted in favor, motion carried.

9. Acknowledgment of Use of Procurement Policy

The Board acknowledged the BrightView Proposal, #7610390, in the amount of \$3,885 for Sommerville Landscape Irrigation.

10. Unfinish Business

A. Earlstone Slope Erosion Proposal to Remediate

Mr. Woo made a motion to postpone indefinitely The Earlstone Slope Erosion Proposal as presented. Mr. Osisek seconded the email. The Earlstone Slope Erosion remediation was discussed. All voted in favor, motion carried.

B. BrightView Irrigation Replacement Proposal #7650892, in the amount of \$126,694.63

Mr. Woo made a motion to approve the BrightView irrigation replacement proposal #7650892 in the amount of \$126,694.63 to be funded out of the Reserves. Mr. Brensinger seconded the motion. All in favor, motion carried.

11. New Business

A. Proposals for Street Sweeping Services for Edinburgh and Haddington

The Board reviewed following street sweeping proposals as presented:
Spot Free LLC at \$115/mo each for Edinburgh and Haddington
Sweepz LLC at \$159/mo. Each for Edinburgh and Haddington

Mr. Woo made a motion to approve the Spot Free sweeping proposal on a monthly basis for Edinburgh and Haddington in the amount of \$115/month for each community. Mr. Brensinger seconded the motion. Monthly sweeping services were discussed. All voted in favor, motion carried.

B. SEALED BIDS for Lighting Maintenance for Anthem Highlands Master, Edinburgh and Haddington, Quarterly/Monthly

RFPs were sent to three lighting companies. The following proposals were opened and read to the board:

1. ISG declined to provide a proposal

2. M5 Lighting – Only does monthly light maintenance. Master \$575/mo., \$65 for service calls, Edinburgh \$250/mo., \$65/per service call; Haddington \$250/mo., \$65/per service call

3. Nevada Illumination – Master \$750/mo., Parts to be replaced at current time and material rate: \$65/hr. Master \$825/Qtr Parts to be replaced at current time and material rate: \$65/hr.

Edinburgh: \$30/mo., \$40/Qtr. Parts to be replaced at current time and material rate: \$65/hr for monthly and quarterly proposals.

Haddington: \$70/mo., \$85/Qtr: Parts to be replaced at current time and material rate: \$65/hr for monthly and quarterly proposals.

Mr. Woo made a motion to accept the Nevada Illumination proposals for the Anthem Master, Edinburgh and Haddington. Mr. Osisek seconded the motion. The scope of work for the lighting maintenance proposals were discussed.

Mr. Woo amended the motion to postpone awarding the lighting maintenance contract to the January 26, 2022 board meeting allowing the board an opportunity to meet with M5 Lighting to go over their proposal. Mr.



Anthem Highlands Community Association

Board of Directors Regular Session Meeting Minutes

December 8, 2021, 6:00 PM

Via Zoom Virtual Meeting

Brensinger seconded the motion. All voted in favor, motion carried.

C. Approve Nimbio Contract Services for Edinburgh and Haddington

Mr. Woo presented to the board the number of households using Nimbio. 30 households in Edinburgh and 30 households in Haddington have signed up on Nimbio.

Mr. Woo made a motion to continue with Nimbio contract services month to month. Mr. Osisek seconded the motion. Discussion was held regarding the Nimbio process. All voted in favor, motion carried.

D. Approve BrightView Landscape Proposals for Turf Conversion of 22,743 SF with the SNWA & City of Henderson Water Conservation Rebate Program

Mr. Woo made a motion to approve the BrightView Landscape Proposals for Turf Conversion of 22,743 SF with the SNWA & City of Henderson rebate program at \$3.00/SF for up to 10,000 SF and \$1.50/SF thereafter through the SNWA and City of Henderson Rebate=\$1.50/SF over 10,000 SF. This applies to the following proposals totaling \$60,177.50:

1. Avondale, Proposal #7570033, \$12,997.93 (5,875 SF)
2. Inverness, Proposal #751184, \$2,911.98 (471 SF)
3. Paseo, Proposal #7559480, \$32,549.58 (12,094 SF)
4. South Sommerville Proposal #7568701, \$8,903.09 (3,937 SF)
5. Upper Montrose Park Proposal #7572436, \$2,814.92 (366 SF)

with the option of a site survey approval by the board and management and any changes to the proposals subject to board approval. Mr. Brensinger seconded the motion. Projected time of completion was discussed. All voted in favor, motion carried.

E. Discuss Downsizing/Elimination of Storage Unit and Possible Donation of Unused Association Assets

Ms. Puhek made a motion to postpone indefinitely on making a decision on downsizing the storage unit until certain storage items can be donated. Storage items to keep are the chairs, canopies, tables, community trash cans, ATV and donate the rest of the items. Mr. Brensinger seconded the motion. All voted in favor, motion carried.

F. Approve to Increase Association Transfer Fee to \$225.00. This is a Purchaser Fee.

Ms. Puhek made a motion to approve to increase the association transfer fee, purchaser fee, to \$225.00 effective immediately. Mr. Brensinger seconded the motion. The transfer fee was discussed. All voted in favor, motion carried.

G. Approve to Temporarily Direct Terra West Accounting to Apply Late Fees on the 30th of the Month Instead of the 15th Effective January 1, 2022. This will Expire on May 30, 2022.

Ms. Puhek made a motion to approve to temporarily direct Terra West Accounting to apply late fees on the 30th of the month instead of the 15th effective January 1, 2022. This will expire on May 30, 2022. Ms. Breeden seconded the motion. The extension of the late fees was discussed. All voted in favor, motion carried.

H. Approve Association Legal Counsel Boyack Orme Anthony & McKiever Rate Increase to \$265/hr.

Mr. Woo made a motion to approve association legal counsel, Boyack Orme Anthony & McKiever rate increase at \$265/hr. as presented. Mr. Brensinger seconded the motion. All voted in favor, motion carried.

I. Approve to Renew Haddington and Edinburgh PPE (Professional Parking Enforcement) Contract Increase from \$525 to \$550/month Effective Jan. 1, 2022. (Master PPE Contract was approved at the 10/27/21 Board Meeting).

Mr. Woo made a motion to approve to renew the PPE (Professional Parking Enforcement) contract increase for Haddington and Edinburgh at \$550/mo. effective January 1, 2022. Mr. Brensinger seconded the motion. PPE rate increase was discussed and budgeted. All voted in favor, motion carried.

J. Approve Additional Part-time Staffing to serve as Architectural Coordinator. (20 hrs.)

Ms. Puhek made a motion to approve additional part-time staffing to serve as Architectural Coordinator for 20 hrs. at the cost of \$1,800/month. Mr. Brensinger seconded the motion. Current issues regarding the architectural submittal process and the part-time position was discussed.

Ms. Puhek amended her motion to approve additional part-time staffing for an assistant at 20 hrs. a week temporarily if possible stationed in Henderson depending on availability of personnel. Mr. Brensinger seconded the motion. Motion was further discussed. Ms. Breeden voted no, Mr. Woo voted no, Mr. Osisek voted no. Motion did not pass.

Ms. Puhek amended the motion to place the additional part-time assistant in Henderson. Ms. Breeden voted in favor, Mr. Osisek voted in favor, Mr. Woo voted no. Because the motion was not seconded, this agenda item will be placed on the next board meeting agenda to be addressed.

K. Discuss Power Line Trail Maintenance Responsibility

Management to follow up on the easement for the power line trail with the City of Henderson engineer to determine maintenance responsibility. No action taken.

12. Homeowner Correspondence – None

13. Homeowners' Forum – This open forum session is reserved for general homeowner comments. The following comments were made:

Question regarding consulting and professional services budget variance

14. Next Board Meeting


The next board meeting is scheduled to be held on January 26, 2022 at 6:00 PM, to be held virtually via Zoom

15. Adjournment

Mr. Woo made a motion to adjourn the meeting at 8:06 p.m. Mr. Brensinger seconded the motion. Motion carried.

Respectfully submitted by:
Carmen Eassa, Community Manager

Accepted By:

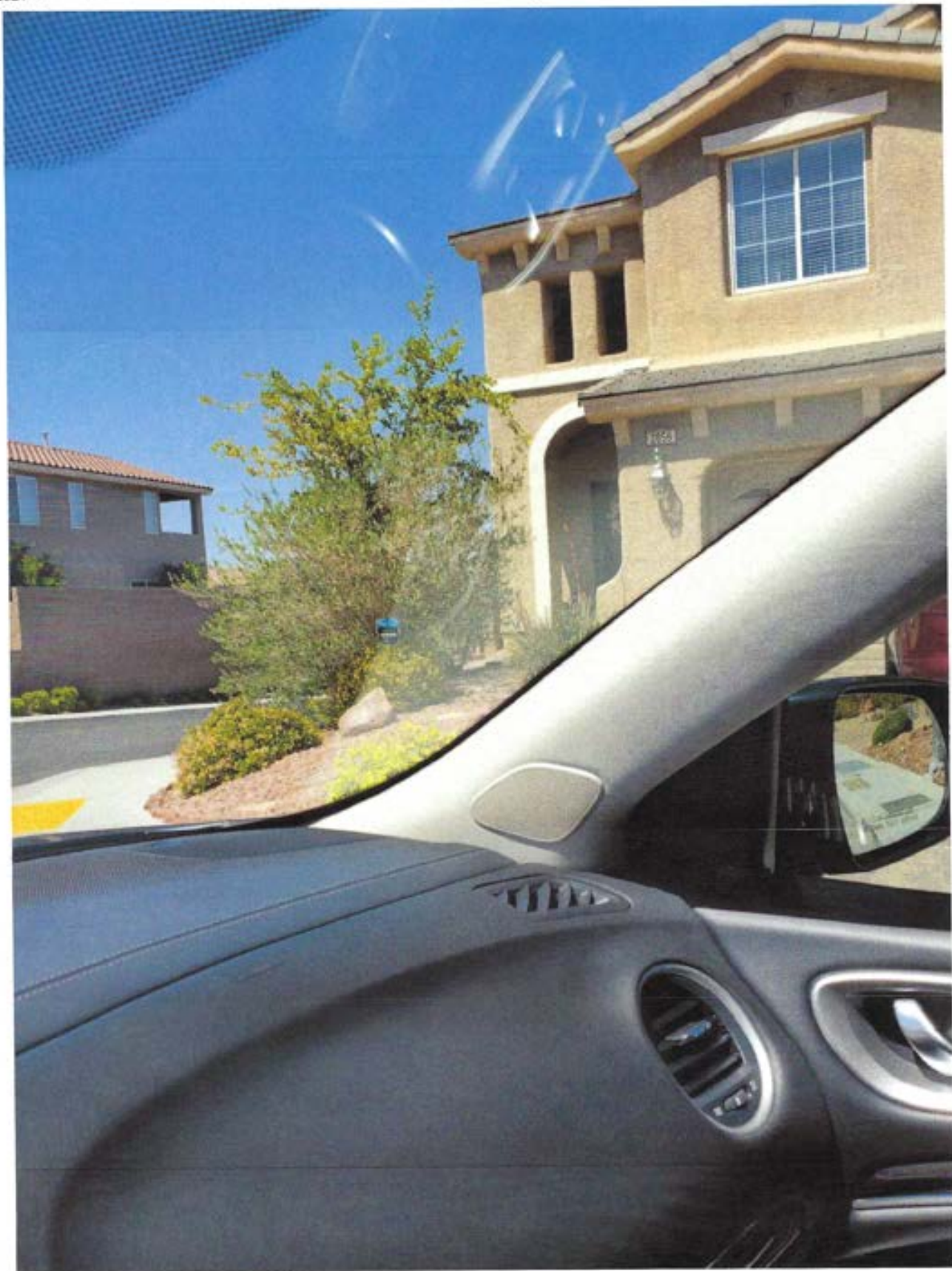
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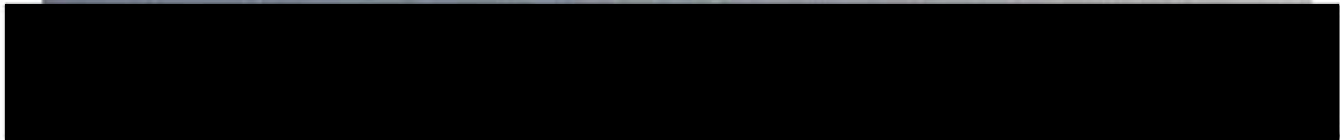
2/24/2022

Secretary

Date

EXHIBIT 27





4/19/2021



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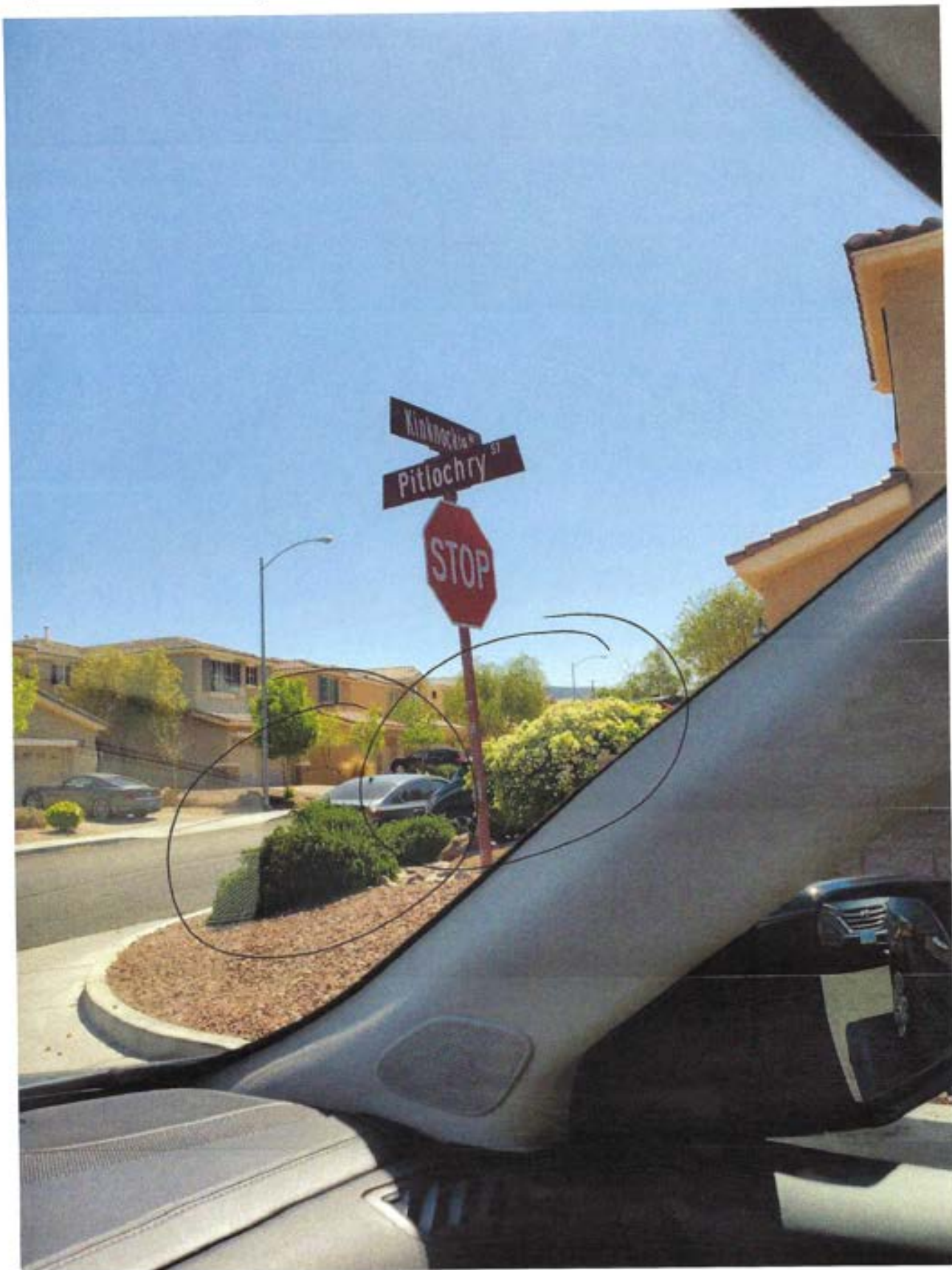
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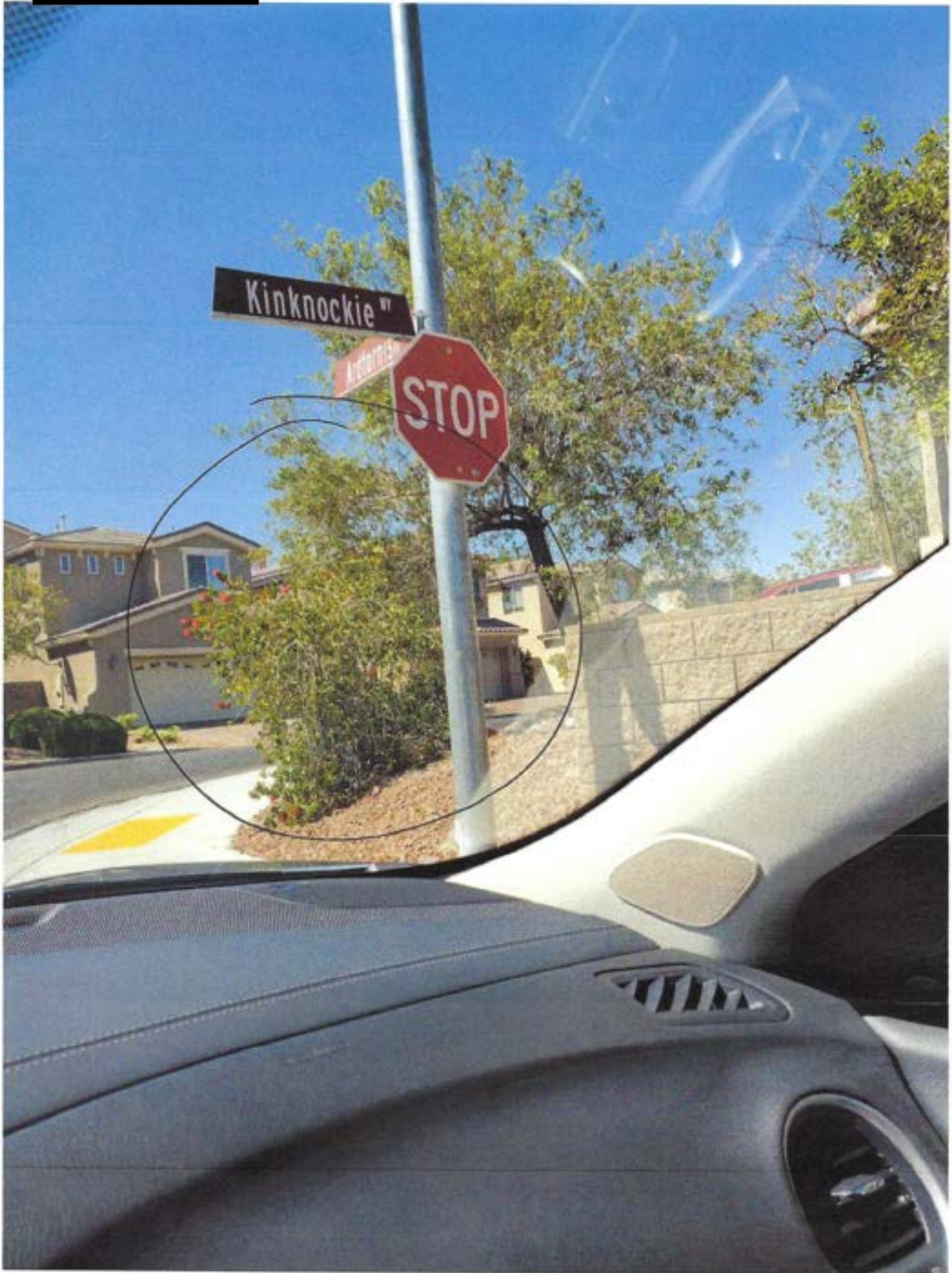












Kindeaca AV

Antrim Irish DR

STOP



EXHIBIT 28

RE: 2822 Culloden-Andrea Collier

3 messages

Pennie Mossett-Puhek <pennieahca@gmail.com>

Wed, Apr 14, 2021 at 5:07 PM

To: tim@elsonlawoffices.com

Cc: Carmen Eassa <ceassa@terrawest.com>

Bcc: sydneyahca@gmail.com

Please see attached response to your email.

Thank you.

Pennie Puhek

President, AHCA

2 attachments**Response to 2822 Culloden Atty Email (1).pdf**

257K

**ANTH Community Rules 2020- Adopted September 16 2020 (1).pdf**

231K

Sydney Woo <sydneyahca@gmail.com>

Wed, Apr 14, 2021 at 8:00 PM

To: Pennie Mossett-Puhek <pennieahca@gmail.com>

I cannot believe she got an attorney.

On Apr 14, 2021, at 5:07 PM, Pennie Mossett-Puhek <pennieahca@gmail.com> wrote:

[Quoted text hidden]

<Response to 2822 Culloden Atty Email (1).pdf>

<ANTH Community Rules 2020- Adopted September 16 2020 (1).pdf>

Pennie Mossett-Puhek <pennieahca@gmail.com>

Thu, Apr 15, 2021 at 4:10 AM

To: Sydney Woo <sydneyahca@gmail.com>

Oh I can. He also mentioned the violation she just got for the oleanders. He said they were there when she moved in and she is grandfathered in. I said no they were not and even if they were that we can enforce based on safety. He said he would get back to me.

I will drag this out and make her spend a crap load of money if she wants to play this game.

Pennie Puhek

President

Anthem Highlands Community Association

702-808-8917

[Quoted text hidden]

Fwd: Anthem Highlands/Collier, 2822 Culloden Ave.

4 messages

Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Sydney Woo <sydneyahca@gmail.com>

Mon, Apr 12, 2021 at 4:39 PM

I need to find the statute where we don't have to enforce if it's a burden to the association but waiting for Antonio to give me the statute before sending.

----- Forwarded message -----

From: **Pennie Mossett-Puhek** <pennieahca@gmail.com>
Date: Mon, Apr 12, 2021 at 4:34 PM
Subject: Anthem Highlands/Collier, 2822 Culloden Ave.
To: Carmen Eassa <ceassa@terrawest.com>

Good afternoon Mr. Elson,

I am in receipt of your email as well as numerous texts, photos, and emails from Ms. Collier. Please be advised that the association is fully compliant with its rules and regulations and CCR's. Ms. Collier's main complaint involves parking on the public streets. The association can and has made reasonable rules regarding parking on public streets under NRS 116.350 and we have regarding commercial vehicles, trailers, RVs etc.

NRS 116.350 Limitations regarding regulation of certain roads, streets, alleys or other thoroughfares; permissible regulation of parking or storage of certain vehicles.

1. *In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.*

2. *Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law. The governing documents of an association may authorize the executive board of the association to impose a fine pursuant to [NRS 116.31031](#) for any violation of the rules authorized pursuant to this subsection.*

We cannot legally enforce parking on the streets by passenger vehicles. I have tried to tell Ms. Collier numerous times that the provision of the CCR's she keeps referencing is not enforceable when it conflicts with state or local ordinances or other any other provision of NRS 116.

NRS 116.1206 Provisions of governing documents in violation of chapter deemed to conform with chapter by operation of law; procedure for certain amendments to governing documents.

1. *Any provision contained in a declaration, bylaw or other governing document of a common-interest community that violates the provisions of this chapter:*

(a) Shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.

(b) Is superseded by the provisions of this chapter, regardless of whether the provision contained in the declaration, bylaw or other governing document became effective before the enactment of the provision of this chapter that is being violated.

What is enforceable are nuisance matters and view obstruction safety matters regarding passenger vehicles (such as inoperable vehicles, parking in front of mailboxes, and unregistered vehicles). We enforce this routinely when reported by homeowners or observed by management.

The association has never had parking enforcement in the non gated communities until September of last year. This enforcement was initiated due to the complaints from Ms. Collier. We did not disagree with her assessment and that is why we now have routine unbiased inspections that are performed bi monthly. Significant progress has been made. Also, we have the City of Henderson come out and tag vehicles to assist in this enforcement. They only have 4 parking enforcement officers for the entire city and sometimes it will take weeks for them to respond. Ms. Collier is also able to call them if she feels something needs to be addressed. The association has never blanket enforced parking on the streets

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with passenger vehicles in its history, because we do not have the authority to do so and it would be impossible to achieve in an 11 neighborhood association spread out over 26 acres. Additionally, NRS 116.???? provides that the board of directors is not required to enforce any matter which it feels

Ms. Collier is a very nice woman and we completely understand her frustration. We are doing the best we can and have made significant progress. I don't have any advice for her if she feels it is not good enough or fast enough, but we must conduct enforcement within the parameters of our own governing documents and NRS 116. Ms. Colliers claims of lack of enforcement are indeed disingenuous. The Nextdoor website for our community is filled almost monthly with attacks from homeowners about the associations enforcement of the publics streets. There clearly has been an impact. Ms. Collier has fabricated a narrative of the Glengarry neighborhood. While she routinely refers to the neighborhood as a "slum", no reasonable person would ever have that opinion.

Ms. Collier is free to file a complaint with NRED and we are extremely confident that they will agree that we have gone above and beyond to accommodate her concerns.

Pennie Puhek
President, AHCA

Sydney Woo <sydneyahca@gmail.com>
To: Pennie Mossett-Puhek <pennieahca@gmail.com>

Mon, Apr 12, 2021 at 5:04 PM

What is with these people!

[Quoted text hidden]

--

Sydney Woo
Vice President/Treasurer
Anthem Highlands Community Association

Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Sydney Woo <sydneyahca@gmail.com>

Mon, Apr 12, 2021 at 5:13 PM

This is just a draft, I need to refine it. I love when they get attorneys involved. Makes me happy because they don't know shit about NRS 116

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

[Quoted text hidden]

Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Sydney Woo <sydneyahca@gmail.com>

Mon, Apr 12, 2021 at 5:14 PM

I can't send these things to Ted because it literally makes me happy to put them in their place.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On Apr 12, 2021, at 5:04 PM, Sydney Woo <sydneyahca@gmail.com> wrote:

[Quoted text hidden]

Fwd: FW: Anthem Highlands / Collier; 2822 Culloden Ave.

1 message

Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Sydney Woo <sydneyahca@gmail.com>

Mon, Apr 12, 2021 at 4:38 PM

I love to get these. Sending you my response to look at

----- Forwarded message -----

From: **Carmen Eassa** <ceassa@terrawest.com>
Date: Mon, Apr 12, 2021 at 3:16 PM
Subject: FW: Anthem Highlands / Collier; 2822 Culloden Ave.
To: Pennie Puhek <pennieahca@gmail.com>

Pennie,

Please see email below from 2822 Culloden's counsel and let me know how you would like to proceed. Thank you

Carmen Eassa, CMCA®

Community Manager

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

702-251-4502 **Office** | 702-251-4342 **Fax**terrawest.com | ceassa@terrawest.com | [HOA Account Login](#)

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From: Anthem Highlands <anthemhighlands@terrawest.com>
Sent: Monday, April 12, 2021 11:49 AM
To: Carmen Eassa <ceassa@terrawest.com>
Subject: Fw: Anthem Highlands / Collier; 2822 Culloden Ave.

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Carmen,

I am escalating this email to you as it is from a lawyer regarding [2822 Culloden Avenue](#).

Chrislin Perez

Community Administrative Assistant

Terra West Management Services

[6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113](#)

702-880-4688 **Office** | 702-362-5046 **Fax**

[terrawest.com](#) | cperez@terrawest.com | [HOA Account Login](#)

email01

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From: Tim Elson <tim@elsonlawoffices.com>
Sent: Monday, April 12, 2021 11:16 AM
To: Anthem Highlands
Subject: Anthem Highlands / Collier; 2822 Culloden Ave.

Good morning,

Please be advised that our office has been retained to represent Ms. Collier as it relates to various issues with her HOA, Anthem Highlands. We would like to set up an introductory call to discuss various issues with the HOA to determine if we can work together to jointly resolve these issues. Please let us know a good time for us to talk. If we do not hear back from the HOA by April 16, 2021, we will presume that the HOA has no interest in discussing issues with us, at which point in

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time Ms. Collier will likely pursue an NRED complaint against the HOA. We look forward to hearing from you and working with you to resolve these issues.

Best,

Tim Elson



(702) 874-8600

tim@elsonlawoffices.com

elsonlawoffices.com

[8965 S. Eastern Ave., #382](#)

[Las Vegas, NV 89123](#)

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EXHIBIT 29

1 **RSPN**
MICHAEL M. EDWARDS
2 Nevada Bar No. 6281
DEREK R. NOACK, ESQ.
3 Nevada Bar No. 15074
4 **FREEMAN MATHIS & GARY, LLP**
770 E. Warm Springs Rd., Suite 360
5 Las Vegas, Nevada 89119
Tel.: 725.258.7360
6 Fax: 833.336.2131
Michael.Edwards@fmglaw.com
7 Derek.Noack@fmglaw.com
8 *Attorneys for Defendant*
Pennie Mossett-Puhek

9
10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 ANDREA COLLIER, as trustee of the JACT
TRUST,

13 Plaintiff,

14 vs.

15 PENNIE MOSSETT-PUHEK, individually;
16 ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION, a Nevada Non-Profit
17 Corporation; DOES I through X and ROE
BUSINESS ENTITIES I through X, inclusive,

18 Defendants.
19

Case No.: A-22-852032-C
Dept. No.: 8

**DEFENDANT PENNIE MOSSETT-
PUHEK'S AMENDED RESPONSES TO
PLAINTIFF ANDREA COLLIER'S
THIRD SET OF INTERROGATORIES**

20 Defendant, PENNIE MOSSETT-PUHEK, by and through her counsel of record, the law firm
21 FREEMAN MATHIS & GARY LLP, hereby provides an amended response to Plaintiff, Andrea
22 Collier's Third Set of Interrogatories (**New Information in BOLD**).

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PRELIMINARY STATEMENT

As of the date of these responses, Defendant, PENNIE MOSSETT-PUHEK (“Defendant” or “Mossett-Puhek”) has not completed her investigation of the facts relating to this case and has not completed preparation for trial. The following Responses are based on information known to Defendant at this time, after reasonable inquiry and investigation. It is anticipated that discovery and further investigation, legal research, and analysis will supply additional facts, add meaning to known facts, and establish entirely new factual and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the Responses contained herein. These Responses are made in a good faith effort to supply as much factual information as is presently known but should in no way be to the prejudice of Defendant in relation to further discovery, research, analysis, or production of evidence.

Defendant reserves the right to amend or to supplement these Responses in the event of mistake, oversight, or omission. These Responses are made without prejudice to Defendant’s right to develop and to use other information not provided herein, including, without limitation, subsequently discovered information and information presently known to Defendant but whose specific relevance, significance, or applicability to the subject matter of this lawsuit has not yet been ascertained.

To the extent Defendant identifies or delineates certain facts in these Responses, they do so without prejudice to establish at a later date any additional facts that may be discovered as a result of any additional investigation, legal research, or discovery.

The inadvertent disclosure of confidential or privileged information in these Responses by Defendant does not constitute a waiver of any applicable privilege, nor should the disclosure of any information be construed to waive any objection to the admission of that information in evidence, including, without limitation, relevancy.

Each Response contained herein is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections that would require the exclusion of any statement contained herein if any Request were asked of, or if any statement contained herein were made by, any witness testifying in court, either in person or by way of deposition. All such

1 objections and grounds are reserved and may be interposed at the time of trial. In responding to these
2 Requests, Defendant does not waive any proper objection to the use or introduction into evidence of
3 its Responses or information provided therein.

4 This Preliminary Statement is incorporated by reference into each Response contained herein.

5 **GENERAL OBJECTIONS**

6 Each Response contained herein is subject to the following General Objections. These
7 General Objections form a part of each Response and are set forth herein to avoid duplication and
8 repetition caused by restating them in each Response. These General Objections may be specifically
9 interposed for the purpose of clarity in Response to an individual Request. However, the failure to
10 specifically incorporate the General Objection in a particular Response should not be construed as a
11 waiver of the objection.

12 A. Defendant objects to the Requests to the extent they require Defendant to obtain and
13 produce information and documents from persons over whom she has no control. Defendant responds
14 to the Requests only on behalf of itself.

15 B. Defendant objects to the Requests to the extent that they are vague, ambiguous, or
16 otherwise lack sufficient precision to permit a Response.

17 C. Defendant objects to the Requests to the extent that they call for the disclosure of
18 information that would reveal trade secrets or other confidential research, development, commercial
19 or proprietary information, or information that may be protected by a right of privacy under either the
20 United States Constitution, Article 1 of the Constitution of the State of Nevada or any other applicable
21 law. Defendant reserves the right to produce such non-privileged, responsive information only
22 pursuant to a protective order duly entered by the court appropriately limiting the control, use and
23 disposition of such information.

24 D. Defendant objects to the Requests to the extent they seek information that is neither
25 relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of
26 admissible evidence.

27 ///

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1 E. Defendant objects to the Requests to the extent that they seek information and
2 documents that are publicly available, more readily and more appropriately collected from sources
3 other than Defendant, and/or more practically obtained through other methods.

4 F. Defendant objects to the Requests to the extent that they are overbroad and unduly
5 burdensome.

6 G. Defendant objects to the Requests to the extent they may be construed to request
7 disclosure of information prepared in anticipation of litigation; that constitutes attorney work product;
8 that discloses the mental impressions, conclusions, opinions or legal theories of any attorneys for
9 Defendant; that contain privileged attorney-client communications; or that are otherwise protected
10 from disclosure under applicable privileges, laws or rules. Defendant will not provide any such
11 privileged or protected information. Inadvertent disclosure of any such information shall not
12 constitute a waiver of any privilege or any other ground for objecting to discovery with respect to
13 such information. Nor shall such inadvertent production or disclosure waive the right of Defendant
14 to object to the use of any such information during this action or in any other subsequent proceeding.

15 H. Defendant objects to the Requests to the extent they are ambiguous or excessive as to
16 time frames and thus are overbroad.

17 I. Defendant objects to the Requests to the extent that they attempt to impose obligations
18 on Defendant other than those imposed or authorized by applicable law or rule. Defendant further
19 objects to the Requests to the extent that obtaining the information and compiling documents
20 responsive to these Interrogatories would impose a vexatious and undue burden on Defendant, and
21 thus the Requests are oppressive and/or are merely intended to harass.

22 **INTERROGATORY NO. 22:**

23 Please identify any and all lawsuits in which you have ever been a party. A complete answer
24 will include the Case No., the jurisdiction of the lawsuit, a brief description of the allegations made
25 by you or against you, and the result of the lawsuit.

26 **RESPONSES TO INTERROGATORY NO. 22:**

27 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
28 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly

1 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
2 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
3 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
4 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
5 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
6 grounds that it constitutes harassment.

7 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
8 as follows: Mazzeo v. Gibbons; Allegations against me were dismissed after I took a polygraph test
9 at the plaintiff's request which helped confirm my statements were truthful and that I did not say the
10 things alleged by the plaintiff.

11 **INTERROGATORY NO. 23:**

12 Please identify any and all investigations to which you have been subjected. A complete
13 answer will include the party conducting the investigation, any case number associated with the
14 investigation, a brief description of the allegations made by you or against you, and the result of the
15 lawsuit.

16 **RESPONSES TO INTERROGATORY NO. 23:**

17 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
18 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly
19 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
20 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
21 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
22 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
23 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
24 grounds that it constitutes harassment. Defendant Mossett-Puhek also objects to this Interrogatory
25 on the grounds that it seeks public information equally available to the propounding party.

26 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
27 as follows: I am not aware of any investigations related to me. I am aware that a prior complaint was
28 opened by the Nevada Real Estate Division ("NRED") against me and other persons regarding my

1 comments on a website about not buying a former boardmember's book. NRED dismissed the
2 complaint without any hearing or determinations made, and the matter was subsequently closed.

3 **AMENDED RESPONSE TO INTERROGATORY NO. 23:**

4 **OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds**
5 **that it is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it**
6 **is improperly compound; the information responsive to this Interrogatory is not relevant to any**
7 **party's claims or defenses, and it constitutes an improper fishing expedition; it seeks irrelevant**
8 **information that is protected as confidential, private, not relevant to any party's claims or**
9 **defenses, and not reasonably calculated to lead to admissible evidence, and the burden or**
10 **expense of the proposed discovery outweighs its likely benefit. Defendant Mossett-Puhek**
11 **further objects to this Interrogatory on the grounds that it constitutes harassment. Defendant**
12 **Mossett-Puhek also objects to this Interrogatory on the grounds that it seeks public information**
13 **equally available to the propounding party. Defendant Mossett-Puhek further objections to**
14 **this Interrogatory on the grounds that it may all for information or identification of documents**
15 **that are protected by the attorney-client privilege and/or work product doctrine.**

16 **Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek**
17 **responds as follows: I am not aware of any investigations related to me. I am aware that a prior**
18 **complaint was opened by the Nevada Real Estate Division ("NRED") against me and other**
19 **persons regarding my comments on a website about not buying a former boardmember's book.**
20 **NRED dismissed the complaint without any hearing or determinations made, and I understand**
21 **the matter was subsequently closed. I also understand any investigations are confidential by**
22 **statute. The related documents are thus not matters of public record and may be protected by**
23 **the attorney-client or other privilege. The purpose of the confidentiality is to ensure the**
24 **grievance is addressed, but also to consider and protect a respondent who is only alleged to**
25 **have violated NRS 116 until the investigation is completed and finding is actually issued. If**
26 **there is no finding of violation, then the disclosure is not required such that a claimant can**
27 **potentially use an unfounded investigation for improper purposes. I understand this is also**
28

1 **why NRED does not provide a status regarding an investigation. To be complete, at the time of**
2 **my response, there were no currently pending investigations that I was aware of.**

3 **INTERROGATORY NO. 24:**

4 Please describe the nature of your relationship with Frank Capello. A complete answer
5 includes, but is not limited to, the following: 1) please identify any and all times that you have served
6 on a board, committee, or otherwise worked with Mr. Capello as it relates to Anthem; 2) please
7 identify whether or not you have any business or financial interest with Mr. Capello; 3) please
8 describe the nature of your social relationship with Mr. Capello, including how often you socialize,
9 how you socialize, whether you attend family gatherings together, whether you vacation together, or
10 any interactions that you have with Mr. Capello; and 4) please describe how often you otherwise
11 communicate or speak with Mr. Capello, including the nature of those discussions.

12 **RESPONSES TO INTERROGATORY NO. 24:**

13 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
14 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly
15 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
16 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
17 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
18 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
19 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
20 grounds that it constitutes harassment. Defendant Mossett-Puhek also objects to this Interrogatory
21 on the grounds that it seeks public information equally available to the propounding party.

22 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
23 as follows: I have a personal and working relationship with Frank Capello. I do not recall the times I
24 served on a committee or board with Mr. Capello, but the dates of all board member and committee
25 terms were previously produced to the plaintiff. I have no business or financial interest with Mr.
26 Capello. I have gone on a few trips with Mr. Capello and his wife. The last trip was in March 2023
27 when I assisted Mr. Capello and his wife (due to their mobility issues and disabilities) in flying to
28 South Carolina so he could see his 96 year old mother before she passed since she was having health

1 issues. I scheduled a trip with my sister to Hawaii in March 2021 and the Capellos went at the same
2 time, and we had dinners and attended tours together. I have done a few day trips with the Capellos
3 to Tuachan in St George to attend plays. I see or speak with the Capellos approximately once or
4 twice every two weeks. Sometimes less and sometimes more. I do not have an exact count. The nature
5 of the conversations is generally about golf and their health or my work and vacation plans.

6 **INTERROGATORY NO. 25:**

7 Please describe the nature of your relationship with Dahl Capello. A complete answer
8 includes, but is not limited to, the following: 1) please identify any and all times that you have served
9 on a board, committee, or otherwise worked with Ms. Capello as it relates to Anthem; 2) please
10 identify whether or not you have any business or financial interest with Ms. Capello; 3) please
11 describe the nature of your social relationship with Ms. Capello, including how often you socialize,
12 how you socialize, whether you attend family gatherings together, whether you vacation together, or
13 any interactions that you have with Ms. Capello; and 4) please describe how often you otherwise
14 communicate or speak with Ms. Capello, including the nature of those discussions.

15 **RESPONSES TO INTERROGATORY NO. 25:**

16 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
17 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly
18 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
19 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
20 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
21 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
22 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
23 grounds that it constitutes harassment. Defendant Mossett-Puhek also objects to this Interrogatory
24 on the grounds that it seeks public information equally available to the propounding party.

25 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
26 as follows: I have a personal and working relationship with Dahl Capello. I do not exactly recall the
27 times I served on a committee or board with Ms. Capello, but the dates of all board member and
28 committee terms were previously produced in this matter. I have no business or financial interest with

1 Ms. Capello. I have gone on a few trips with Ms. Capello and his wife. The last trip was in March
2 2023, when I assisted Ms. Capello and her husband (due to their mobility issues and disabilities) in
3 flying to South Carolina so she could see her 96 year old mother before she passed since she was
4 having health issues. I scheduled a trip with my sister to Hawaii in March 2021 and the Capellos went
5 at the same time, and we had dinners and attended tours together. I have done a few day trips with
6 the Capellos to Tuachan in St George to attend plays. I see or speak with the Capellos approximately
7 once or twice every two weeks. Sometimes less and sometimes more. I do not have an exact count.
8 The nature of the conversations is generally about golf and their health or my work and vacation
9 plans.

10 **INTERROGATORY NO. 26:**

11 Please describe the nature of your relationship with Ken Bressinger. A complete answer
12 includes, but is not limited to, the following: 1) please identify any and all times that you have served
13 on a board, committee, or otherwise worked with Mr. Bressinger as it relates to Anthem; 2) please
14 identify whether or not you have any business or financial interest with Mr. Bressinger; 3) please
15 describe the nature of your social relationship with Mr. Bressinger, including how often you socialize,
16 how you socialize, whether you attend family gatherings together, whether you vacation together, or
17 any interactions that you have with Mr. Bressinger; and 4) please describe how often you otherwise
18 communicate or speak with Mr. Bressinger, including the nature of those discussions.

19 **RESPONSES TO INTERROGATORY NO. 26:**

20 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
21 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly
22 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
23 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
24 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
25 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
26 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
27 grounds that it constitutes harassment. Defendant Mossett-Puhek also objects to this Interrogatory
28 on the grounds that it seeks public information equally available to the propounding party.

1 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
2 as follows: I do not have a personal relationship with Mr. Brensinger as his prior affidavit in this
3 matter states. I do not recall the times I served on a committee or board with Mr. Brensinger, but the
4 dates of all board member and committee terms were previously produced to the plaintiff. I have not
5 socialized with Mr. Brensinger outside of board meetings or general social events put on by the
6 association. I have no business or financial relationship with Mr. Brensinger. I speak with Mr.
7 Brensinger weekly about association business which mostly involves landscape issues in the common
8 areas and any matters involving management of the association.

9 **INTERROGATORY NO. 27:**

10 Please describe the nature of your relationship with Joe Osisek. A complete answer includes,
11 but is not limited to, the following: 1) please identify any and all times that you have served on a
12 board, committee, or otherwise worked with Mr. Osisek as it relates to Anthem; 2) please identify
13 whether or not you have any business or financial interest with Mr. Osisek; 3) please describe the
14 nature of your social relationship with Mr. Osisek, including how often you socialize, how you
15 socialize, whether you attend family gatherings together, whether you vacation together, or any
16 interactions that you have with Mr. Osisek; and 4) please describe how often you otherwise
17 communicate or speak with Mr. Osisek, including the nature of those discussions.

18 **RESPONSES TO INTERROGATORY NO. 27:**

19 OBJECTION. Defendant Mossett-Puhek objects to this Interrogatory on the grounds that it
20 is overbroad in scope, and it is vague and ambiguous as drafted; it lacks foundation; it is improperly
21 compound; the information responsive to this Interrogatory is not relevant to any party's claims or
22 defenses, and it constitutes an improper fishing expedition; it seeks irrelevant information that is
23 protected as confidential, private, not relevant to any party's claims or defenses, and not reasonably
24 calculated to lead to admissible evidence, and the burden or expense of the proposed discovery
25 outweighs its likely benefit. Defendant Mossett-Puhek further objects to this Interrogatory on the
26 grounds that it constitutes harassment. Defendant Mossett-Puhek also objects to this Interrogatory
27 on the grounds that it seeks public information equally available to the propounding party.
28

1 Subject to and without waiving the foregoing objections, Defendant Mossett-Puhek responds
2 as follows: I do not have a personal relationship with Mr. Osisek as his affidavit states. I do not recall
3 the times I served on a committee or board with Mr. Osisek, but the dates of all board member and
4 committee terms were previously produced to the plaintiff. I have not socialized with Mr. Osisek
5 outside of board meetings or general social events put on by the association. I have no business or
6 financial relationship with Mr. Osisek. While serving on the board, I would speak with Mr. Osisek at
7 meetings or while we on property meeting vendors. Mr. Osiseks term on the board ended in May
8 2023 and I have spoken to him only on a few occasions since then to update him on what's going on
9 with the landscape improvements in the community.

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DATED this 2nd day of July, 2024.

FREEMAN MATHIS & GARY LLP

/s/ Derek R. Noack
MICHAEL M. EDWARDS, ESQ.
Nevada Bar No. 6281
DEREK R. NOACK, ESQ.
Nevada Bar No. 15074
770 E Warm Springs Road, Suite 360
Las Vegas, Nevada 89119
*Attorneys for Defendant,
Pennie Mossett-Puhek*

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VERIFICATION

Andrea Collier v. Anthem Highlands Community Association, et al.

A-22-852032-C

The undersigned, PENNIE MOSSETT-PUHEK, states as follows: I have read DEFENDANT PENNIE MOSSETT-PUHEK’S AMENDED RESPONSE TO PLAINTIFFS’ THIRD SET OF INTERROGATORIES, which have been prepared with the assistance of counsel. The facts stated in the answers to interrogatories are based upon reasonable inquiry, and upon the records and files of this responding Defendant.

Upon information and belief, and subject to inadvertent or undiscovered errors and/or omissions, I affirm, under the penalty of perjury, pursuant to the laws of the State of Nevada, that based on information presently known to me, the facts stated in *Defendant Pennie Mossett-Puhek's Response to Plaintiff's Third Set of Interrogatories* are true and correct.

EXECUTED this 2nd day of July, 2024.

/s/ Pennie Mossett-Puhek
PENNIE MOSSETT-PUHEK, an individual

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PROOF OF SERVICE
Andrea Collier v. Pennie Mossett- Puhek, et al.
Case No.: A-22-852032-C

The undersigned does hereby declare that I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by Freeman Mathis and Gary LLP. 770 East Warm Springs Road, Suite 360, Las Vegas, Nevada 89119. I am readily familiar with Freeman Mathis and Gary LLP’s practice for collection and processing of documents for delivery by way of the service indicated below.

On Tuesday, July 2, 2024, I served the following document(s):

**DEFENDANT, PENNIE MOSSETT-PUHEK’S AMENDED RESPONSES TO
PLAINTIFF ANDREA COLLIER’S THIRD SET OF INTERROGATORIES**

on the interested party(ies) in this action as follows:

<p>Timothy P. Elson, Esq. THE LAW OFFICES OF TIMOTHY ELSON 8965 S. Eastern Ave. Suite 382 Las Vegas, NV 89123 <i>Attorney for Plaintiff</i></p>	<p>Edward D. Boyack, Esq. BOYACK ORME ANTHONY & MCKIEVER 7432 W. Sahara Avenue, Suite 101 Las Vegas, NV 89117 <i>Attorney for Anthem Highlands Community Association, Carmen Essa, and K.G.D.O. Holding Company, LLC d/b/a Terra West Management Services</i></p>
---	---

X By Electronic Service. Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR, I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, States of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

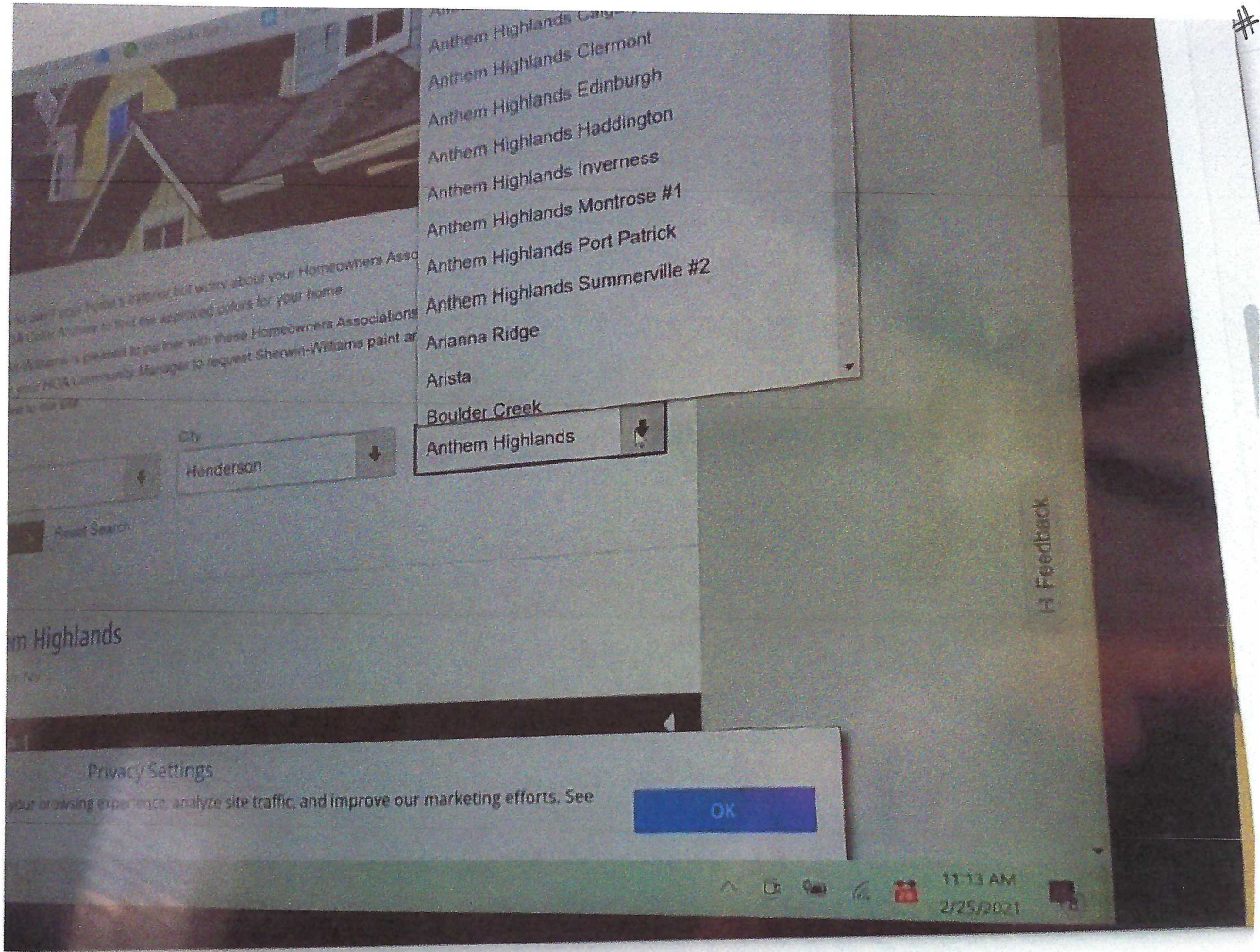
By Mail. By placing said document(s) in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Natasha Hopkins
An employee of FREEMAN MATHIS & GARY LLP

EXHIBIT 30

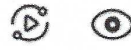
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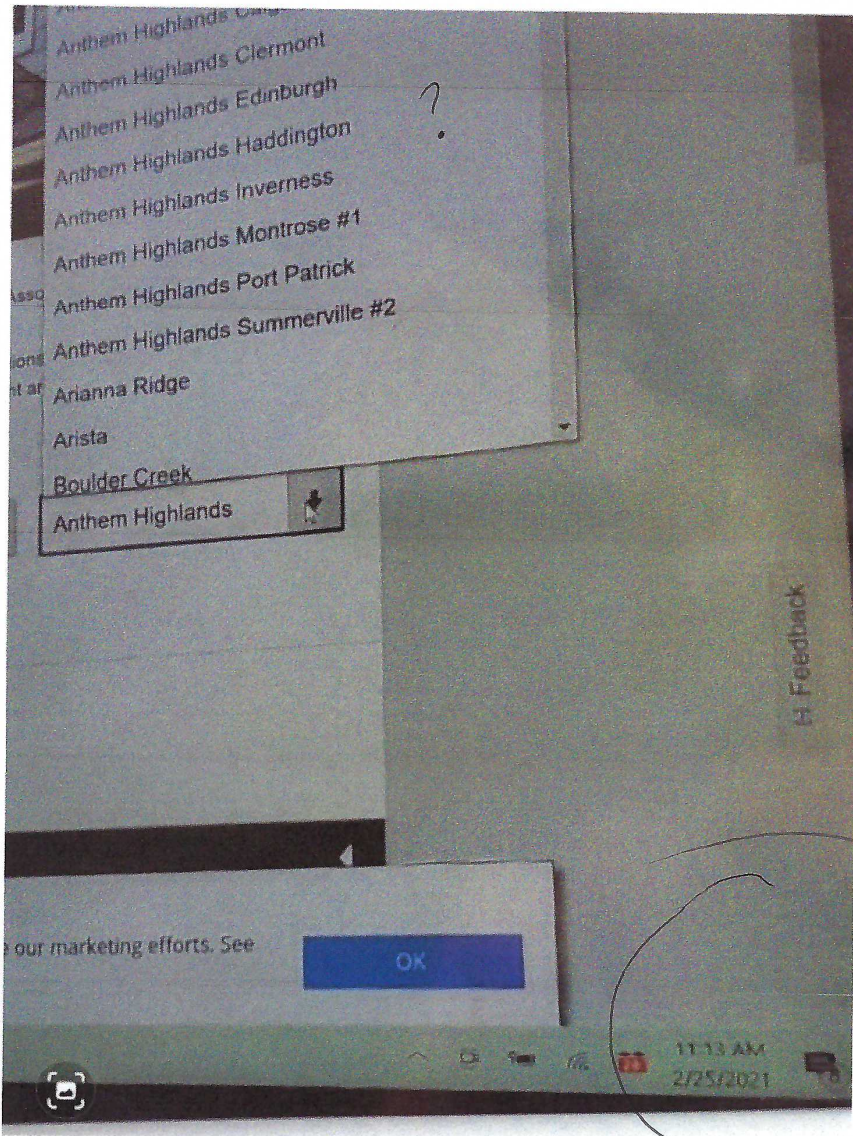
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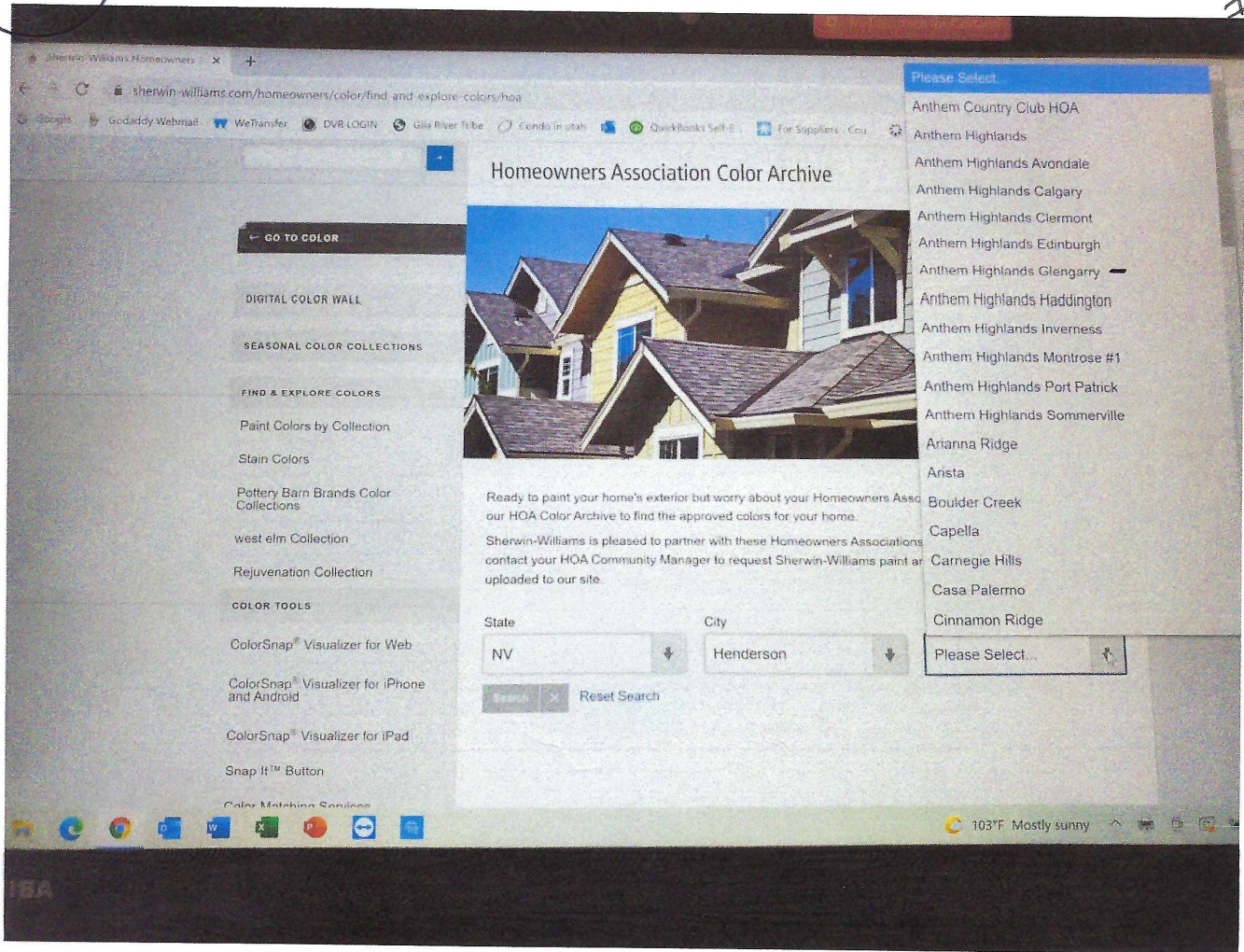
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P00388

EXHIBIT 31



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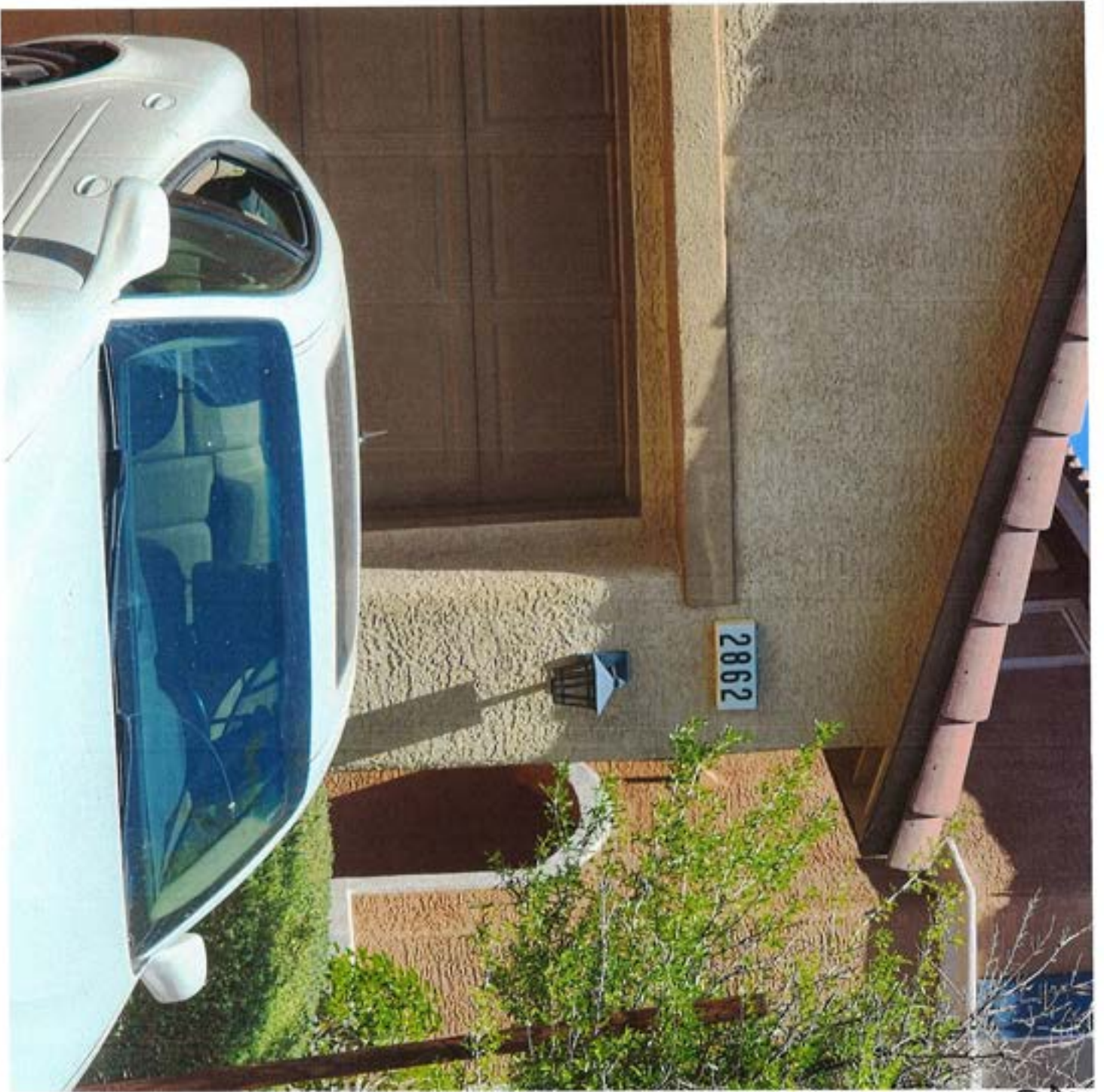
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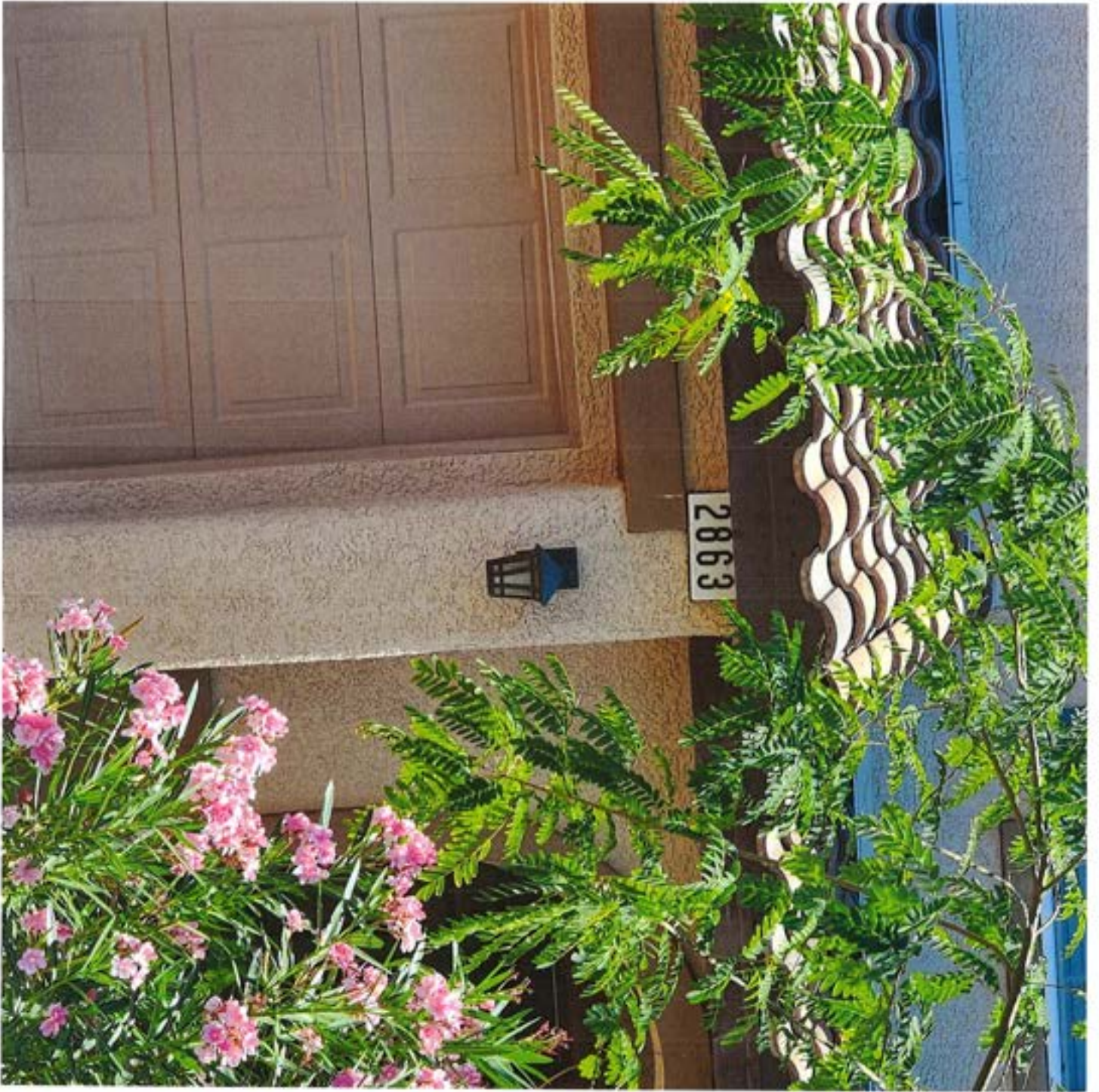
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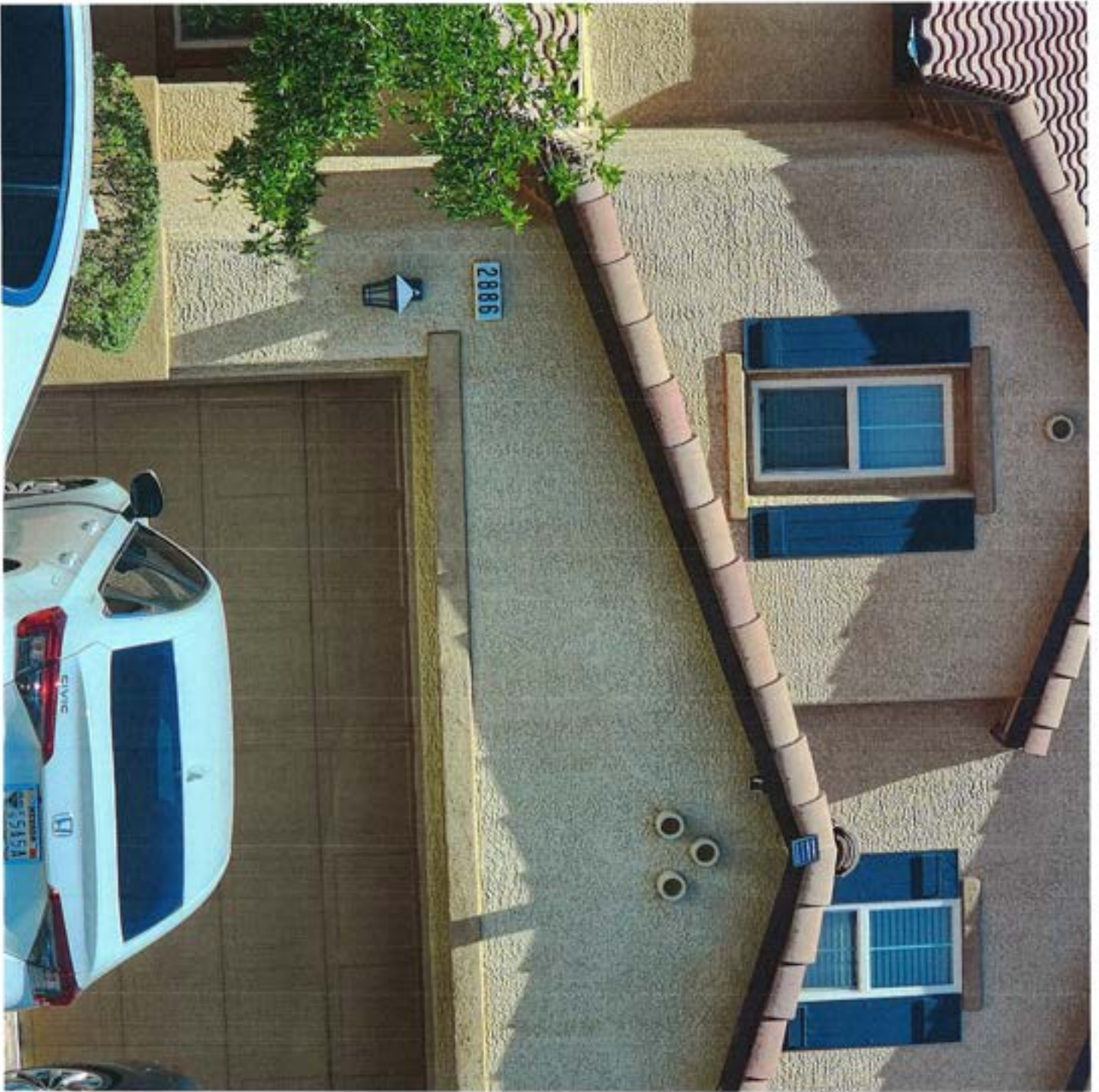
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EXHIBIT 32



Tim Elson <tim@elsonlawoffices.com>

Re: 2822 Culloden; Violation re Paint Scheme

Pennie Mossett-Puhek <pennieahca@gmail.com>

Tue, May 25, 2021 at 4:15 PM

To: Tim Elson <tim@elsonlawoffices.com>

Cc: Carmen Eassa <ceassa@terrawest.com>, manager@anthemhighlands.org, Ted Boyack <ted@boyacklaw.com>

You have a good evening as well.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On May 25, 2021, at 4:14 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

We will not continue this email exchange with you. Your below statement is erroneous as a matter of law that the Board is somehow judge, jury and executioner with no oversight as to what determinations it reaches. We will not be responding to any more of these emails. The HOA should take whatever action it deems appropriate and we will do so as well. It is unfortunate that the HOA has taken this approach with this unit owner, which seems like some sort of retaliatory act against Ms. Collier as we trust the HOA doesn't behave in this manner with all of its unit owners (this would be even more unfortunate). Have a good night.

Best,

Tim Elson

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On Tue, May 25, 2021 at 4:09 PM Pennie Mossett-Puhek <pennieahca@gmail.com> wrote:

Mr. Elson,

Please read the association's fine and enforcement policy and the CCRs. Homeowners do not get to determine what's an appropriate amount of time to come into compliance. This is a board decision and is decided on a case by case basis.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

P00208

On May 25, 2021, at 4:02 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

Not only is this getting absurd, but your email below is misguided and threatening. It is a clear violation of the very statute you reference. Again, the HOA's approach on behalf of the community should be resolution oriented. We again encourage you to rethink your approach on these issues before they unnecessarily escalate. We've already explained that the paint scheme will be brought into compliance (of which notice was just provided). We then provided an appropriate timeframe for doing so. I'm not sure any further email correspondence from our end is required.

Best,

Tim Elson

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On Tue, May 25, 2021 at 3:54 PM Pennie Mossett-Puhek <pennieahca@gmail.com> wrote:

Mr. Elson,

Ms. Eassa is referring to submitting an ARC application as instructed in the violation during the cure period , not the email saying your going to think about it over the next 45 days with a potential cure date of 12 months. She was professional in her email and provided you with the appropriate information.

Please be advised that we do not tolerate these type of emails from ANYONE. We consider them potential violations of NRS 116.31184, as we are of the opinion they are intended to harass and intimidate. We encourage you to advise your client to follow the rules just like she has demanded we enforce against others homeowners in the community.

We strongly encourage you to govern yourself accordingly in future communications. Additionally, if you copy our legal counsel without our authorization, we will have to address who will be responsible for those legal fees. I can guarantee you it won't be us.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On May 25, 2021, at 1:10 PM, Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Eassa,

We did respond to your email in the allotted time. Our email stands as is. If you persist with this conduct, we will take appropriate action on our end.

P00209

We strongly encourage you to take an approach geared toward resolution rather than escalation.

Best,

Tim Elson

Sent from my iPhone

On May 25, 2021, at 12:51 PM, Carmen Eassa
<ceassa@terrawest.com> wrote:

Dear Mr. Elson,

Please see the attached courtesy notice and photo for the paint violation. An ARC application with the correct color scheme must be chosen within the allotted cure time of the courtesy notice or it will move forward to a formal notice. The color schemes are located on the Sherwin Williams website and accessed under HOA Archives for Glengarry. The ARC application can be accessed via the associations web portal. Your request for an extension will be put in the board packet for the June 9th Executive Session Meeting. There is no hearing for the paint violation. Only a courtesy notice has been issued to date.

Thank you,

Carmen

Carmen Eassa, CMCA®

Community Manager

Anthem Highlands Community Association

Terra West Management Services

[6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113](#)

7028563743 **Office** | 7029986083 **Fax**

[terrawest.com](#) | manager@anthemhighlands.org | [HOA Account Login](#)

<image001.png>

We'd love to hear from you! [Click here to answer a few questions about your experience today.](#) We sincerely appreciate your business!

This email message, including any attachments, is for the sole use of the

P00210

intended recipient(s) and may contain information that is confidential, proprietary, legally privileged, or otherwise protected by law from disclosure. Any unauthorized review, use, copying, disclosure, or distribution is prohibited. If you are not the intended recipient, or the person responsible for delivering this to an addressee, you should notify the sender immediately by reply e-mail and destroy all contents of the original message.

From: Tim Elson <tim@elsonlawoffices.com>
Sent: Tuesday, May 25, 2021 11:51 AM
To: Pennie Mossett-Puhek <pennieahca@gmail.com>; manager@anthemhighlands.org
Subject: Re: 2822 Culloden; Violation re Paint Scheme

The management company is now copied. See below.

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On Tue, May 25, 2021 at 11:46 AM Tim Elson <tim@elsonlawoffices.com> wrote:

Ms. Mossett-Puhek,

Please forward us the current violation letters as it pertains to the paint scheme. Again, we simply want to ensure that we have the current letters.

We are still reviewing this issue and discussing it with Ms. Collier's painter, who unfortunately has some family issues to which he's attending. Nonetheless, it is our understanding that Ms. Collier is determining what needs

P00211

to occur and will take steps to address any issue with the paint scheme.

With that said, covid has substantially impacted Ms. Collier's business. As such, Ms. Collier needs some additional time to address this issue. We would propose confirming how she intends to address the paint scheme within the next 45 days. This will allow time for her to coordinate and address the issue with the painter. We would then request that any painting occur within the next 12 months, which will provide ample time for Ms. Collier to budget and make any changes.

We trust that this proposal will resolve the alleged outstanding issue. We further trust that the HOA will either vacate or continue the upcoming hearings related to the paint scheme (to the extent any were noticed) while we finalize these issues. Please let us know how the HOA intends to proceed.

Best,

Tim Elson

<image002.png>

(702) 874-8600

tim@elsonlawoffices.com

elsonlawoffices.com

[8965 S. Eastern Ave., #382](#)

[Las Vegas, NV 89123](#)

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P00212

8/27/22, 12:42 PM

elsonlawoffices.com Mail - Re: 2822 Culloden; Violation re Paint Scheme

DISTRIBUTION OR REPRODUCTION OF THIS COMMUNICATION, OR ANY PART HEREOF, IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE LAW OFFICES OF TIMOTHY ELSON BY TELEPHONE (702) 874-8600 AND DELETE THE ORIGINAL MESSAGE.

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P00213

EXHIBIT 33



Anthem Highlands Community Association

*Board of Directors Executive Session
Wednesday, July 28, 2021 at 5:00PM
Virtual Meeting via zoom
Meeting Minutes*

Board Members

Pennie Puhek	Present via Zoom
Ken Brensinger	Present via Zoom
Sydney Woo	Present via Zoom
Joe Osisek	Present via Zoom
Shirley Breeden	Present via Zoom

EXHIBIT _____ 7 _____
 REPORTER _____
 WITNESS _____
 DATE _____

Management: Terra West Management Services
Carmen Eassa - Community Manager, CMCA®
Ashleigh Grove – Provisional Community Manager

Others Present - None

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Ms. Puhek called the meeting to order at 5:02 PM upon establishment of a quorum. This meeting was held via Zoom due to the COVID-19 pandemic.

2. APPROVAL OF MINUTES – June 23, 2021

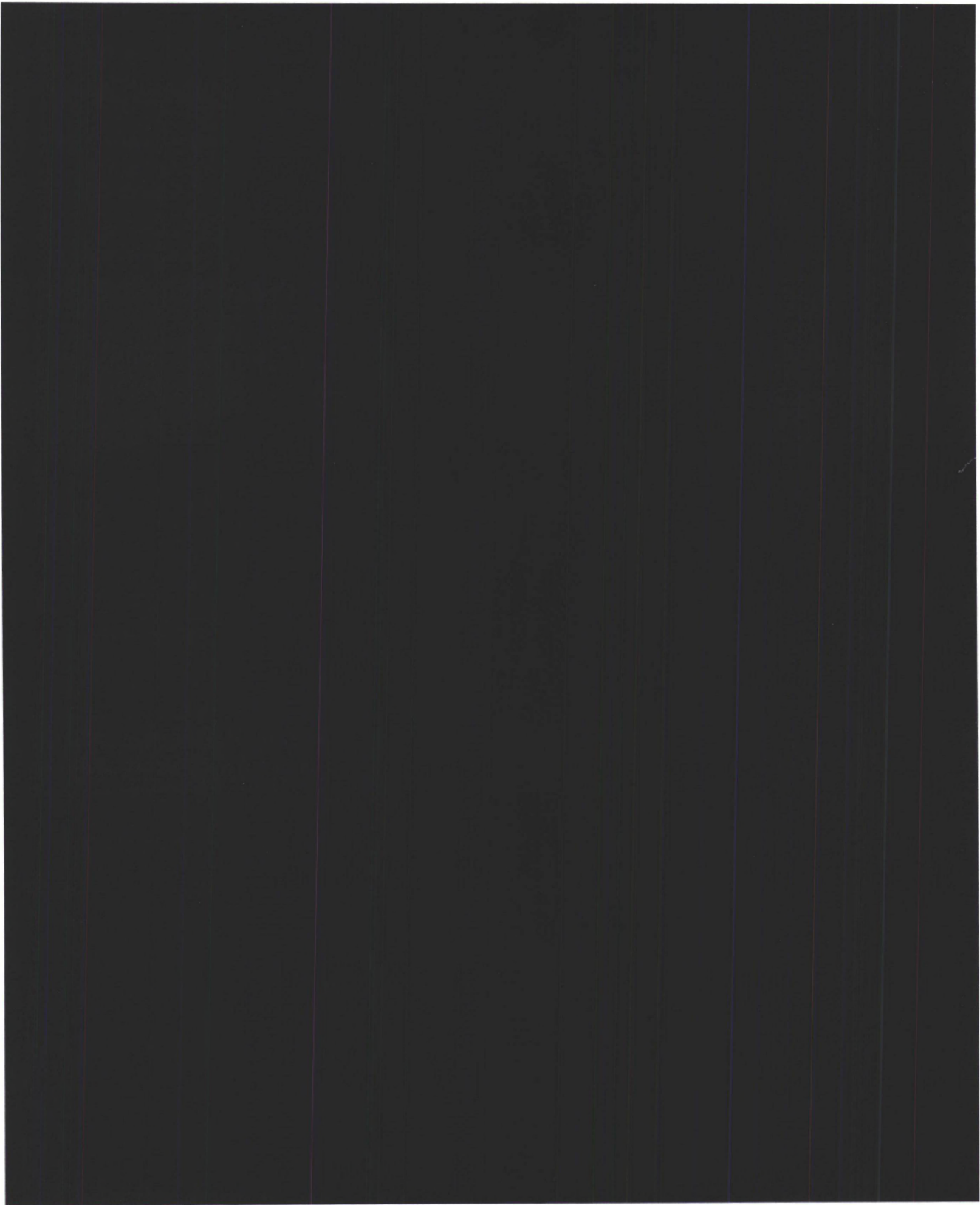
A motion was made by Mr. Brensinger, seconded by Ms. Breeden to approve the minutes from the **June 23, 2021** Executive session meeting as presented. All in Favor, Motion carried.

3. NON-COMPLIANCE

A. HEARINGS – After review and discussion of the hearing list provided, (see **Attachment A, dated 7/28/21**), Ms. Puhek made a motion to proceed with the board’s decision as it pertains to each hearing item on **Attachment A**, and seconded by Mr. Brensinger in accordance with the adopted Fines and Enforcement Policy. If the violations as noted on **Attachment A** are still in violation at their respective hearing inspections, the homeowner(s) will be fined the respective amounts in accordance with the association’s fine schedule, providing 14 days for compliance, then fined weekly until compliance occurs. Mr. Woo and Mr. Osisek voted in favor. Motion carried.

4. Correspondence /Appeals/Disputes







8. Adjournment

Ms. Puhek made a motion to adjourn the meeting at 5:54 pm. Mr. Woo seconded the motion.

Respectfully submitted by:
Carmen Eassa, Community Manager

Approved By:

Secretary

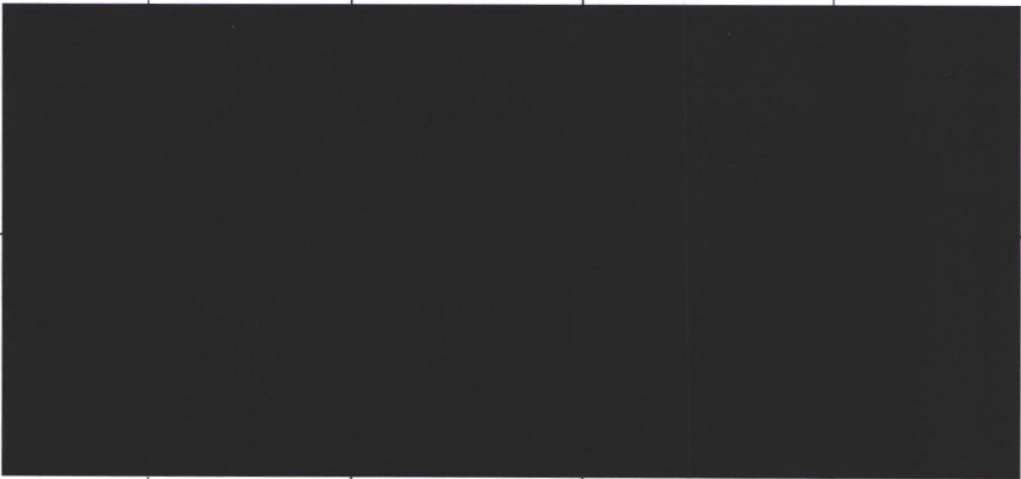
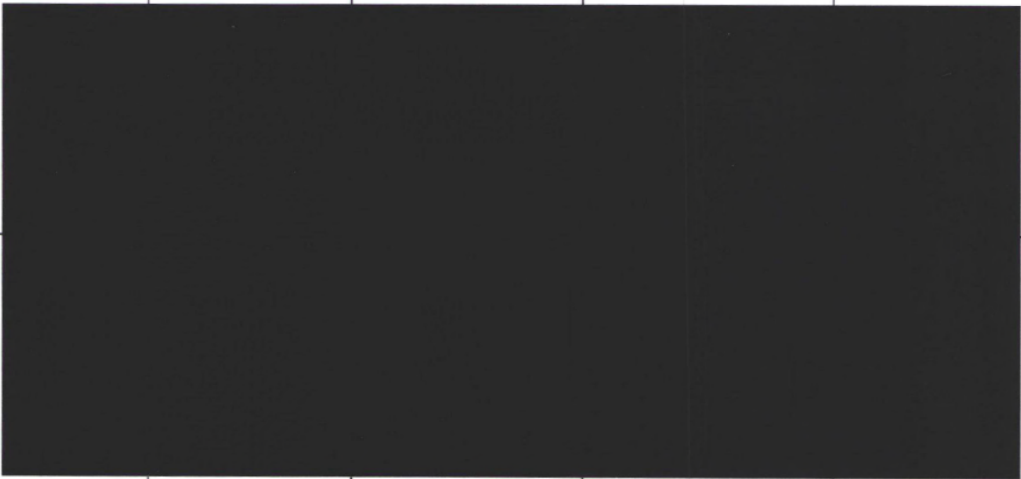
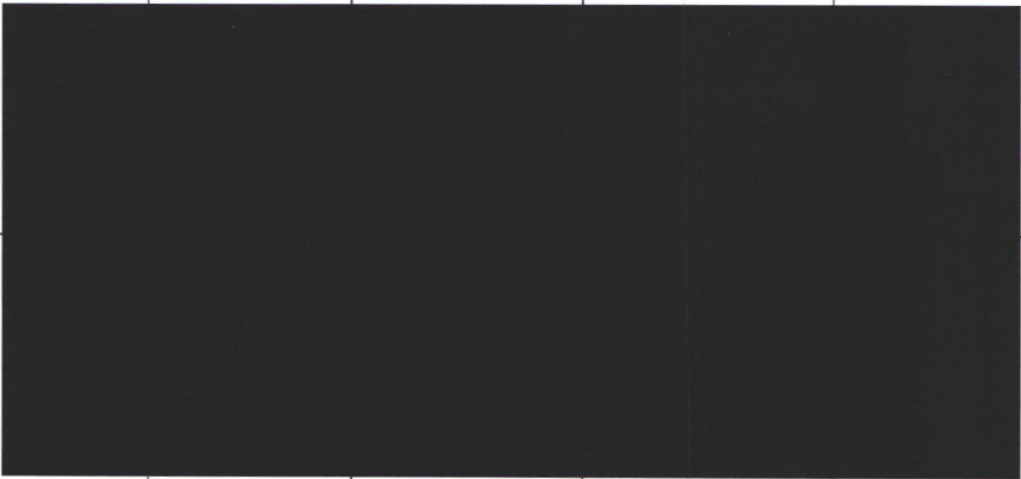
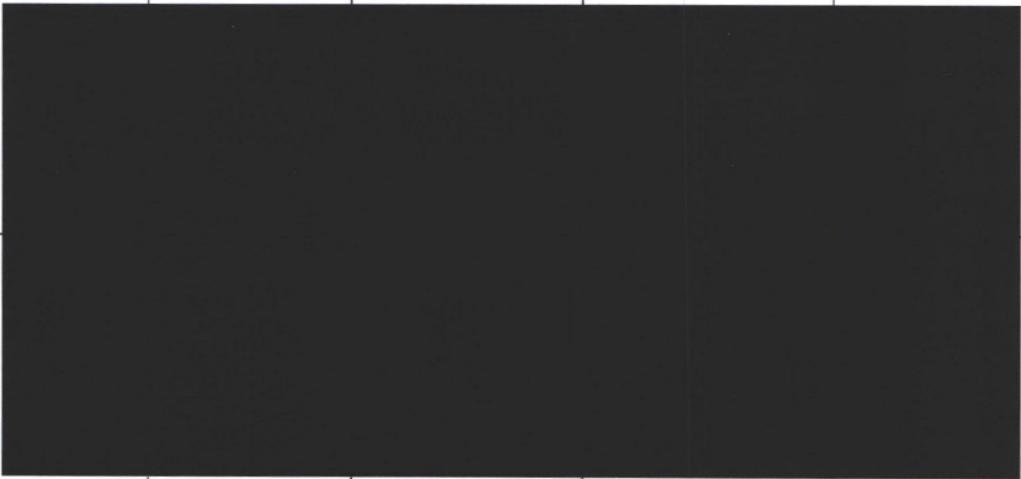
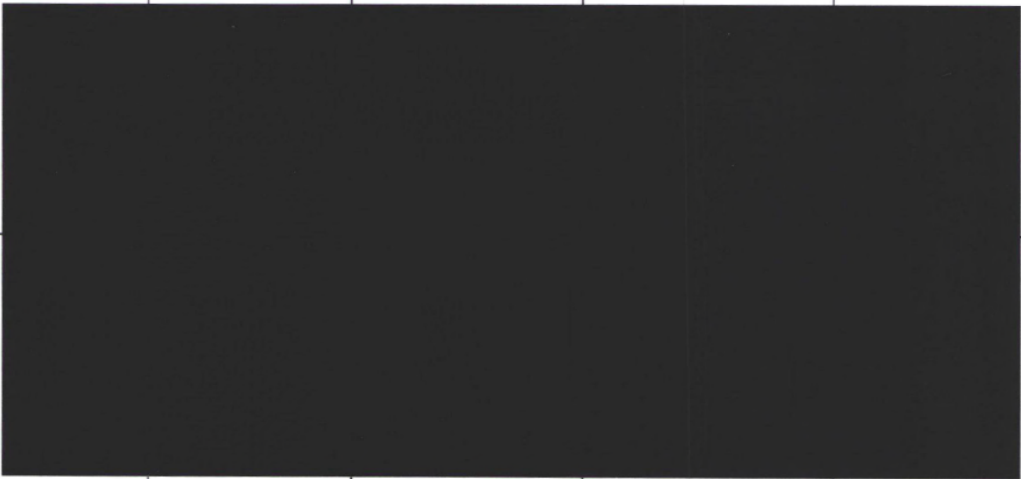
8/29/2021

Date

Attachment A
Executive Board Meeting Hearing Results
July 28, 2021

	Name	Address	Violation	Response Form Y or N	Extension Request Y or N	Hearing Results
1	[REDACTED]	[REDACTED]	Need to trim trees	Y	N	Ms. Puhek made a motion to provide the Homeowner an extension of 14 days to cure the violation. Homeowner must provide photos of completed work. If violation is not cured within 14 days a \$50 fine will be imposed per week until violation is cured. Mr. Osisek seconded the motion. All in favor, motion carried.
2	[REDACTED]	[REDACTED]	Need to trim trees	Y - email 6/24 advising they would address the issue	N	Ms. Puhek made a motion to provide the Homeowner with an extension of 14 days to cure the violation. Homeowner must provide photos of completed work. If violation is not cured within 14 days a \$50 fine will be imposed per week until violation is cured. Mr. Brensinger seconded the motion. All in favor, motion carried.
3	[REDACTED]	[REDACTED]	Need to refresh rock	Y - email received 7/14 that it is corrected	N	Ms. Puhek made a motion homeowner must submit Architectural application with approved rock color within 7 days. Any approved rock color must match front and side yard. An extension of 30 days will be given to complete. Homeowner must provide photos of completed work. If violation is not cured within 30 days a \$50 fine will be imposed per week until violation is cured. Mr. Woo seconded the motion. All in favor, motion carried.
4	JACT Trust	Glengarry 2822 Culloden Ave	Need ARC for paint	N	N	Ms. Puhek made a motion to impose \$50.00 Fine. Homeowner has 14 days to cure violation or it will be deemed a continuing violation and fines will be imposed every 7 days until violation is cured. Homeowner must submit photographic proof of violation being cured to prevent recurring fines from being imposed. Mr. Brensinger seconded the motion. All in favor, motion carried.
5	[REDACTED]	[REDACTED]	Need to remove tree suckers	N	N	Ms. Puhek made a motion to impose \$50.00 Fine. Homeowner has 14 days to cure violation or it will be deemed a continuing violation and fines will be imposed weekly (every 7 days) until violation is cured. Homeowner must submit photographic proof of violation being cured to prevent recurring fines from being imposed. Mr. Osisek seconded the Motion. All in favor, Motion carried.

Attachment A
Executive Board Meeting Hearing Results
July 28, 2021

6		Parking vehicles in rockscape	N	N	Ms. Puhek made a motion not to fine at this time. If vehicle is parked in landscape at anytime within the next 6 months a \$100 fine will be charged per occurrence. No further notice will be given. Mr. Brensinger seconded the Motion. All in favor, Motion carried.
7		Need to remove tree suckers	N	N	Ms. Puhek made a motion to impose \$50.00 Fine. Homeowner has 14 days to cure violation or it will be deemed a continuing violation and fines will be imposed every 7 days until violation is cured. Homeowner must submit photographic proof of violation being cured to prevent recurring fines from being imposed. Mr. Woo seconded the Motion. All in favor, Motion carried.
8		Need to refresh rock	N	N	Ms. Puhek made a Motion to impose \$50.00 Fine. Homeowner has 14 days to cure violation or it will be deemed a continuing violation and fines will be imposed weekly (every 7 days) until violation is cured. Homeowner must submit photographic proof of violation being cured to prevent recurring fines from being imposed. Mr. Brensinger seconded the motion. All in favor, Motion carried.
10		Parking trailer in view	N - email received that it will not extend the 48 hour period and is now at storage		Ms. Puhek made a motion not to fine at this time. Trailer must not be parked in the community for more than 48 hours in a 7 day period. Trailer may only be parked in the community for loading and unloading. If not being loaded or unloaded, it cannot be in the community. If trailer is in the community in violation of the CC&Rs, a \$100 fine will be imposed for each occurrence and no further notices will be given. Mr. Osisek seconded the motion. All in favor. Motion carried.
11		Need to refresh rock	N	N	Ms. Puhek made a motion to impose \$50.00 Fine. Homeowner has 14 days to cure violation or it will be deemed a continuing violation and fines will be imposed weekly (every 7 days) until violation is cured. Homeowner must submit photographic proof of violation being cured to prevent recurring fines from being imposed. Mr. Woo seconded the motion. All in favor, motion carried.

Attachment A
Executive Board Meeting Hearing Results
July 28, 2021

12	A	Check irrigation - wall leaching	Y	Y - extension requested until 9/30/21	<p>Ms. Puhek made a motion to approve an extension to 9-30-2021 only if Homeowner provides a response form with the chosen protocol within 10 days. Homeowner must provide photos and verification from a licensed vendor that protocol was completed. Mr. Osisek seconded the motion. All in favor, motion carried.</p>
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EXHIBIT 34



Oleander lady-2822 Culloden

2 messages

Pennie Mossett-Puhek <pennieahca@gmail.com>

Thu, Oct 28, 2021 at 12:05 PM

To: ted <ted@boyacklaw.com>

Cc: Sydney Woo <sydneyahca@gmail.com>, Pennie Mossett-Puhek <pennieahca@gmail.com>

How to proceed?

- 1) We already have a HSW violation for Nuisance detrimental to neighboring units. That was \$2000.
- 2) We violated her for no ARC as well and told her she had to submit an ARC. She did and the ARC was denied. Since she submitted the ARC as required, we closed that violation. Now we need to open one to make her remove the plants. To keep going with this particular violation, we can cite Article V of our guidelines (see below) and direct her to remove the plants that way as well.
- 3) At this point it's not even about the plant being prohibited, but about the view obstruction and I think we need to focus on that since there are other oleanders in the community that have been put in over the years.

I just want to cover as much as I can in case we let the HSW go for some reason. This section of the guidelines also addresses view obstructions, but I didn't see it before we did the HSW.

I would like to proceed with a violation of this provision. It would start over with courtesy again, but we would monitor to get to hearing as fast as possible. I want to leave the HSW open in case there is an accident while this is being resolved and the liability does not shift to us. You never know.

Article V. Landscape Design Standards The Anthem Highlands landscape theme is based on the drought tolerant mandate of both the county and state, designed as a major water conservation effort. Anthem Highlands is striving to be uniquely conscious of the drought conditions in the Henderson Valley. The intent is to be proactive in the design of landscaping that will blend seamlessly into the surrounding native area and still provide a lush and vibrant desert setting for our community. Included in these Guidelines is a recommended plant list based on the Nevada Water Smart Landscape Program. **Landscaping on corner lots must not encroach on sight visibility line requirements.**

I forgot she also has an existing paint violation that continues to fine for no ARC, Her attorney responded to that violation and said they would file an ARC in 45 days and ask for a 1 year extension to cure. Yeah right!. That was in May and they never submitted anything.

Here is a picture of her latest button pushing. She planted these plants recently, No ARC! They are on our property. I am going to start off with No ARC violation and when she submits it will be denied again due to a view obstruction and that it's not her property. The assessor map shows our property line and she planted right in the middle of where the B is. Her oleanders are there as well, but are too close to the line to say for sure if that's our property. Also the COH rules allow plants on the corner to only be 2ft high from the sidewalk. As you can tell by the height of utility box and her elevated yard, it is more than 2ft high from the sidewalk.

Ok to proceed with a violation of Article V for the view obstruction and no ARC for the new plants?

Pennie Puhek
Anthem Highlands Community Association

3 attachments

EXHIBIT 35

BEATTHEHEATPATIOS@GMAIL.COM
BEAT THE HEAT
 SOLAR SCREENS & PATIO COVERS
 3430 E RUSSELL RD #303, LAS VEGAS, NV 89120



2561 E. Washburn Rd. 89120
 N. Las Vegas, NV 89081

702-437-4077
 Fax: 702-437-7419



LIC. # 58814
 Monetary Limit \$40,000

Family Owned & Operated
 Since Feb. 1991

CONTRACT SUBMITTED <u>Andrea Collier</u>	PHONE <u>702-219-4335</u>	DATE <u>1-9-18</u>
STREET <u>2822 Culloden Ave.</u>	JOB NAME	
CITY, STATE, AND ZIP CODE <u>Henderson, NV. 89044</u>	JOB LOCATION	
ARCHITECT	DATE OF PLANS	

We Propose hereby to furnish material and labor - complete in accordance with below specifications for the sum of:

Upon completion
 Payment to be made as follows:

All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, theft and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature S. Mettall

Installation subject to Beat The Heat schedule unless otherwise stated

We hereby submit specifications and estimates for:

Custom build/Install A Lattice patio cover
 15x35 area @ \$11.00/sf \$ 5775.-
 Henderson Permit included
 Brown color, Beveled ends
 3 factors \$ 750.-
 \$ 6525.-
 Tax * Discount \$ 400.-
 Job Costs \$ _____ Terms _____ Deposits \$ 6125
 Upon Completion

*3% CHARGE FOR CREDIT CARDS
 For Credit Card Use Only

I authorize Beat The Heat to apply the charges listed above to the following credit card.
 Master Card Account Number _____ exp. date _____
 Visa Card Account Number _____ exp. date _____
 Discover Card Account Number _____ exp. date _____

Acceptance Of Contract I understand that by signing this contract, I am authorizing Beat The Heat to perform all work outlined in this contract. All balances are due, cash or check, upon completion unless otherwise specified. Any balances over ten days late will be charged a \$50.00 late fee.
 Signature _____
 Signature _____
 Signature _____
 OK TO COME ON PROPERTY: _____

THIS CONTRACT ALSO SERVES AS YOUR INVOICE

* City of Henderson
 Suspect Foot
 12/20 - 12/30?

* SLAB + FLAG FOOT
 12/20 - ?

6,275.00
 Inc. 150.00
 Cement Slab
 For Slab
 + 150.00 For
 Flag Foot
 6,425
 PO3316/TAL

EXHIBIT 36



Anthem Highlands Comm Assoc
 Terra West Management Services
 6655 S. Cimarron Road, Suite 200
 Las Vegas, NV 89113
 Phone: (702) 856-3743 : Fax: 7029986083 : www.terrawest.com anthemhighlands@terrawest.com

Formal Notice Response Form:

This form must be used to provide additional information regarding the alleged violation of the Governing Documents of the Association as outlined in the enclosed letter.

INSPECTION DATE: April 08, 2022
 NAME: [REDACTED]
 ACCOUNT NUMBER: 00157 3155
 PROPERTY ADDRESS: 2848 Kinknockie Way
 VIOLATION: Need to submit an ARC for approval for the flag pole
 LOCATION: Front

RESPONSE(S):

- The violation has been corrected as of ___/___/___
- The violation will be resolved on ___/___/___
- I request an extension of time to correct the violation ___/___/___
- I have attached pictures showing that the violation has been corrected
- Architectural Application is enclosed
- Architectural Application will be submitted on ___/___/___
- I am not in violation of the Governing Documents for the following reason:

All responses must be in writing. Please complete this form and either fax it to the number above, email it to anthemhighlands@terrawest.com, or mail it to the address above. Upon receipt of this form your account will be noted accordingly. **HOMEOWNERS: To review account information on-line or check on the status of a violation please visit www.terrawest.com to access your Association website.**

Homeowner Signature: [REDACTED] (as per the recorded deed) Phone: [REDACTED]
 Email: [REDACTED] Date Response Form Completed: 5-2-22
 Resident/Tenant Signature: _____ (as per authorization) Phone: _____
 Email: _____ Date Response Form Completed: _____
 Property Manager Signature: _____ (as per authorization) Phone: _____
 Email: _____ Date Response Form Completed: _____



Anthem Highlands Community Association

Horse Improvement Application

Unit Owner Name [redacted] Phone [redacted]

Unit Address: 2001 [redacted] Henderson NV Community Name: [redacted]

Email Address: [redacted]

Project Start Date: August 15, 2022 Projected End Date: September 25, 2022

Project Type (Check all that apply):

- Checkboxes for project types: Additions, Exterior Structural Alterations, and Casitas; Barbeques and Outdoor Kitchen; Concrete Work, Curbing, Walkways And Pavets; Exterior Doors; Fencing and Walls; Fireplaces and Fire Pits; Flagpoles; Fountains; Gates; Gutters and Down Spouts; Lamp posts and Ambient Landscape Lighting; Landscaping; Painting; Patio Covers, Pergolas, and Awnings; Patios and Decks; Pools Spas, and Water Feature; Raised Planters, Raised Pools; Ramadas Gazebos and Carports; Retractable Screens; Rolling Windows and Door Shutters; Roofing; Solar Panels; Sheds/ Storage Buildings; Sports/ Play Equipment; Stone Veneer; Windows; Other (Not Listed)

Description of Project:

Install a flagpole in the front yard of the residence. The flagpole will be installed in the front yard, set back approximately 20 feet from the sidewalk, embedded in a concrete footing approximately 28" deep by 14" inches wide. See attachment.

[redacted signature] Date July 13, 2022

For AHCA Use Only: (Do not write in box)
[] Approved Date
[] Denied
[] Conditionally Approved Signature
Application Number

Laura Franke

From: Anthem Highlands
Sent: Monday, July 18, 2022 10:28 AM
To: Frank C; Pennie Mossett-Puhek
Cc: Anthem Highlands
Subject: RE: Anthem Highlands- [REDACTED] (Glengarry) ARC
Attachments: Titan Flag Brochure.pdf

Good Morning,

Please see the owners response below and attached brochure.

The Committee would like you to provide the following information:

1) Manufactures brochure regarding this type of flagpole; I contacted the manufacturer and was informed they do not have a brochure. <https://flagpolefarm.com/product/titan-telescoping-flagpole-kit/> I am including the written select photos in attached document

2) The contractors name and information that is doing the installation – self-installed Answered

4) color and material of flagpole Black/Bronze, anodized aluminum

5) Height of flagpole (from ground to top) – Answered 20 feet

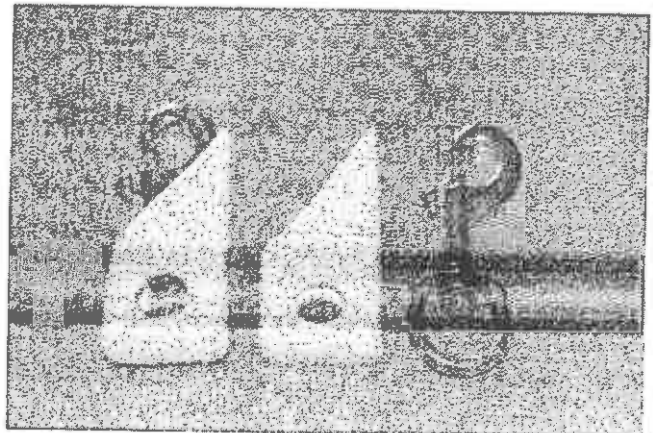
6) Method of installation, if concrete footer, how deep and wide. concrete footer, Concrete footer, 26 inches deep. 14 inch

7) Diagram/drawing of placement on property showing distance from property lines- Answered

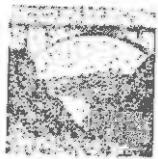
8) Size of flag to be flown 4 foot x 6 foot

9) What flag will be flown U.S. Flag Daily, and U.S. Air Force Flag on occasion

10) Pictures/proof of lines and metal clips are to be shrouded or tied in a manner that eliminates noise caused by wind. Clip



11) Has "UP" lighting been installed to illuminate flag at night. Pole Solar Lighting will be purchased and installed on top of the pole t



ReplyForward

On Fri, Jul 15, 2022 at 1:40 PM [REDACTED] wrote:

The Committee would like you to provide the following information:

1) Manufactures brochure regarding this type of flagpole; I contacted the manufacturer and was informed they do no have a "paper" brochure, only an online bruchure. <https://flagpolefarm.com/product/titan-telescoping-flagpole-kit/> i am including the written portion of their online brochure and a few select photos in attached document

2) The contractors name and information that is doing the installation – self-installed Answered

4) color and material of flagpole Black/Bronze, anodized aluminum

5) Height of flagpole (from ground to top) – Answered 20 feet

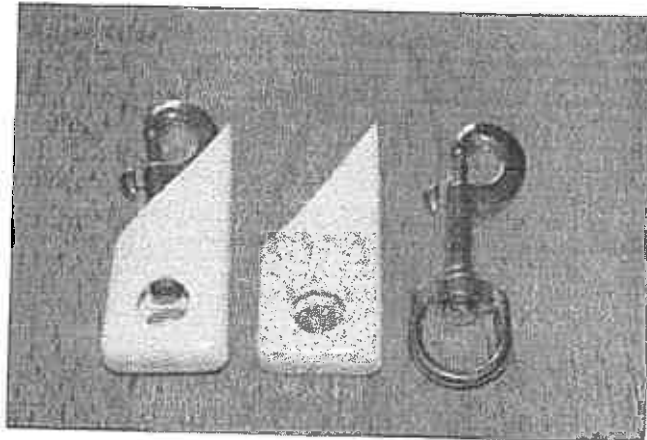
6) Method of installation, if concrete footer, how deep and wide. concrete footer, Concrete footer, 26 inches deep, 14 inches wide

7) Diagram/drawing of placement on property showing distance from property lines- Answered

8) Size of flag to be flown **4 foot x 6 foot**

9) What flag will be flown **U.S. Flag Daily, and U.S. Air Force Flag on occasion**

10) Pictures/proof of lines and metal clips are to be shrouded or tied in a manner that eliminates noise caused by wind. **Clips will be shrouded to eliminate any noise.**



11) Has "UP" lighting been installed to illuminate flag at night. **Pole Solar Lighting will be purchased and installed on top of the pole to meet U.S. Code for flying U.S. flag at night**



Thank you,
Mia Hooks
Provisional Community Manager
Anthem Highlands Community Association
Terra West Management Services
6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113
7028563743 Office | 7029986083 Fax
terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)



We'd love to hear from you! Click here to answer a few questions about your experience today. We sincerely appreciate your business!

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential, proprietary, legally privileged, or otherwise protected by law from disclosure. Any unauthorized review, use, copying, disclosure, or distribution is prohibited. If you are not the intended recipient, or the person responsible for delivering this to an addressee, you should notify the sender immediately by reply e-mail and destroy all contents of the original message.

From: Mia Hooks

Sent: Thursday, July 14, 2022 2:54 PM

To: Frank C <anthemfrank@gmail.com>; Pennie Mossett-Puhek <pennieahca@gmail.com>

Cc: Anthem Highlands <anthemhighlands@terrawest.com>

Subject: Anthem Highlands- [REDACTED]

Good Afternoon,

Please see the attached ARC application to install a flag pole.

Thank you,

Mia Hooks

Provisional Community Manager

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 Office | 7029966083 Fax

terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)



We'd love to hear from you! Click here to answer a few questions about your experience today. We sincerely appreciate your business!

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Anthem Highlands



Mia Hooks <mhooks@terrawest.com>

To: Frank C <anthemfrank@gmail.com>, Pennie Mossett-Puhek <pennieahca@gmail.com>
Cc: Anthem Highlands <anthemhighlands@terrawest.com>

Fri, Jul 15, 2022 at 9:37 AM

Good Morning,

Please see the attached ARC application for a flag pole that has already been installed.

Thank you,

Mia Hooks

Provisional Community Manager

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 Office | 7029986083 Fax

terrawest.com | manager@anthemhighlands.org | HOA Account Login



We'd love to hear from you! [Click here](#) to answer a few questions about your experience today. We sincerely appreciate your business!

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 ANT  flagpole.pdf
3830

EXHIBIT 37

1 Timothy P. Elson, Esq.
Nevada State Bar # 11559
2 **THE LAW OFFICES OF TIMOTHY ELSON**
8965 S. Eastern Ave., Suite 382
3 Las Vegas, Nevada 89123
Tim@ElsonLawOffices.com
4 (702) 874-8600

5 Attorneys for Plaintiff ANDREA COLLIER, as
trustee of the JACT TRUST

6 **DISTRICT COURT**
7
8 **CLARK COUNTY, NEVADA**

9 ANDREA COLLIER, as trustee of the JACT
10 TRUST,

11 Plaintiff,

12 v.

13 PENNIE MOSSETT-PUHEK, individually;
ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION, a Nevada Non-Profit Corporation;
14 CARMEN EASSA, an individual; K.G.D.O.
HOLDING COMPANY, LLC d/b/a TERRA
15 WEST MANAGEMENT SERVICES, a Nevada
limited liability company; DOES I through X and
16 ROE BUSINESS ENTITIES I through X,
inclusive,

17 Defendants.
18

Case No.: A-22-852032-C
Dept.: 8

**PLAINTIFF ANDREA COLLIER’S FIRST
SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT K.G.D.O. HOLDING
COMPANY, LLC D/B/A TERRA WEST
MANAGEMENT SERVICES**

19 TO: DEFENDANT K.G.D.O. HOLDING COMPANY, LLC D/B/A TERRA WEST
20 MANAGEMENT SERVICES AND ITS ATTORNEYS OF RECORD:

21 Plaintiff ANDREA COLLIER (“Collier” and/or “Propounding Party”, by and through her
22 counsel of record, hereby requests Defendant K.G.D.O. HOLDING COMPANY, LLC D/B/A TERRA
23 WEST MANAGEMENT SERVICES (“Terra West” and/or “Responding Party”) produce the
24 following documents, writings, things tangible, and information to THE LAW OFFICES OF
25 TIMOTHY ELSON, 8965 S. Eastern Ave., Suite 382, Las Vegas, Nevada 89123, in the possession,
26 custody, or control of Defendant, or otherwise available to Defendant, which are responsive to the
27 requests contained in the numbered paragraphs below, and otherwise in accordance with Rules 26 and
28 34 of the Nevada Rules of Civil Procedure.

THE LAW OFFICES OF TIMOTHY ELSON

1 Please specify which documents are produced in response to each of the numbered paragraphs.
2 These requests shall be deemed continuing so as to require further and supplemental production should
3 the requested party obtain additional documents which are responsive to this request subsequent to the
4 time of initial production and inspection. If Plaintiff has previously produced the requested
5 documents, please state with specificity the location, title, and page number of said documents.

6 The original of each responsive item (or a legible copy if the original is not within the
7 Responding Party's possession, custody, or control) shall be identified and produced at the above-
8 stated date, time, and place unless complete and legible copies of each responsive item are received at
9 the above-referenced address on or before the specified production date. Any such production of
10 copies is without prejudice to the Propounding Party's right to inspect and/or copy the original of each
11 document or tangible thing at a future date.

12 **I.**

13 **INSTRUCTIONS**

14 A. These Demands seek the production of DOCUMENTS, including electronically stored
15 information, in native format, unless some other format is agreed to by the Propounding Party's
16 counsel of record in writing.

17 B. Electronically stored information must be produced with all metadata.

18 C. Any demand for a DOCUMENT shall be construed to include any and all drafts,
19 versions, or revisions of such DOCUMENT.

20 D. These Demands seek the production of all responsive DOCUMENTS within the
21 Responding Party's possession, custody, or control, regardless of whether such DOCUMENTS are
22 possessed directly by Responding Party.

23 E. Unless otherwise specified, the time frame of these Demands is unlimited.

24 F. In the event any DOCUMENTS responsive to these Demands are withheld from
25 production based upon a claim of attorney-client privilege, work-product doctrine, or any other
26 privilege or protection from discovery, Responding Party is requested to provide a privilege log that
27 explains the basis of the privilege or other protection claimed, and provides a description of the
28 DOCUMENTS withheld sufficient to support the basis for withholding the DOCUMENTS.

DEFINITIONS

Unless otherwise defined, the following definitions apply:

1. For the purposes of these requests, the term “DOCUMENT(S)” includes all forms of writings and includes any reduction to tangible form, whether written, recorded, taped, filmed, videotaped or in computer, cloud, digital or magnetic memory or storage, of communication, information, or data, including any graphic matter of any kind or nature, however produced or reproduced, and also includes originals, drafts, and non-identical copies, wherever located. “DOCUMENT” shall include, but not be limited to, books, contracts, agreements, correspondence, electronic mail, computer tapes, discs, magnetic memory, printouts and keypunch cards, memoranda, diaries, notes, reports, bulletins, printed forms, telegraphic communications, pleadings and other legal papers, notes, telexes, telegrams, telecopies, facsimile reproductions or "faxes," factual compilations, data compilations, statistical compilations, plans, diagrams, journals, change orders, studies, surveys, sketches, art work, graphics, checks, ledgers, catalogues, brochures, pamphlets, press releases, advertisements, invoices, minutes, photographs, microfilms, microfiche, films, personnel files, quotes, stenographic notes, calendars, computer discs, telephone records, schedules, bids, voice recordings, and transcriptions.

2. For the purposes of these requests, the term “COMMUNICATIONS” means and includes letters, emails, facsimiles, telephone calls, text messages, SMS messages, conversations, correspondence or any other means or methods of communication.

3. The term “ESI” shall mean electronically stored information including but not limited to any form of electronic communications, including but not limited to emails, and any electronically created or stored documents, including but limited to Word or WordPerfect documents, in their native state and including all related metadata.

4. The term “SUBJECT ACTION” shall mean and refer to the matter of *Collier v. Mossett-Puhek*, Eighth Judicial District Case No.: A-22-852032-C.

5. The term “ELECTRONIC DEVICES” means and refers any electronic devices including but not limited to computers and smartphones.

6. The term “HEADER INFORMATION” with respect to email refers to information that

1 includes the sender, the recipient, the subject, the date/time of the message, as well as information
2 which is not normally displayed to the user, including routing information and other metadata.
3 HEADER INFORMATION regarding a Gmail email is revealed by clicking the black triangle to pop
4 open the menu next to the “Reply” button at the top of the message and selecting “Show Original”.
5 Following the above instructions will reveal an all-text version of the message in a new window that
6 displays the full email message with all associated HEADER INFORMATION at the top.

7 7. The term “PERSON” includes a natural person, firm, association, organization,
8 partnership, trust, business, limited liability company, corporation, or public entity.

9 8. The term “PLAINTIFF” or “COLLIER” shall mean the named Plaintiff in this
10 litigation, ANDREA COLLIER, as trustee of the JACT TRUST, and any employees, representatives,
11 attorneys, accountants, consultants, agents, or other PERSONS acting on her behalf.

12 9. “YOU” (and any form thereof, including “YOUR”) shall refer to the party responding
13 to these Requests, including any employees, representatives, attorneys, accountants, consultants,
14 agents, or other PERSONS acting on their behalf. **This expressly includes the community manager,**
15 **community management company, assistants, inspectors, employee, or any other PERSONS**
16 **that act on YOUR behalf.** This definition shall still apply even if these Requests refer to the
17 responding party by name, rather than YOU or YOUR.

18 10. “DEFENDANTS” shall refer to Defendants ANTHEM HIGHLANDS COMMUNITY
19 ASSOCIATION and PENNIE MOSSETT-PUHEK

20 11. “ANTHEM” shall refer to Defendant ANTHEM HIGHLANDS COMMUNITY
21 ASSOCIATION.

22 12. “MOSSETT-PUHEK” shall refer to Defendant PENNIE MOSSETT-PUHEK.

23 13. “GOVERNING DOCUMENTS” shall have the meaning as set forth in Chapter 116 of
24 the Nevada Revised Statutes.

25 14. The “PROPERTY” refers to real property located at 2822 Culloden Ave., Henderson,
26 Nevada 89044, Parcel No. 191-24-813-013.

27 15. “TERRA WEST” refers to Defendant K.G.D.O. Holding Company, LLC d/b/a Terra
28 West Management Services.

1 **REQUEST TO PRODUCE NO. 9:**

2 Produce any DOCUMENTS pertaining to any violations that relate to violations involving
3 oleanders within ANTHEM, whether notices, minutes, COMMUNICATIONS, hearing
4 determinations, fines, or otherwise.

5 **REQUEST TO PRODUCE NO. 10:**

6 Produce any DOCUMENTS pertaining to any violations that relate to violations involving
7 view obstructions within ANTHEM, whether notices, minutes, COMMUNICATIONS, hearing
8 determinations, fines, or otherwise.

9 **REQUEST TO PRODUCE NO. 11:**

10 Produce any DOCUMENTS pertaining to any violations that relate to violations involving
11 paint schemes within ANTHEM, whether notices, minutes, COMMUNICATIONS, hearing
12 determinations, fines, or otherwise.

13 **REQUEST TO PRODUCE NO. 12:**

14 Produce any DOCUMENTS pertaining to any violations that relate to violations involving
15 flag poles within ANTHEM, whether notices, minutes, COMMUNICATIONS, hearing
16 determinations, fines, or otherwise.

17 **REQUEST TO PRODUCE NO. 13:**

18 Produce all DOCUMENTS and/or COMMUNICATIONS pertaining to TERRA WEST's
19 contract negotiation with ANTHEM at any point, including when the contract was first negotiated,
20 any renewal, or any termination thereof.

21 **REQUEST TO PRODUCE NO. 7:**

22 Produce all of YOUR COMMUNICATIONS with Henderson Code Enforcement or any other
23 governmental entity that refer to or relate to COLLIER.

24 **REQUEST TO PRODUCE NO. 8:**

25 Produce all of YOUR COMMUNICATIONS with Henderson Code Enforcement or any other
26 governmental entity that refer to or relate to units within ANTHEM.

27 **REQUEST TO PRODUCE NO. 9:**

28 Produce any and all computers, hard drives, storage devices, or any other ESI that you have

1 used since 2015.

2 **REQUEST TO PRODUCE NO. 10:**

3 Produce all electronic correspondence that refer to or relate to COLLIER, ANTHEM, or any
4 units within ANTHEM. Alternatively, you may identify your email addresses, passwords, and other
5 pertinent information (which can be done confidentially) so e-discovery by a neutral company may
6 occur.

7 **REQUEST TO PRODUCE NO. 11:**

8 Produce all COMMUNICATIONS by YOU with ANTHEM pertaining to the preservation of
9 evidence letter that YOU received on or about June 17, 2021.

10 **REQUEST TO PRODUCE NO. 12:**

11 Produce all DOCUMENTS and/or COMMUNICATIONS pertaining to the preservation of
12 evidence letter that YOU received on or about June 17, 2021.

13 **REQUEST TO PRODUCE NO. 13:**

14 Produce all logs or software reports regarding violations pertaining to COLLIER.

15 **REQUEST TO PRODUCE NO. 14:**

16 Produce all COMMUNICATIONS, whether internal or otherwise, pertaining to TERRA
17 WEST's contract negotiation with ANTHEM at any point, including when the contract was first
18 negotiated, any renewal, or any termination thereof.

19 **REQUEST TO PRODUCE NO. 15:**

20 Produce all DOCUMENTS pertaining to any complaint that YOU received pertaining to
21 MOSSETT-PUHEK.

22 **REQUEST TO PRODUCE NO. 16:**

23 Produce all COMMUNICATIONS, whether internal or otherwise, pertaining to complaints
24 pertaining to MOSSETT-PUHEK.

25 **REQUEST TO PRODUCE NO. 17:**

26 Produce all bounce back emails (also known as a failed delivery message, non-delivery report,
27 or notice that the email address was no longer being monitored) from Ms. Matheson related to this
28 litigation.

1 **REQUEST TO PRODUCE NO. 18:**

2 Produce all bounce back emails (also known as a failed delivery message, non-delivery report,
3 or notice that the email address was no longer being monitored) from Ms. Ogilvie related to this
4 litigation.

5 **REQUEST TO PRODUCE NO. 19:**

6 Produce all DOCUMENTS pertaining to any investigation that TERRA WEST conducted
7 pertaining to COLLIER.

8 **REQUEST TO PRODUCE NO. 20:**

9 Produce all CORRESPONDENCE pertaining to any investigation that TERRA WEST
10 conducted pertaining to COLLIER.

11 **REQUEST TO PRODUCE NO. 21:**

12 Produce all DOCUMENTS pertaining to any investigation that TERRA WEST conducted
13 pertaining to MOSSETT-PUHEK.

14 **REQUEST TO PRODUCE NO. 22:**

15 Produce all CORRESPONDENCE pertaining to any investigation that TERRA WEST
16 conducted pertaining to MOSSETT-PUHEK.

17 **REQUEST TO PRODUCE NO. 23:**

18 Produce all DOCUMENTS that pertain to any policies and procedures in effect at TERRA
19 WEST from 2020 to Present.

20 **REQUEST TO PRODUCE NO. 24:**

21 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
22 pertain to responsibilities and/or duties that community managers must perform.

23 **REQUEST TO PRODUCE NO. 25:**

24 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
25 pertain to responsibilities and/or duties that assistants must perform.

26 **REQUEST TO PRODUCE NO. 26:**

27 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
28 pertain to responsibilities and/or duties that inspectors must perform.

1 **REQUEST TO PRODUCE NO. 27:**

2 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
3 pertain to responsibilities and/or duties that any persons involved with the violation process at a
4 homeowners association must perform.

5 **REQUEST TO PRODUCE NO. 28:**

6 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
7 address how persons at TERRA WEST should address homeowners associations that are not
8 complying with Nevada law.

9 **REQUEST TO PRODUCE NO. 29:**

10 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
11 address how persons at TERRA WEST should ensure that homeowners associations are complying
12 with Nevada law.

13 **REQUEST TO PRODUCE NO. 30:**

14 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
15 address how the violation process or enforcement process of a homeowners association should occur.

16 **REQUEST TO PRODUCE NO. 31:**

17 Produce all handbooks, training manuals, check lists or any DOCUMENTS whatsoever that
18 address how to handle harassment in the work place, including harassment by or toward unit owners,
19 board members, team members, or anyone whatsoever.

20 **REQUEST TO PRODUCE NO. 32:**

21 Produce all due diligence that was provided regarding TERRA WEST at the time of the sale
22 of TERRA WEST. The sale of TERRA WEST refers to the change in ownership that occurred,
23 regardless of whether the sale was an asset sale, a membership transfer, or however it was
24 consummated.

25 **REQUEST TO PRODUCE NO. 33:**

26 Produce all financials that pertaining to TERRA WEST that were disclosed at or before the
27 purchase and sale of TERRA WEST. The sale of TERRA WEST refers to the change in ownership
28 that occurred, regardless of whether the sale was an asset sale, a membership transfer, or however it

1 was consummated.

2 **REQUEST TO PRODUCE NO. 34:**

3 Produce all documents pertaining to any accounts that TERRA WEST held at the time of the
4 purchase and sale of TERRA WEST. The sale of TERRA WEST refers to the change in ownership
5 that occurred, regardless of whether the sale was an asset sale, a membership transfer, or however it
6 was consummated.

7 **REQUEST TO PRODUCE NO. 35:**

8 Produce all DOCUMENTS demonstrating any disclosures by ANTHEM and/or TERRA
9 WEST pertaining to the retention of TERRA WEST.

10 **REQUEST TO PRODUCE NO. 36:**

11 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
12 refer to COLLIER's alleged oleander violation before her hearing with the executive board.

13 **REQUEST TO PRODUCE NO. 37:**

14 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
15 refer to COLLIER's alleged oleander violation after her hearing with the executive board.

16 **REQUEST TO PRODUCE NO. 38:**

17 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
18 refer to COLLIER's alleged paint scheme violation before her hearing with the executive board.

19 **REQUEST TO PRODUCE NO. 39:**

20 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
21 refer to COLLIER's alleged paint scheme violation after her hearing with the executive board.

22 **REQUEST TO PRODUCE NO. 40:**

23 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
24 refer to COLLIER's alleged flagpole violation before her hearing with the executive board.

25 **REQUEST TO PRODUCE NO. 41:**

26 Produce all COMMUNICATIONS, whether internal or otherwise, that discuss or otherwise
27 refer to COLLIER's alleged flag pole violation after her hearing with the executive board.

28 **REQUEST TO PRODUCE NO. 42:**

1 Any COMMUNICATIONS to Mossett-Puehek regarding her failure to abide by the Governing
2 Documents, Chapter 116 of the Nevada Revised Statutes, or other Nevada Law.

3 **REQUEST TO PRODUCE NO. 43:**

4 Any COMMUNICATIONS regarding Mossett-Puehek that relate to her failure to abide by the
5 Governing Documents, Chapter 116 of the Nevada Revised Statutes, or other Nevada Law.

6 **REQUEST TO PRODUCE NO. 44:**

7 Produce all invoices or documents demonstrating that TERRA WEST received from
8 ANTHEM since its retention.

9 **REQUEST TO PRODUCE NO. 45:**

10 Please produce statements from your bank accounts that you identified in your Answers to
11 Plaintiff's First Set of Interrogatories.

12 **REQUEST TO PRODUCE NO. 46:**

13 Please produce any and all federal or state tax returns filed for the years 2015 to present.

14 **REQUEST TO PRODUCE NO. 47:**

15 Please produce copies of all bank accounts, checking, savings, investment accounts, lines of
16 credit, applications for credit or loans, mortgages, deeds of trust, or other documents that show any
17 interest in real property, personal property, trusts of any type, partnerships of any type, automobile
18 titles, lists of assets in which you claim any interest, retirement accounts, certificates of deposit, etc.
19 from 2015 to present.

20 **REQUEST TO PRODUCE NO. 48:**

21 Please produce a copy of any and all documents regarding any and all real estate or other
22 property owned solely, jointly, or in part by Defendant. The requested documents specifically
23 include, but are not limited to: all Deeds, Deeds of Trust, Mortgage Applications, Closing
24 Statements, Coupon Books, Statements of Account, Credit Reports, Title Insurance Policies, Titles
25 of Ownership, and all other information in any way reflecting involvement with, ownership of, or
26 any transactions regarding real estate or other property ownership of Defendant. This request is
27
28

1 limited for to all real property or real estate in which any interest existed, even if the interest was
2 created before, from 2015 to Present.

3 **REQUEST TO PRODUCE NO. 49:**

4 Please produce a copy of any and all Lease(s) regarding any real estate or other property not
5 owned by Defendant but for which regular monthly lease payments are being made. This request is
6 limited to any interests that existed, even if the interest was created before, from 2015 to Present.
7

8 **REQUEST TO PRODUCE NO. 50:**

9 Please produce all bank statements and canceled checks from any and all checking accounts,
10 savings account records, safe deposit boxes (including, but not limited to, the keys to any and all safe
11 deposit boxes) and any certificates of stocks and bonds in which Defendant has had any interest
12 since 2015. If any of these items are owned jointly, please produce records that demonstrate the
13 interests of each party.
14

15 **REQUEST TO PRODUCE NO. 51:**

16 Please produce all life insurance or other insurance policies which Defendant has purchased
17 or pays premiums on or for which Defendant pays any portion of the premiums. This request limited
18 to any interests that existed, even if the interest was created before, from 2015 to Present.

19 **REQUEST TO PRODUCE NO. 52:**

20 Please produce all evidence of any and all notes, contracts, negotiable instruments,
21 receivables or accounts receivable whether due or not due, any interest whatsoever either alone or
22 jointly with any other person or corporate entity since 2015 to Present for Defendant.
23

24 **REQUEST TO PRODUCE NO. 53:**

25 Please produce all titles, deed, or contracts or sale upon real property owned, purchased or
26 being purchased, or sold, which Defendant owns or had any interest in whatsoever either alone or
27 jointly with any other person, persons or entity since 2015 to Present.

28 **REQUEST TO PRODUCE NO. 54:**

1 Please produce all titles, bills of sale, contracts of sale, certificates of ownership and all other
2 documents evidencing any ownership interest in any and all property, including, but not limited to,
3 automobiles, boats, airplanes, racecars, household goods, miscellaneous furniture and fixtures
4 belonging to Defendant or in which Defendant has had any interest whatsoever either alone or
5 jointly with any other person or entity since 2015 to Present.
6

7 **REQUEST TO PRODUCE NO. 55:**

8 Please produce all evidence of mining claims, patents or development work owned by
9 Defendant or in which Defendant has had any interest whatsoever either alone or jointly with any
10 other person or entity since 2015 to Present.

11 **REQUEST TO PRODUCE NO. 56:**

12 Please produce all documents which represent any trademark, trade name, copyright, or
13 patent in which Defendant now has or had an interest.
14

15 **REQUEST TO PRODUCE NO. 57:**

16 Please produce all general ledgers, accounting journals, financial statements or other
17 financial records prepared or maintained since 2015 to Present for Defendant.

18 **REQUEST TO PRODUCE NO. 58:**

19 Please produce any and all documents pertaining to any wages, income or any monies
20 whatsoever that Defendant receives from any employer or fictitious entity (such as a corporation,
21 partnership, limited-liability company, etc.), including, but not limited to, pay stubs, W2s, 1099s, or
22 K1s.
23

24 **REQUEST TO PRODUCE NO. 59:**

25 Please produce any and all certificates of ownership or other documents evidencing
26 ownership interests for any fictitious entity (such as a corporation, partnership, limited-liability
27 company, etc.) in which Defendant has or had any ownership interest within since 2015 to Present.
28 Defendant should also produce any and all corporate and financial documents related to these

1 entities, including, but not limited to, operating agreements, bank statements, receivables, list of
2 assets, bylaws, minutes, or any other documents in the possession, custody, and control of Defendant
3 or to which Defendant may legally obtain.

4 **REQUEST TO PRODUCE NO. 60:**

5 Please produce any and all trust documents in which Defendant has a beneficial interest.

6 **REQUEST TO PRODUCE NO. 61:**

7 Produce Chrislin Perez’s request to be transferred and/or letter of resignation.

8 **REQUEST TO PRODUCE NO. 62:**

9 Produce all instructions, checklists, or DOCUMENTS received by any inspector over the last
10 six years.
11

12
13
14 DATED: May 8, 2024

THE LAW OFFICES OF TIMOTHY ELSON

15
16 By: /s/ Timothy P. Elson

17 Timothy P. Elson, Esq.
18 Nevada State Bar # 11559
19 8965 S. Eastern Ave., Suite 382
20 Las Vegas, Nevada 89123
21 Attorneys for Plaintiff ANDREA COLLIER, as trustee of
22 the JACT TRUST
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CERTIFICATE OF SERVICE

The undersigned, an employee of the law firm of The Law Offices of Timothy Elson, hereby further certifies that on May 8, 2024, he served a copy of the foregoing **PLAINTIFF ANDREA COLLIER’S FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT K.G.D.O. HOLDING COMPANY, LLC D/B/A TERRA WEST MANAGEMENT SERVICES** by electronic service through the Regional Justice Center for Clark County, Nevada’s ECF System:

Edward D. Boyack, Esq.
Boyack Orme Anthony & McKiever
7432 W. Sahara Ave., Suite 101
Las Vegas, NV 89117
Counsel for Defendants Anthem Highlands Community Association, Carmen Eassa, and K.G.D.O. Holding Company, LLC d/b/a Terra West Management Services

Michael Edwards, Esq.
Freeman Mathis & Gary, LLP
3993 Howard Hughes Parkway, Suite 100
Las Vegas, NV 89169
Counsel for Defendant Pennie Mossett-Puhek

/s/ Timothy Elson
An employee of
The Law Offices of Timothy Elson

EXHIBIT 38

805 00437-1162 SOFTCOURTESY



Anthem Highlands Comm Assoc
Terra West Management Services
6655 S. Cimarron Road, Suite 200
Las Vegas, NV 89113
Phone: 7028563743 : Fax: 7029986083 : www.terrawest.com : manager@anthemhighlands.org

805
JACT Trust
10620 Southern Highlands Pkwy #110431
Las Vegas, NV 89141

Process date: 6/10/2021 8:25:05 AM

Property Address: 2822 Culloden Ave
Regarding: **Courtesy Notice**
Inspection Date: June 10, 2021
Violation: **Unit owner's authorized representative Tim Elson has been emailing the association's legal counsel without board authorization for such contact. This unauthorized contact has incurred legal fees for the association. Please be advised that all legal fees incurred as a result of this misconduct will be assessed to the unit owner account after a duly noticed hearing.**
Location: All Areas

Governing Document: /Article 7 Section 7.2.4 If any common expense is caused by the misconduct of any unit owner, the association shall assess that common expense exclusively against such units owner.

Dear Homeowner,

Anthem Highlands Comm Assoc has proven to be an exciting and comfortable place to live. All of us enjoy the appeal and pleasant surroundings that are a significant benefit to our community. In order to maintain these benefits in our community, an independent unbiased inspector performs regular property inspections. During the most recent inspection the above noted condition was observed on your property. Since this is a courtesy notice **no response is required at this time.** Should you need additional information or clarification of the alleged violation, please contact management via email at manager@anthemhighlands.org or register and login at terrawest.com to view your account details and if applicable a copy of your violation letter with a photo of the violation can be observed.

We would appreciate your prompt attention to this matter and resolve the alleged violation within 15 days. Failure to resolve this issue before the next inspection will result in a formal notice being issued at which time you will be required to respond in writing as to why the violation has not been cured.

If you have corrected the conditions referenced above we would like to thank you for your cooperation in maintaining the high standards of the community. As soon as the correction is confirmed by the Board and/or management, the violation will be closed.

Sincerely,
Anthem Highlands Comm Assoc Board of Directors

EXHIBIT 3
REPORTER _____
WITNESS _____
DATE _____

EXHIBIT 39

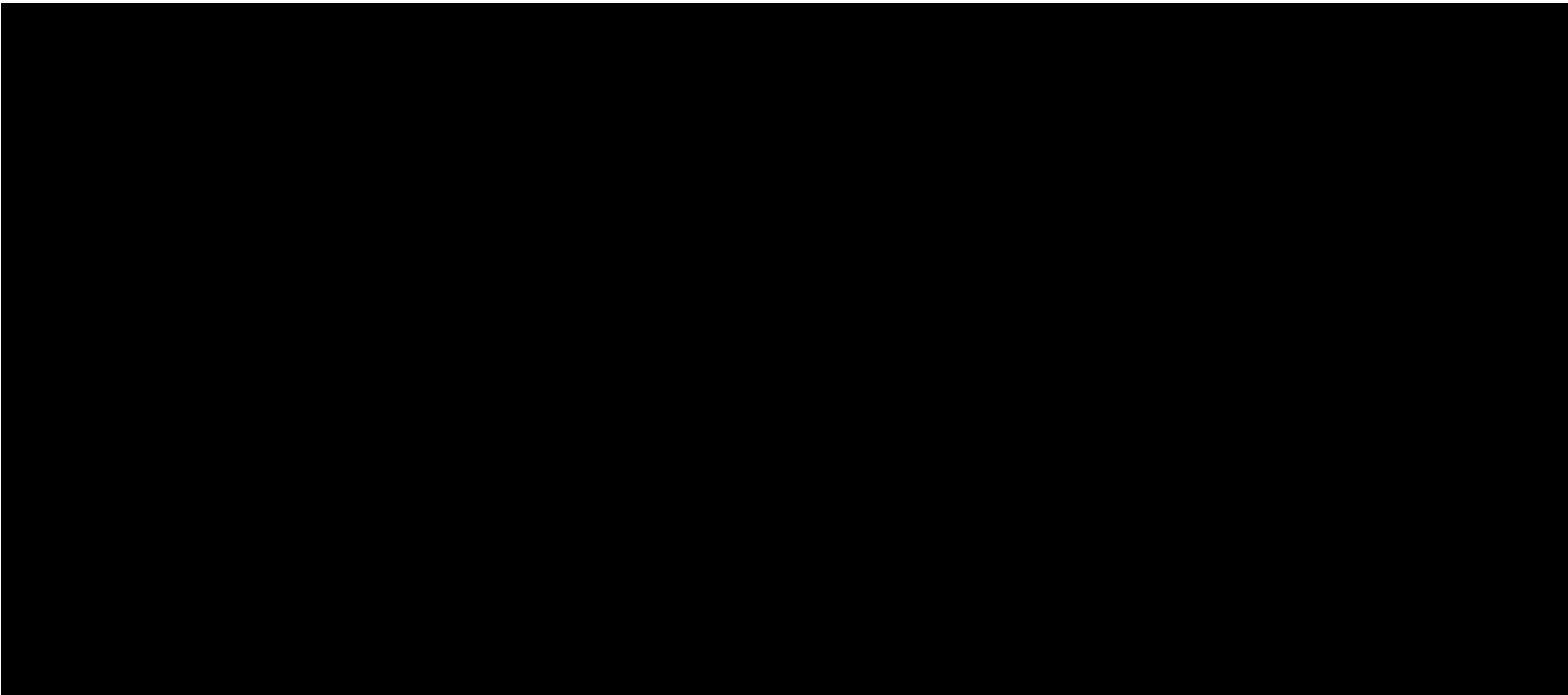


Tim Elson <tim@elsonlawoffices.com>

FW: Important Association Correspondence (Response Requested)

Social Butterfly World <andrea@sbwlv.com>
To: Tim Elson <tim@elsonlawoffices.com>

Wed, Jun 5, 2024 at 4:33 PM



From: Danielle Gallant <danielle@griplv.com>
Sent: Monday, August 1, 2022 10:24 AM
To: Social Butterfly World <andrea@sbwlv.com>
Subject: Fwd: Important Association Correspondence (Response Requested)

----- Forwarded message -----
From: **Danielle Gallant** <danielle@griplv.com>
Date: Tue, Jun 29, 2021 at 6:02 PM
Subject: Fwd: Important Association Correspondence (Response Requested)
To: Natalia Dubois <ndubois@terrawest.com>

Here you go!

----- Forwarded message -----
From: **Danielle Gallant** <danielle@griplv.com>
Date: Fri, Jun 25, 2021 at 12:48 PM
Subject: Re: Important Association Correspondence (Response Requested)
To: Anthem Highlands <anthemhighlands@terrawest.com>
CC: manager@anthemhighlands.org <manager@anthemhighlands.org>

Ms. Puhek,

Every single stipulation that you outlined in your email is the exact opposite of what is outlined in the ARC Guidelines. As a past board member I am well aware of the fact that I am not required to submit an ARC for solar. I suggest you read the ARC guidelines and familiarize yourself with them. I copied and pasted the guidelines regarding solar from the ARC guidelines in my previous email. I did not make them up. Those guidelines were adopted back in 2018 and have not been changed. As board president you should know that you cannot unilaterally change the rules as you see fit or in the event that you want to harass a homeowner. You must initiate board approval for any changes in the guidelines and submit those changes in writing to the community. I have followed the rules per the ARC Guidelines. The board has zero standing to pursue this violation any further.

On Fri, Jun 25, 2021 at 11:33 AM Anthem Highlands <anthemhighlands@terrawest.com> wrote:

Dear Ms. Gallant,

As a previous board member you are well aware that homeowners are required to submit architectural applications for solar. There are requirements that need to be met such as bird guards, permitting, etc., that homeowners need to be advised of and that is why the application is required. Please submit an ARC with the required information from your solar company with the design which will confirm that it was properly permitted, design and amount of panels does not exceed annual kw power usage, location of panels, and the required bird guards were installed. Absent this, the violation process will move forward. Was a licensed contractor used? If so, you can provide us that information to confirm the above. All solar companies are aware that they must submit to the HOA prior to installation. Please feel free to submit a complaint to ADR as that is the route you must take for a governing document issue. I will be happy to provide you with the forms. There will be no further discussion regarding your opinion that you are not required to submit an ARC.

Thank you and have a wonderful day.

Pennie Puhek

President AHCA

Chrislin Perez

Community Administrative Assistant

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)

P002339 953



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From: Danielle Gallant [mailto:danielle@griplv.com]
Sent: Thursday, June 24, 2021 5:16 PM
To: Anthem Highlands <anthemhighlands@terrawest.com>
Cc: manager@anthemhighlands.org
Subject: Re: Important Association Correspondence (Response Requested)

Page 7-9 of the ARC Guideline Section 4.02 Type I Improvements states that "the following items do not require a submission to, or approval from, the ARC however the unit owner should comply with the conditions of each item." and item (J) specifically states solar. I was following the ARC guidelines to the letter. I've attached the ARC Guidelines for the Board's review.

At this juncture the Board does not have the authority to require that I submit an ARC request. Should the Board want to require that residents submit an ARC for solar then they need to vote as a board to change the ARC guidelines. However, if the board wants to pursue this I would be happy to file a complaint with the Ombudsman.

On Thu, Jun 24, 2021 at 3:56 PM Anthem Highlands <anthemhighlands@terrawest.com> wrote:

Good Afternoon Danielle,

The association requires an ARC application for Solar Panel installation. If you choose not to submit one, the violation process will move forward.

Board of Directors

Anthem Highlands Community Association

Chrislin Perez

Community Administrative Assistant

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | [HOA Account Login](#)



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From: Danielle Gallant [mailto:danielle@griplv.com]

Sent: Tuesday, June 22, 2021 5:47 PM

To: manager@anthemhighlands.org

Subject: Fwd: Important Association Correspondence (Response Requested)

Per ARC guidelines solar panels are to meet the following criteria:

j) Solar Equipment

Design of the solar equipment should be integrated into the existing roof layout, and impact on view from neighboring and Common Element Lots will be considered. Installation on the front plane of any Dwelling will not be permitted except as permitted by local or state law. Panels should be dark blue or black in color. All connections and plumbing attached to the Dwelling shall be painted to match the Dwelling. Bird barrier, screening or mesh, harmonized with the existing roof color shall be installed from the bottom outer edge of all solar equipment to the rooftop to prevent birds from accessing the area beneath the solar equipment.

Per NRS 278.0208 - Prohibition against prohibiting or unreasonably restricting use of system for obtaining solar energy

1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy on his or her property.

P002341 955

2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.

By law the HOA cannot require that I submit an ARC for approval because they don't have the authority to deny my application since I followed the guidelines to a T.

Please confirm that Anthem HOA will abide by Nevada law and that this matter is closed. This in regards to 2408 Sturrock and 2485 Sturrock since I own both properties.

--

Thanks.

Danielle Gallant
Broker/Owner Of Guardian Realty
B.144198

+1 725 220 4747 work
danielle@griplv.com work
7380 S. Eastern Ave #124, Las Vegas, NV 89123
www.griplv.com

Guardian REALTY

SAVE CONTACT

Lic# B.0144198LLC



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----- Forwarded message -----

From: customerservice@terrawest.com <no-reply@eunify.net>

P002342 956

Date: Tue, Jun 22, 2021 at 8:29 AM
Subject: Important Association Correspondence (Response Requested)
To: <danielle@griplv.com>



Dear Valued Homeowner(s),

As you have signed up for electronic communication with the Association regarding important information pertaining to your home. You are receiving this email, as a communication has been issued to you from the Association which is being sent via US Mail to the addresses on file, as required by the Nevada Revised Statutes 116. Please take a moment to review the communication by clicking on the link below and respond to community management at customerservice@terrawest.com with any questions or responses to the correspondence provided. Please ensure to include your property address or the attached notice in your email response, to ensure your communication is properly documented and forwarded to your management team for review/response.

Sincerely,
Terra West Community Management

[10309532_15-23-24.pdf](#)

--

Thanks.

Danielle Gallant
Broker/Owner Of Guardian Realty
B.144198

+1 725 220 4747 work
danielle@griplv.com work
7380 S. Eastern Ave #124, Las Vegas, NV 89123
www.griplv.com

Guardian
Hi

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Thanks.

 A business card for Danielle Gallant, Broker/Owner of Guardian Realty. The card includes a photo of Danielle, her contact information (phone, email, address, website), a QR code, and a "SAVE CONTACT" button. The Guardian Realty logo is also present.

Danielle Gallant
Broker/Owner Of Guardian Realty
B.144198

+1 725 220 4747 work
danielle@griplv.com work
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www.griplv.com

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Thanks.

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 www.griplv.com

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Thanks.
 Danielle Gallant, MS
 Broker/Principal
 Lic# B.0144198LLC
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 Las Vegas, NV 89123
danielle@griplv.com
www.griplv.com
 Office: 725-220-4747
 fax: 702-446-8402

Inline image

Inline image

Check out our YouTube channel!

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Thanks.

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www.griplv.com

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EXHIBIT 40

ANTHEM HIGHLANDS COMMUNITY ASSOCIATION

Board of Directors Meeting
Wednesday, August 24, 2016 at 6:00PM
Solera at Anthem Community Center
2401 Somersworth Drive
Henderson, NV 89044
MINUTES

CALL TO ORDER

Mr. West called the meeting to order at 6:03 p.m. upon establishment of a quorum.

ROLL CALL:

Mark West, President/Treasurer – PRESENT
Jill Levin, Secretary - PRESENT
Ken Brensinger, Director – PRESENT
Frank Capello, Director - PRESENT
Vice President - VACANT

MANAGEMENT PRESENT

Marlina Short, CMCA®, AMS®, PCAM®, Community Manager, FirstService Residential

PRESIDENT'S COMMENTS – Mr. West remarked on the following:

- Waterslide and snow cone event on August 20, 2016 was attended by 200 people, special thanks to the social committee and management for a successful event.
- There are open committee seats and the membership is encouraged to volunteer for committees
- Submit the candidate form for the special election if interested, please return election ballots promptly
- Budget season for 2017 Budget started with the Budget Committee review in process
- Historical lack of Board meeting attendance in November and December is a consideration in moving the location for the November and December 2016 meetings to FirstService corporate office
- Mailbox locks in the community are the responsibility of the post office

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- Haddington mailbox stone enhancement and four square court concerns
- Palm tree trimming is late this year
- Trash in the landscape concerns
- Committee resignation from Ms. Anita Cocomello
- Litigation costs to the community

APPROVAL OF MINUTES

July 27, 2016 – A motion was made by Ms. Levin, seconded by Mr. Capello to approve the minutes from the regular board meeting held on July 27, 2016 as presented. Motion carried unanimously.

LANDSCAPE REPORT – The Board reviewed the Landscape Report as given by Brightview Landscape.

APPROVAL OF FINANCIALS

June 2016 – A motion was made by Mr. West, seconded by Mr. Brensinger to accept the June 2016 financials as presented. Motion carried unanimously.

REVIEW / APPROVE BAD DEBT WRITE OFF – A motion was made by Mr. Capello, seconded by Ms. Levin to approve bad debt write off in the amount of \$12,220.09. Motion carried unanimously.

PENDING LITIGATION / LEGAL MATTERS

New matter: added to agenda in emergency NRED 2016-3201 – A motion was by Ms. Levin, seconded by Mr. Capello to approve the response by the Board to NRED case 2016-3201. Motion carried unanimously.

Advanced Lighting Update – No update at this time.

New matter: Hernandez v. Decker et al. #A-16-740153-J – A motion was made by Mr. Capello, seconded by Ms. Levin to approve sending the case to our attorney for response. Motion carried unanimously.

New matter: Stern v. Anthem Highlands Community Association NRED #ADR 17-26 – A motion was made by Mr. Capello, seconded by Mr. Brensinger to approve association general counsel to respond on behalf of the Board. Motion carried unanimously.

Ongoing legal matters will be updated quarterly. Next update due September 28, 2016.

COMMITTEE REPORTS

Haddington and Edinburgh Neighborhood Liaison Volunteer Work Groups – A motion was made by Mr. Capello, seconded by Mr. Brensinger to appoint Nancy Cleveland, Bruce Toney, and Jody Fassetto to the Edinburgh work group. Motion carried unanimously. A motion was made by Mr. Brensinger, seconded by Ms. Levin to appoint Mark Schiable to the Haddington work group. Motion carried unanimously.

Committee member resignations – Ken Brensinger, Dahl Capello, Pennie Puhek – The Board acknowledged the resignations of Ken Brensinger, Dahl Capello and Pennie Puhek from various community committees.

Committee appointment Social/Newsletter – Jody Fassetto – A motion was made by Mr. Capello, seconded by Ms. Levin to appoint Jody Fassetto to the Social/Newsletter committee. Motion carried unanimously.

ACTION LIST REVIEW / MANAGEMENT REPORTS

The Board reviewed the action list / management reports as submitted by FirstService Residential.

UNFINISHED BUSINESS

Lighting Resolution for Haddington and Edinburgh – A motion was made by Mr. Capello, seconded by Ms. Levin to table the Lighting Resolution for Haddington and Edinburgh indefinitely. Motion carried 3 to 1 with Mr. Brensinger opposed.

Haddington four square court and mailbox stone enhancement – A motion was made by Mr. Brensinger, seconded by Ms. Levin to table and have FirstService staff send another letter and to include photos and get a new vote. Motion carried unanimously.

Anthem Highlands Community Association Procurement Policy – A motion was made by Mr. Capello, seconded by Mr. Brensinger to approve the Anthem Highlands Community Association Procurement Policy. Motion carried unanimously.

NEW BUSINESS

2015 Annual Audit report – A motion was made by Mr. West, seconded by Mr. Capello to table the 2015 Annual Audit report. Motion carried unanimously.

2017 Annual Budget – Information only. No action taken.

November 30, 2016 Budget Ratification and December 7, 2016 Board meetings to be held at FirstService Residential Corporate office – A motion was made by Mr. Capello, seconded by Ms. Levin to approve the November 30, 2016 Budget Ratification and December 7, 2017 Board meetings to be held at First Service Residential Corporate office. Motion carried unanimously.

HOMEOWNER CORRESPONDENCE

None at this time.

NEXT MEETING DATE(S) –

The next Board meeting is scheduled for Wednesday, September 28, 2016 at 6:00 p.m. at Solera at Anthem (with executive session at 4:30 p.m.)

A motion was made by Ms. Levin, seconded by Mr. Brensinger to approve the special election meeting date of September 28, 2016. After discussion, Ms. Levin amended her motion to approve the special election meeting date of October 12, 2016, seconded by Mr. Capello. Motion carried unanimously.

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

ANTHEM HIGHLANDS COMMUNITY ASSOCIATION

Board of Directors Meeting
Wednesday, January 25, 2017
Solera at Anthem
2401 Sommerworth Dr.
Henderson, NV 89044
MINUTES

CALL TO ORDER

Mr. West called the meeting to order at 6 p.m. upon establishment of a quorum.

ROLL CALL:

Mark West, President/Treasurer – PRESENT
Jody Fassette, Vice President – PRESENT
Jill Levin, Secretary – PRESENT
Ken Brensinger, Director – PRESENT
Frank Capello, Director – PRESENT

MANAGEMENT PRESENT

Marlina Short, CMCA®, AMS®, PCAM®, Community Manager, FirstService Residential

PRESIDENT'S COMMENTS – Mr. West remarked on the following:

- Welcome and Happy New Year
- Latest edition of Community Newsletter to be in mailboxes soon; thank you to newsletter editor Jill Levin
- New pedestrian gate locks installed in Calgary, Clermont, Glengarry, and Sommerville and the code remains the same
- Haddington call box replaced in December, submit form if not already done
- Board completed walkthrough of common areas of Calgary, Clermont, Montrose, Glengarry and Portpatrick on January 20; second walkthrough for remainder of community will be scheduled for a later date
- During executive session the Board discussed delinquencies, legal matters, ARC applications, personnel issues, violations of the governing documents, conduct hearings and discuss any other private homeowner matter that may come before the Board. The Board met in executive session on December 7, 2017 and immediately prior to this meeting. The Board authorized the Association's Attorney to request a settlement offer in case #A-16-740153-J and research insurance coverage determinations in cases 2015-291 and ADR 2017-214.

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- Edinburgh Working group concerns
- Brightview landscape contract regarding dead plants
- Street sign replacements in Edinburgh
- Consistency of landscape within the Community of Anthem
- Parking issues within Glengarry neighborhood

APPROVAL OF MINUTES

December 7, 2016 – A motion was made by Ms. Levin, seconded by Mr. Brensinger to approve the minutes from the regular Board meeting held on December 7, 2016 as presented. Motion carried unanimously.

APPROVAL OF FINANCIALS

Treasurer Report – Mr. West submit the November 2016 Treasurer's Report to the Board.

November 2016 – A motion was made by Mr. West, seconded by Mr. Brensinger to accept the November 2016 financials as provided by FirstService Residential subject to year-end audit review. Motion carried unanimously.

REVIEW / APPROVE BAD DEBT WRITE OFF – No action taken.

LANDSCAPE REPORT – The Board reviewed the Landscape report provided by Brightview Landscape.

COMMITTEE REPORTS

Social Committee 2017 Social Event Calendar – A motion was made by Mr. Capello, seconded by Ms. Fassette to accept the 2017 social event calendar presented by the Social Committee. Motion carried unanimously.

Edinburgh Working Group –

- Request for street sign replacement (reserve item)
- Request for park landscape improvements
- Request for street repairs

A motion was made by Mr. West, seconded by Ms. Fassette for the Community Manager to research and prepare quotes for the three items requested by the Edinburgh working group for the Board's consideration. Motion carried unanimously.

MANAGEMENT REPORTS – Ms. Short reported since the scheduled Board meeting of December 7, 2016, 169 noncompliance notices sent, and 7 ARC applications were submitted for review. The Board met in executive session directly before the open session and did not complete the agenda which included a discussion with the Association's general counsel regarding legal issues, hearings, homeowner appeals and personnel issues. The Board will call the executive session back to order and complete the agenda after the adjournment of the open session.

UNFINISHED BUSINESS

Complex Solutions reserve study update proposal – A motion was made by Ms. Levin, seconded by Ms. Fassette to table the Complex Solutions reserve study update. Motion carried unanimously.

Haddington Mailbox stone enhancement project – Sealed bids were solicited by management. Sealed bids were received from MK House (\$12,800), Cedco Inc. (\$13,500) and Intertex (\$23,459). A motion was made by Mr. Brensinger, seconded by Ms. Levin to accept one of the three bids after further analysis by staff and recommendation. Motion carried unanimously.

NV Illumination revised contract – A motion was made by Ms. Fassette, seconded by Mr. West to approve the NV Illumination revised contract as submitted. After discussion, Ms. Fassette amended her motion to accept the NV Illumination revised contract to end concurrently with the existing 2017 contract. Mr. Brensinger seconded the motion. Motion carried unanimously.

Electrical GFI and photocell installations for holiday lighting – No action taken.

NEW BUSINESS

Brightview proposal for spring 2017 plant replacements in Sommerville Park and Anthem Highlands Dr – A motion was made by Mr. West, seconded by Mr. Brensinger to accept the spring 2017 Brightview proposal in the amount of \$1,127. After discussion, Mr. West amended his motion to table the spring 2017 Brightview proposal. Mr. Brensinger seconded the motion. Motion carried unanimously.

Brightview proposal for fall 2017 plant replacements in Sommerville Park and Anthem Highlands Dr. – No action taken.

Sommerville – Barclay St & Strathallan Ave Landscape Improvement (sealed bids) – Sealed bids were solicited by management. Sealed bids were received by Brightview (\$21,475.95), Landcare (\$20,969.64), Newtex (\$16,558.42) and Par3 (\$16,668). A motion was made by Ms. Levin, seconded by Ms. Fassette for the Community manager to compile the information and provide a recommendation. Motion carried unanimously.

A motion was made by Mr. Brensinger, seconded by Mr. West to break at 7:55 p.m. for 5 minutes.

HOMEOWNER COMMENTS

Due to the length of the meeting, Mr. West opened homeowner comments after calling the meeting back to order at 8:00 p.m. Comments are limited to three (3) minutes. The general substance of remarks made by unit owners during this time is shown as follows:

- "For sale" signs around the community not adhering to the guidelines
- Parking issues within Glengarry neighborhood including commercial vehicles
- Community website content and maintenance
- Treasurer's report

- Reserve Study
- Community landscape
- Real estate value within 89044
- Haddington call box codes

Sommerville – Concrete sidewalk maintenance proposals – A motion was made by Mr. Brensinger, seconded by Ms. Levin to accept one of the proposals for concrete repair in Sommerville park. After discussion, Mr. Brensinger amended the motion to accept the proposal from Cedco Inc. for concrete repairs in Sommerville park in the amount of \$4,312. Ms. Fassette seconded the motion. Motion carried unanimously.

Request City of Henderson designate “red curb” no parking zones in front of Anthem Highlands parks – A motion was made by Ms. Levin, seconded by Mr. Brensinger to request City of Henderson designate red curb no parking zones in front of Anthem Highlands parks. After discussion, Ms. Levin amended her motion for management to contact City of Henderson to find out if there are avenues to address the issue. Mr. Brensinger seconded the motion. Motion carried unanimously.

Advanced Technology proposal to add cameras and monitoring service to community monuments – A motion was made by Mr. Capello, seconded by Ms. Fassette to table this item and revisit during the 2018 budget. Motion carried unanimously.

Repeal resolutions:

- Creation of Board Meeting Agenda Resolution dated 22-Sep-11
- Designated Agent for Collections Resolution dated 22-Jan-14
- Directors Fiduciary and Ethical Responsibility Resolution dated 25-Jun-14
- Parliamentary Procedures Resolution dated 25-Aug-11
- Compliance Policy Resolution dated 28-Aug-06
- Records Retention Policy dated 13-May-2015

A motion was made by Mr. Capello, seconded by Mr. Brensinger to defer the repeal of the resolutions. After discussion, Mr. Capello amended his motion to table the repeal of the resolutions until a workshop can be completed. Mr. Brensinger, Mr. Capello and Ms. Levin voted in favor. Ms. Fassette and Mr. West opposed. Motion carried.

Architectural Committee guidelines and process – A motion was made by Mr. Capello, seconded by Mr. Brensinger to review as a group between now and Thanksgiving. After discussion, Mr. West accepted correspondence from Mr. Capello to be included in the minutes. Mr. Brensinger and Mr. Capello voted in favor. Ms. Fassette, Ms. Levin and Mr. West opposed. Motion failed.

A motion was made by Ms. Fassette, seconded by Ms. Levin to accept the ARC guidelines and committee recommendations as written and include a Board workshop where the Board will revise the process from start to finish, ARC application to ARC guidelines within the next 30 days. Mr. Brensinger, Ms. Fassette, Ms. Levin, and Mr. West voted in favor. Mr. Capello opposed. Motion carried.

Re-evaluate Parking Enforcement patrols in non-gated neighborhoods – A motion was made by Mr. West, seconded by Ms. Levin to cancel the Professional Parking Enforcement patrols in the non-gated areas of the community once a month. Ms. Fassette, Ms. Levin, and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

Budget variance 60005-010 SWB Administrative – No action taken.

PENDING LITIGATION / LEGAL MATTERS

Bank of America v. Heritage Square South Homeowners Association, et al, case #A-12-670230-B – Case is being handled by insurance counsel, nothing to report.

Southern Nevada Acquisition v. Anthem Highlands Community Association, et al, case#A-13-685798-C – A motion was made by Mr. West, seconded by Ms. Levin to accept the settlement offer and authorize Mr. West to sign. Motion carried unanimously.

Elsinore LLC v. Anthem Highlands Community Association, et al, case #A-13-685833-C – Case is being handled by insurance counsel, nothing to report.

FNMA v. Terra West Collections LLC, et al, case #2-15-cv01692-JAD-VCF – Case is being handled by insurance counsel, nothing to report.

Rugged Oaks Investments LLC. v. Gary Wilson, et al, case #A-15-725100-C – Quiet title action handled by insurance counsel, nothing to report.
Decker v. Anthem Highlands Community Association, et al, case #2015-291 – Case #2015-291 was withdrawn by NRED due to the filing of ADR #2017-214 requesting mediation on the same issue.
Hernandez v. Decker, et al, case #A-16-740153-J – Currently in County Court. Nothing to report.
Chapter 40 against Lennar and Pulte – Potential, unfiled litigation, no update.
Stern V. Anthem Highlands Community Association, et al. #ADR 17-214 – Awaits assignment of a mediator.
Stern v. Brensinger #ADR 17-218 – Vacated by Division and now closed.
Ratify action taken without a meeting: Motion to confirm referee decision in ADR 14-126, Motion for pre-emptory challenge – A motion was made by Mr. Brensinger, seconded by Ms. Levin to ratify the action taken outside of a meeting to confirm referee decision in ADR 14-126 and motion for pre-emptory challenge. Motion carried unanimously.

NEXT MEETING DATE(S) –

The next Board meeting is scheduled for Wednesday, February 22, 2017 at 6:00 p.m. at Solera at Anthem Clubhouse (with executive session at 4:00 p.m.)

ADJOURNMENT – There being no further business to discuss, a motion was made by Mr. Brensinger, seconded by Ms. Levin to adjourn the meeting at 9:11 p.m. Motion failed due to lack of vote.

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

- Parking enforcement concerns
- ARC committee recommendations
- Overnight parking concerns and City of Henderson
- Comment against the painting of red curbs in front of Community parks
- ARC application numbers seem very low; upgrades should be encouraged

ADJOURNMENT – There being no further business to discuss, a motion was made by Mr. West, seconded by Mr. Capello to adjourn the meeting at 9:19 p.m. Motion carried unanimously.

Respectfully Submitted By:
Marlina Short, CMCA, AMS, PCAM FirstService Residential

Accepted By: Julie Levin
Secretary

2/22/17
Date

From: Mark West mwest51@me.com
Subject: FW: ARC Committee- Board Confidential
Date: January 23, 2017 at 12:40 PM
To: jodylassnite@gmail.com, [Jill Levin](mailto:JillLevin@jevin20@gmail.com) jevin20@gmail.com, [Frank Capello](mailto:FrankCapello-anthonyfrank@gmail.com) anthonyfrank@gmail.com, [Ken Brensinger](mailto:KenBrensinger@aol.com)
Badland44@aol.com

Board,

Please see the attached confidential information regarding the Architectural Committee, for Board members only.
Mark

From: Marlina Short [<mailto:Marlina.Short@fsresidential.com>]
Sent: Monday, January 23, 2017 11:38 AM
To: mwest51@me.com
Subject: ARC Committee- Board Confidential

Dear Mark,

It is unfortunate but necessary for the Board to make a decision regarding the ARC at our meeting on Wednesday. Upon receipt of a negative comment towards the ARC, management provides a response to the owner and successfully resolves the issue. As the assigned CAM my name is attached to the correspondence sent to homeowners including ARC determination letters. I am becoming less comfortable signing letters regarding ARC matters. Attached you will find the following:

(PGS 1 – 3) Correspondence addressed to Marlina Short where the ARC overstepped their level of knowledge by requesting a grading permit for an ARC project when it was not required. The embarrassment caused by the committee was not appreciated.

(PGS 4 – 6) Email thread accusing management of encouraging harassment of a homeowner. Again, not appreciated as a response was created after business hours due to the seriousness of the allegation.

(PGS 7 – 9) Email thread which coincides with a phone call threatening litigation. The owner is extremely frustrated by the process.

(PGS 10 – 17) Email thread providing an example where the ARC process is difficult for our owners and not customer service oriented.

(PGS 18 – 21) Email thread after a denial letter was generated.

(PGS 22 – 27) Email and letter requesting to forgo the post ARC inspection for health reasons. Management sent the ARC Chairperson a redacted portion of the letter removing personal and health related information advising him of the available inspection times. Mr. Capello requested the original version of the letter for reasons unknown.

Please feel free to forward this information to the rest of the Board. This attachment includes information pertaining to another owner's lot file and should not be shared with anyone outside the Board.

Sincerely,



FirstService
RESIDENTIAL

Marlina Short CMCA, AMS, PCAM
Community Manager
8290 Arville St | Las Vegas, NV 89139

3) Everyone who doesn't get their way threatens litigation... This is not new for an association and Marlina knows that.. The process may be frustrating, but that has nothing to do with the committee.. The committee only complies what is approved by the Board.. Please review the complete ARC.. They want to be able to install a double gate on the side of their house and drive thru the front yard landscape to get to it.. The front yard has furniture sitting in the rocks and they want to put pavers down for this furniture to sit in the open landscape.. Before there is criticism of this denial, I suggest you take a look at all the facts...

4) Again, what does this have to do with the committee?? I don't remember this one, but the owner is right as far as replacing plants of like kind.. As far as new shrubs and landscape, the guidelines say you have to submit photos or information.. This is not the committees requirement, but guidelines implemented by previous boards..

5) It was my understanding that this ARC was approved.. I have not seen the original denial letter, but the owner said it stated that the wall was a common wall.. If that was in error when generated, it has since been resolved.. The email chain does not state anywhere that she is complaining about the committee.. This is fabricated.. I someone should get the facts straight..

6) This one takes the cake... The committee was sent a completion form and I called the owner to schedule an inspection.. She refused.. I informed Sametra who sent the owner a letter that she had to comply.. I did not write the letter... How is this the committees fault?? What is Marlina alleging when she says I asked for the full letter?? I am a board member and entitled to see it.. The letter clearly complains about the completion process and that she felt it was a hassle.. Every approval letter states there will be a follow up inspection for compliance.. Again, how is the process in which the committee must follow a reflection on the committees work???

These are complaints about the process and guidelines themselves (except my neighbor issue)... Its offensive that Marlina portrays the committee as the problem, instead of thanking them for their service.. Sametra spends a lot of time reviewing the ARC and corresponding with owners prior to it even being sent to the committee... Are you saying she is being overly aggressive in her requests for information that she is required to ask?? This is not even her job and she works really hard to make sure owners submit all the information before sending it to the committee.. This process is included in the monthly management fee (look at the contract).. This process needs to be sent back to the management company per the contract... Maybe this will free up some time Marlina is looking for instead of paying more money to hire more help which has never been needed in the history of this association...

From: Jill Levin <jlevin28@gmail.com>
Subject: Re: Architectural Committee activity report 2016
Date: January 17, 2017 at 9:23:28 AM PST
To: Frank Capello <antheFrank@gmail.com>
Cc: Mark West <rmwest@innovumtechnologies.com>, Jody Fassette <jodyfassette@gmail.com>, "badland44 Badland44@aol.com" <Badland44@aol.com>, Marina Short <marlina.short@fsresidential.com>

Frank,

Thanks for your response. Of course I have read all the Committee charters, I was asking expressly for the process that you use. It's comforting to know that appointments are being made with homeowners for inspections and that our Committee representatives are not just randomly walking onto people's property or in their backyards.

One more question. Have you read the Committee charter for the Newsletter? As the current Editor, (not even sure how that happened) I solicited articles and received feedback from very few people, no articles were submitted by the Social Committee. If you refer to the Charter, item number 3 states, "The Committee will have all content reviewed by a designated Board Member prior to submission to the Community Manager for publication." We followed that protocol. It is not an item that requires Board approval. It's nowhere in the Charter.

I have received much positive feedback on the return of the Newsletter. Not sure why you have such a problem with it.

Jill

On Jan 17, 2017, at 8:29 AM, Frank Capello <antheFrank@gmail.com> wrote:
Hello Jill,

Have you read the ARC committee charter?? It's very informative. ARCs are approved by majority vote of the committee. Sametra receives the ARCs and looks for missing information and then sends it to the committee once the information is received. The entire committee reviews the submittals and looks for compliance with the guidelines. If necessary, some committee members will

Summary 2016 Architectural Committee activity

	Submitted	Approved	Conditionally Approved	Approved	Denied	Other	AVERAGE DAYS TO DECISION
January	4	4	0	0	0	0	5
February	5	3	1	0	0	1	5
March	10	8	2	0	0	0	15
April	7	5	2	0	0	0	3
May	7	7	0	0	0	0	8
June	7	5	1	1	0	0	22
July	7	5	2	0	0	0	14
August	12	6	2	0	0	4	13
September	8	6	0	0	0	2	26
October	5	1	2	1	1	1	5
November	6	3	1	1	1	1	13
December	5	4	0	0	0	1	19

83	57	13	3	10
	69%	16%	4%	12%

Handwritten signature

ANTHEM HIGHLANDS COMMUNITY ASSOCIATION

Board of Directors Meeting
Wednesday, February 22, 2017
Solera at Anthem
2401 Somersworth Dr.
Henderson, NV 89044
MINUTES

CALL TO ORDER

Mr. West called the meeting to order at 6:03 p.m. upon establishment of a quorum.

ROLL CALL:

Mark West, President/Treasurer – PRESENT
Jody Fassetto, Vice President – PRESENT
Jill Levin, Secretary – PRESENT
Ken Brensinger, Director – PRESENT
Frank Capello, Director – PRESENT

MANAGEMENT PRESENT

Marlina Short, CMCA®, AMS®, PCAM®, Community Manager, FirstService Residential
Corbin Seti, CMCA®, AMS®, Leed Green Associate, Senior Vice President, FirstService Residential

PRESIDENT'S COMMENTS – Mr. West remarked on the following:

- Seeking interest for volunteer committees: Architectural, Budget, Landscape, Public Safety, and Social. Please send management a note including a short statement of what you offer to the committee.
- Election season: nominations are open to elect three members to the board, each for two (2) year terms. Nomination forms due to FirstService on March 14 by 5pm.
- Next social event: Small Business Expo & Vendor Show, March 19, 1-4pm. Great response so far, and space is limited. Contact FirstService for more information or to register.
- Complex solutions provided analysis of our reserve position:
 - As of 12/31/16 plan called for \$826K at full funding, plan projected \$718K, actual yearend balance is \$770K (better than projected, and reflects 89% funded)
 - As currently projected considering the approved budget funding shortfall 12/31/17 reserves are still adequately funded in opinion of Reserve Specialist. He recommends increasing the contribution during 2017 and updating the plan in early 2018 prior to developing the 2019 budget. The board is taking his analysis under advisement.
- The length of board meetings has become a concern. The board will look towards following existing Resolution #12 on Parliamentary Procedures.

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- Recreational vehicle parking in gated neighborhoods
- Allowance for bad debt, budget variances, legal bills, landscape, Architectural committee appointments, manager class payment
- Legal invoices, reserve study, Democracy rock refresh, component repair coding, operating cash, small business expo, social event budget
- Community safety, side lot issues

APPROVAL OF MINUTES

January 25, 2017 – A motion was made by Ms. Levin, seconded by Ms. Fassetto to approve the minutes from the regular Board meeting held on January 25, 2017 as presented. Ms. Fassetto, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

APPROVAL OF FINANCIALS

Treasurer Report – Mr. West submit the December 2016 Treasurer's Report to the Board. A motion was made by Mr. West, seconded by Ms. Levin to accept the December 2016 Treasurer's Report. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

2017 Projected Budget variances – A motion was made by Ms. Levin, seconded by Mr. West to increase transfers to reserve account by \$5000 per month for the next 10 months from the operating account to the reserve account 41000-010 to increase the reserve balance by \$50,000. Ms. Levin and Mr. West voted in favor. Mr. Brensinger, Mr. Capello and Ms. Fassette opposed. Motion failed.

December 2016 – A motion was made by Mr. West, seconded by Ms. Levin to accept the December 2016 financials as provided by FirstService Residential subject to year-end audit review. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

REVIEW / APPROVE BAD DEBT WRITE OFF – A motion was made by Mr. Brensinger, seconded by Ms. Levin to approve the bad debt write off in the amount of \$18,328.11. Motion carried unanimously.

LANDSCAPE REPORT – The Board reviewed the Landscape report provided by Brightview Landscape.

COMMITTEE REPORTS

Anthem Community Council report – Mr. West provided an Anthem Community Council report.

Appointments to the Architectural Committee (3 members) and approve Chairperson – A motion was made by Mr. West, seconded by Ms. Levin to appoint Ms. Fassette, Ms. Nancy Cleveland, and Mr. Stuart Kugelstadt to the Architectural Committee. Mr. Capello submitted commentary to be included in the meeting minutes which was accepted by President West. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

Social Committee 2017 Event Recommendations – A motion was made by Ms. Fassette, seconded by Ms. Levin to approve the 2017 social event recommendations as presented and the not to exceed dollar amounts for each event. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

Edinburgh Working Group –

- Request for street sign replacement – reserve item
- Request for street repairs – reserve item

No action taken on the street sign replacement. A motion was made by Ms. Fassette, seconded by Ms. Levin to approve the crack seal repair quote in from Holbrook Asphalt in the amount of \$5,009. After discussion, Ms. Fassette amended the motion to table the crack seal repair. Ms. Levin seconded the motion. Motion carried unanimously and the item was tabled.

MANAGEMENT REPORTS – Ms. Short reported since the scheduled Board meeting of January 25, 2017, 87 noncompliance notices sent, and 7 ARC applications were approved. The Board met in executive session directly before the open session and complete the agenda which included discussion with the Association's general counsel regarding ongoing legal issues, 1 homeowner hearing, and 2 homeowner appeals and personnel issues.

UNFINISHED BUSINESS

Haddington: Mailbox stone enhancement project – A motion was made by Mr. Brensinger, seconded by Ms. Levin to approve the proposal from MK House for the Haddington mailbox stone enhancement project in the amount of \$12,800. After discussion, Mr. Brensinger amended his motion to approve the proposal from MK House for the Haddington mailbox stone enhancement project not to exceed \$13,300. Ms. Levin seconded the motion. Motion carried unanimously.

Sommerville: Barclay St & Strathallan Ave Landscape Improvement project – A motion was made by Ms. Fassette, seconded by Ms. Levin to approve the Par 3 proposal in the amount of \$16,668. Mr. Brensinger made a motion, seconded by Mr. Capello to table. Mr. Brensinger and Mr. Capello voted in favor. Ms. Fassette, Ms. Levin and Mr. West opposed. Motion failed. Ms. Fassette, Ms. Levin and Mr. West voted in favor of the original motion. Mr. Brensinger and Mr. Capello opposed. Motion carried.

Authorize bids based on electrical GFI and photocell installation spec for holiday lighting – Spec not available. No action taken.

Schedule Board planning session: Resolution and Policy review – A motion was made by Mr. West, seconded by Ms. Levin to schedule a planning session on March 11, 2017 from 9 – noon. After discussion, Mr. West amended his motion

to schedule the planning session for resolution and policy review in the next 30 days. Ms. Levin seconded the motion. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

schedule Board planning session: Community Walkthrough continuation – A motion was made by Ms. Levin, seconded by Ms. Fassette to schedule a planning session for community walk through continuation within the next 30 days. Motion carried unanimously.

Brightview proposals for spring 2017 plant replacements in Sommerville Park and Anthem Highlands Dr. – No action taken.

Brightview proposals for fall 2017 plant replacements in Sommerville Park and Anthem Highlands Dr. – No action taken.

City of Henderson response re. resident concerns about parking in on public streets in front of community parks – No update at this time.

NEW BUSINESS

Brightview proposals for plant replacements on Dewar Highlands Dr. – No action taken.

Adopt Revised Architectural Committee Guidelines and Application – A motion was made by Mr. West, seconded by Ms. Levin to adopt the revised Architectural Committee Guidelines and Application as presented. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

2016 Social Event quote; Fall Festival November 2016 – A motion was made by Mr. West, seconded by Ms. Levin to authorize the Fall Festival proposal from 2016 in the amount of \$19,978.59. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

2017 2Q Assessment Vacations for Edinburgh and Haddington – A motion was made by Mr. Brensinger, seconded by Ms. Levin to authorized assessment vacations for Edinburgh and Haddington for the second quarter of this year. Mr. Brensinger, Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Capello opposed. Motion carried.

Board Leadership Development Class mandated by NV Commission for Common Interest Communities and Condominium Hotels – Board members were reminded to comply with Commission order. Mr. West, Ms. Levin and Ms. Fassette stated they have completed the course and provided documentation to management.

Landscape Management for Community Association Managers class – A motion was made by Mr. Capello, seconded by Mr. Brensinger to recommend Board member go to the Landscape Management class. Mr. Brensinger, Mr. Capello, Ms. Levin and Mr. West voted in favor. Ms. Fassette opposed. Motion carried.

Obtain sealed bids for landscape maintenance contract- Master, Edinburgh & Haddington – A motion was made by Ms. Levin, seconded by Ms. Fassette to authorize management to send an RFP out for proposals for landscape contract. Ms. Fassette, Ms. Levin and Mr. West voted in favor. Mr. Brensinger and Mr. Capello opposed. Motion carried.

PENDING LITIGATION / LEGAL MATTERS

Bank of America v. Heritage Square South Homeowners Association, et al, case #A-12-670230-B – Case is being handled by insurance counsel, nothing to report.

Elsinore LLC v. Anthem Highlands Community Association, et al, case #A-13-685833-C – Case is being handled by insurance counsel, nothing to report.

FNMA v. Terra West Collections LLC, et al, case #2-15-cv01692-JAD-VCF – Case is being handled by insurance counsel, nothing to report.

Rugged Oaks Investments LLC. v. Gary Wilson, et al, case #A-15-725100-C – Quiet title action handled by insurance counsel, nothing to report.

Hernandez v. Decker, et al, case #A-16-740153-J – Currently in County Court. Nothing to report.

Chapter 40 against Lennar and Pulte – Potential, unfiled litigation with possible removal from legal matters agenda, no update.

Stern V. Anthem Highlands Community Association, et al. #ADR 17-214 – Ongoing discussion and potential settlement.

EXT MEETING DATE(S) –

The next Board meeting is scheduled for Wednesday, March 22, 2017 at 6:00 p.m. at Solera at Anthem Clubhouse (with executive session at 4:00 p.m.)

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

- Edinburgh working group, landscape proposals in Sommerville, NV Illumination contract, reserve study funding level
- Reserve study funding from an auditor prospective
- Neighborhood watch expenses, staffing level
- Community social events, disciplinary board class, vacation assessments to oldest balance first, modifications to management contract, 2016 audit
- Parking enforcement in non-gated areas
- ARC guidelines
- Commercial vehicles
- Treasurer's report
- Thank you to the board for time involved with volunteering
- Appreciation for peaceful board meetings
- Community rules and regulations

ADJOURNMENT – A motion was made by Ms. Fassette, seconded by Mr. Brensinger to adjourn the meeting at 8 p.m. Motion carried unanimously.

Respectfully Submitted By:
Marina Short, CMCA, AMS, PCAM FirstService Residential

Accepted By:

Gill Lewis
Secretary

3/22/17
Date

ARC WORKSHOP

The board didn't need to take over the ARC just to make recommended changes. The board called for a workshop to discuss under new business (1/25/17) ARC accusations regarding current ARC committee members. See attached (page 64) of the board packet. I asked that the workshop be noticed to homeowners to allow them to attend the workshop. This request was refused. Homeowners were not notified of the meeting. At the beginning of the meeting I ask to have the questions below answered to justify page 64 and the dismantling of the ARC committee, they declined to answer or discuss any of my concerns or question. As per the Bylaws, I submit these documents to be included in the Board meeting minutes. I am also requesting that an Agenda Item be placed on the March BOD meeting (open session) to discuss and answer the below questions.

Justify the following:

- 1) What specifically in the arc guideline are to restrictive
- 2) What is in the ARC guidelines that you feel shouldn't be there and why
- 3) How and in what way are you going to make the process more efficient
- 4) Explain why you feel the review process is unfair and biased
- 5) How are you going to increase homeowner compliance or what mechanism to enforce compliance.
- 6) Explain your position on reducing rick of litigation and homeowner/homeowner confrontation or are you refereeing to me. Do you have proof of or other examples?
- 7) Explain what is not fair in the guidelines or from the complaints.
- 8) How are you streamlining the review process
- 9) Rules have changed over the years and have in some cases where it wasn't clear but a gray area and are now clear. (give or show me examples of what is to restrictive or complicated)
- 10) Evading the process is not due to the process. You have no proof that's its applicable in all cases. It could be that they just don't want submit as in the case of
- 11) Large number of denials??? False statement. as the chart shows only 3 denials for the year or 2016.
- 12) Turnaround time is greatly depending on many factors, if the homeowner did not submit something, or let a detail out (showing setbacks of plants or irrigation) if additional information is need/required to make a decision, etc. There are many variables
- 13) What changes in the ARC review process and procedures have change. I am not aware of any changes to the process. If changes have been made I am not aware of them. Its been the same for the past 5yrs. Only change I'm aware of are to the guidelines over the years.
- 14) It was mentioned hiring an outside person or agency (qualified/licensed) to do final inspection of work preformed. This would require going out for bid and in my opinion I believe this would have to be budgeted for and would cost more and increase the budget
- 15) Of the 3 denials for the year how many of them resubmitted after changes to plans. I'd like to see those applications and cross reference to see if they reapplied at a later date.
- 16) From the chart, explain in detail each of the 10 application under the column "" Other"" what exactly does it mean.

Architectural Guidelines and Committee Recommendations

Why:

- To make the architectural review process more efficient for our both our homeowners and our management company
- To make the architectural review process fair, unbiased and impartial
- To Increase homeowner compliance
- Reduce risk of litigation and avoid homeowner to homeowner confrontations
- Decrease homeowner complaints regarding the complexity and fairness of the process
- To streamline the architectural review process and make it less complicated and easier to follow:
 - Homeowners
 - The application has lengthened from 1 to 8 pages over the years
 - Rules have been altered overtime and are far too restrictive than what was originally intended from the developer
 - Homeowners are evading the process (it is easier to ask for forgiveness than permission)
 - Large number of denials (approvals at 69%).
 - Decrease turnaround time on responses/approvals
 - Management Company
 - The changes in the architectural review process and procedures overtime have made it too time consuming and cumbersome for our management company to monitor and coordinate, thus costing homeowners more money

How:

- The current ARC (architectural review committee) will be restructured during the revision process
- During the revision process the Board will handle all architectural applications (approximately next 30-60 days)
- The architectural application and architectural review design guidelines will be streamlined to make the process more efficient
- Once the entire architectural process has been revised, we will reopen applications to be a member of the ARC (with preference being granted to those who have not recently or ever served on the ARC)
- Onboard, train new ARC and assign committee chairperson
- Notify homeowners of our new/efficient process

ARC WORKSHOP

The board didn't need to take over the ARC just to make recommended changes. The board called for a workshop to discuss under new business (1/25/17) ARC accusations regarding current ARC committee members. See attached (page 64) of the board packet. I asked that the workshop be noticed to homeowners to allow them to attend the workshop. This request was refused. Homeowners were not notified of the meeting. At the beginning of the meeting I ask to have the questions below answered to justify page 64 and the dismantling of the ARC committee, they declined to answer or discuss any of my concerns or question. As per the Bylaws, I submit these documents to be included in the Board meeting minutes. I am also requesting that an Agenda Item be placed on the March BOD meeting (open session) to discuss and answer the below questions.

Justify the following:

- 1) What specifically in the arc guideline are to restrictive
- 2) What is in the ARC guidelines that you feel shouldn't be there and why
- 3) How and in what way are you going to make the process more efficient
- 4) Explain why you feel the review process is unfair and biased
- 5) How are you going to increase homeowner compliance or what mechanism to enforce compliance.
- 6) Explain your position on reducing rick of litigation and homeowner/homeowner confrontation or are you refereeing to me. Do you have proof of or other examples?
- 7) Explain what is not fair in the guidelines or from the complaints.
- 8) How are you streamlining the review process
- 9) Rules have changed over the years and have in some cases where it wasn't clear but a gray area and are now clear. (give or show me examples of what is to restrictive or complicated)
- 10) Evading the process is not due to the process. You have no proof that's its applicable in all cases. It could be that they just don't want submit as in the case of
- 11) Large number of denials??? False statement. as the chart shows only 3 denials for the year or 2016.
- 12) Turnaround time is greatly depending on many factors, if the homeowner did not submit something, or let a detail out (showing setbacks of plants or irrigation) if additional information is need/required to make a decision, etc. There are many variables
- 13) What changes in the ARC review process and procedures have change. I am not aware of any changes to the process. If changes have been made I am not aware of them. Its been the same for the past 5yrs. Only change I'm aware of are to the guidelines over the years.
- 14) It was mentioned hiring an outside person or agency (qualified/licensed) to do final inspection of work preformed. This would require going out for bid and in my opinion I believe this would have to be budgeted for and would cost more and increase the budget
- 15) Of the 3 denials for the year how many of them resubmitted after changes to plans. I'd like to see those applications and cross reference to see if they reapplied at a later date.
- 16) From the chart, explain in detail each of the 10 application under the column "" Other"" what exactly does it mean.

Architectural Guidelines and Committee Recommendations

Why:

- To make the architectural review process more efficient for our both our homeowners and our management company
- To make the architectural review process fair, unbiased and impartial
- To Increase homeowner compliance
- Reduce risk of litigation and avoid homeowner to homeowner confrontations
- Decrease homeowner complaints regarding the complexity and fairness of the process
- To streamline the architectural review process and make it less complicated and easier to follow:
 - Homeowners
 - The application has lengthened from 1 to 8 pages over the years
 - Rules have been altered overtime and are far too restrictive than what was originally intended from the developer
 - Homeowners are evading the process (it is easier to ask for forgiveness than permission)
 - Large number of denials (approvals at 69%).
 - Decrease turnaround time on responses/approvals
 - Management Company
 - The changes in the architectural review process and procedures overtime have made it too time consuming and cumbersome for our management company to monitor and coordinate, thus costing homeowners more money

How:

- The current ARC (architectural review committee) will be restructured during the revision process
- During the revision process the Board will handle all architectural applications (approximately next 30-60 days)
- The architectural application and architectural review design guidelines will be streamlined to make the process more efficient
- Once the entire architectural process has been revised, we will reopen applications to be a member of the ARC (with preference being granted to those who have not recently or ever served on the ARC)
- Onboard, train new ARC and assign committee chairperson
- Notify homeowners of our new/efficient process