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Re: *Attempted Petition to Remove Officers*

Dear Buckskin Artists Community Homeowners Association Members:

We represent the Buckskin Artists Community Homeowners Association (“HOA”). The below addresses attempted petitions to remove Directors from the Board.

We are aware of the first attempt petition to remove certain directors from the Board. The Board informed the members that the petition was deficient as it lacked the requisite number of votes to meet the threshold for calling a special meeting to remove a board member.

Weeks later a certain non-member of the HOA provided Mr. Martin nine additional votes. These votes were not accompanied with a formal petition and did not include any other votes. This does not validate the petition under A.R.S. § 33-1813. Conversely, this is another deficient petition, to the extent it can even be classified as a petition, when there were only votes provided. If the members seek to remove any officers, they must submit a valid petition with updated votes. These cannot be recycled votes from the previous invalid petition attempts.

Upon submission of a petition with votes, the Board is free to call, email, or otherwise confirm with those that cast the votes if they indeed seek to remove any officer on the petition and that is their intent and not any other. Upon completing the investigation, and if the petition is valid, then the Board must call the special meeting. Note that if at that special meeting the Directors which the petition purports to seek removal does not pass, i.e. those directors are not voted off the Board, then for the remainder of those Directors’ time duly elected to the Board, another petition seeking their removal cannot be submitted. *See* A.R.S. §33-1813(h).

Please do not hesitate to contact me or Tom Moring at the contact information listed in the letter head to discuss this matter.

Sincerely,

JABURG & WILK, P.C.

A handwritten signature in blue ink, appearing to read 'Kyle J. Kopinski', with a stylized flourish at the end.

Kyle J. Kopinski
Attorney