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MEMORANDUM

DATE: January 25, 2022

TO: The Refuge Community Association

FROM: Carpenter, Hazlewood, Delgado & Bolen, LLP

RE: Summary of Pending Lawsuit Required by
A.R.S. §33-1806(A)(7)

As of the date of this Memorandum, the following is a summary of a pending legal matter at our firm (as permitted by the statute, we are excluding summaries of lawsuits relating to the collection of assessments owed by unit owners other than the selling unit owner) in which the above-referenced association is a named party, and the amount of money claimed, if any:

Pending motion to file a complaint in *Juan F. and Jacqueline Bracamonte, Plaintiffs, v. Robin and Teresa Callaway, Defendants; Robin and Teresa Callaway, Third-Party Plaintiffs v. The Refuge Community Association, Third-Party Defendants*, Mohave County Superior Court Case No. S8015CV202100941

Summary:

Juan F. and Jacqueline Bracamonte (“Bracamontes”) brought a lawsuit against Robin and Teresa Callaway (“Callaways”) in 2021. On January 14, 2022, the Callaways requested permission from the court to file a complaint to add the Refuge Community Association (“Association”) to the lawsuit. The Callaways claim the Association breached its obligations under the CC&Rs by giving the Bracamontes permission to raise their pad elevation on Lot 197 by 10 feet. The Callaways also claim the Association breached its duty to them by allowing the

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This firm may act as a debt collector. Any information obtained will be used for that purpose.

Bracamontes to build a wall on their combined Lots 196 and 197 that the Callaways allege is not in accordance with the approved plans and that the wall remains incomplete after the deadline for completion has passed. The Callaways seek a determination by the court that the Association has no authority to grant a variance for an owner to change their pad elevation, and any pad elevation variance the Association has granted is void. The Callaways also seek unspecified monetary damages, and their attorneys' fees and costs in bringing the action against the Association. The Association expects the court to allow the Callaways to file the complaint to add the Association to the lawsuit, which is no reflection on the validity of the Callaways' claims.

Amount of Money Claimed:

The Callaways seeks their attorneys' fees and costs incurred in litigating this matter, and unspecified amount of monetary damages.

Include this summary and any others from our firm for your Association with your required disclosures pursuant to A.R.S. § 33-18-06(A)(7) until we either supplement the summary or inform you that the above summarized complaint is no longer pending.