

NOTE FROM THE PRESIDENT OF THE PDS POA, JUNE 12, 2017
STATE OF THE PDS POA AND THE CC&R EXTENSION LAWSUIT

As most of you know, three Owners initiated a lawsuit against the PDS POA in January 2016 alleging the December 29, 2015 extension of the PDS POA CC&Rs was improperly executed and thus invalid. Superior Court Judge Wallace Hoggatt issued a Final Summary Judgment agreeing with these Owners which resulted in the invalidation of the PDS POA CC&R Extension. This left us without CC&Rs effective August 15, 2016. We are now operating under the authorities of the By-Laws.

An appeal to overturn the lower court's decision was filed by the PDS POA attorneys with the Tucson Appellate Court. A final decision is not likely until August 2017. While one must always be prepared for any possibility of a court's decision, we are optimistic and do not expect an unfavorable decision. Regardless of the decision, PDS POA will continue to exist in perpetuity and will retain all rights and status of an Arizona non-profit Corporation. All the Owners are the PDS POA corporation. We will always retain ownership and legal liability for 77 acres of Common Area requiring continuity of maintenance, liability insurance, and taxes. Our By-Laws would remain in effect which direct our procedures and authorities to continue to manage the PDS POA. PDS POA, as a corporation, can only be dissolved if 2/3 of the Owners agree.

Given the current absence of enforceable CC&Rs, the focus of the BOD has been to work with Owners asking them to voluntarily keep their properties in good maintenance and appearance and free of fire fuel such as overgrown and dried vegetation. We also request voluntary compliance not to operate businesses in homes, build structures that would be detrimental to neighbors, and the community in general. This also includes not having car or boat repair shops on lots, creating debris heaps; raising farm animals, parking or storing of commercial and construction vehicles and equipment, having inoperable vehicles that need disposal, and storage of parts from stripping efforts. Some of these are County Zoning violations. All of these activities impact negatively on the overall resale and attractiveness of PDS POA.

The vast majority of Owners have voluntarily maintained high standards since they moved here and have continued to do so during the current suspension of our CC&Rs, and have never faced CC&R violations. Overall, failing to comply with our long-standing CC&Rs was never an issue with 95% or more of lots/Owners. This ensures our community continues its 43-year legacy without degradation of its quality of life and overall property values.

Respectfully, Ted Pahle, President, PDS POA