

## APPELLATE COURT DECISION re PDS POA Extension of the CC&Rs

---

**From:** Pueblo Del Sol POA <pueblodelsolpoa@gmail.com>  
**To:** Ted and Susanne Pahle  
**Subject:** APPELLATE COURT DECISION re PDS POA Extension of the CC&Rs  
**Date:** Jul 13, 2017 11:20 AM  
**Attachments:** [Appelate Court Decision CV20160219Memo.pdf](#) [POA By Laws.pdf](#)

---

To All Owners,

The Arizona Court of Appeals, Division II filed its decision yesterday concerning the extension of the PDS POA CC&Rs. The prior Cochise County Superior Court decision that there was an error in the procedure to gather Owner consents of the extension was affirmed by the Appellate Court.

I have attached a copy of the Court's decision for your information. The full Board of Directors will be speaking with our attorneys tomorrow to ask questions and get full guidance as to what this decision means to our Association. Also what options remain to continue managing our PDS POA. Please give us a few days to complete these discussions.

In the meantime, I know you have questions but I feel comfortable enough to give you my opinion as to what lies ahead but with the caveat that I have not yet spoken with the Attorneys to confirm my personal opinions below:

1. In essence, the PDS POA no longer has CC&Rs to serve as a standard of guidance for Owners nor the enforcement authority to control the actions of Owners who violate those standards set in the now invalidated CC&Rs. The only remaining standards are those set by Cochise County Planning and Zoning and other ordinances applicable to SR-43-zoned communities like ours. Also, all Arizona and Federal laws remain applicable to our Community.
2. Our Association and the Corporation remain in existence and continues to operate under the Articles of Incorporation and the By Laws. I urge you to read the By Laws carefully to fully understand such issues as membership, Board of Director authorities, elections, and obligations to meet financial commitments to maintain our assets such as the Common Areas, taxes, and insurance.

We will share everything as soon as we have authoritative guidance in hand.

—  
Sincerely,

Ted Pahle  
President PDS POA