

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-003546

03/04/2013

HONORABLE LISA DANIEL FLORES

CLERK OF THE COURT
D. Glab
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS ASSOCIATION INC, et al. MARK K SAHL

MINUTE ENTRY

Courtroom 412 – East Court Building

9:49 a.m. This is the time set for Evidentiary Hearing. Plaintiff is represented by counsel, Mark K. Sahl. Marilyn A. Walker Vollmer is present with counsel, Mark K. Sahl.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

Marilyn A. Walker Vollmer is sworn and testifies.

The Court finds that based on the testimony of Ms. Vollmer, that it is impractical or impossible for the Sundance Residential Homeowners Association, Inc. to call or conduct a meeting of its members as prescribed in the HOA Bylaws because there is not the participation at any meeting that would qualify as a quorum. For that reason, the Board is unable to conduct business.

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IT IS ORDERED that the HOA Board hold an annual meeting in November 2013. Notice of the annual meeting shall be provided as required by the Bylaws. The notice also shall state, in bold-face type, that for this meeting only, if less than 25% of the members attend the meeting, those present will constitute a quorum, and a majority of those present may amend the Bylaws.

IT IS FURTHER ORDERED that if a quorum as currently described in the Bylaws is present, the Board shall conduct its business. For purposes of this meeting only, if less than a quorum is present, those present shall satisfy the quorum requirement. The Board is authorized to conduct business, including proposing Bylaw amendments. For purposes of this meeting only, the Bylaws may be amended if passed by a majority of those present at the meeting.

IT IS FURTHER ORDERED that the items on the agenda shall include the quorum requirement in the Bylaws and a proposed amendment to the “residential voting system” which is prohibited by Arizona law. The voting members present at that meeting shall also be able to consider and vote on any other amendments that are proposed by the Board.

Counsel shall submit a form of order for the Court’s signature.

10:09 a.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.