An Open Letter to Apache Wells Homeowners:

As you may or may not know, an agreement between our Save Apache Wells group and the Apache Wells Homeowners Association Board of Directors has been reached. A summary of the settlement is included in this newsletter.

Our S.A.W. group will continue to work to resolve some of the many on-going issues and disputes by communicating closely with the new Board and the residents of this community.

Some of the issues we would like to discuss with the new Board are the way we now conduct our elections, the institution of a yearly outside audit of the Association’s books, the circumstances that led to the purchase of the Bank Building without a community vote and a published monthly line item account of where our money is being spent.

We feel that updating and amending our CC&Rs, Bylaws and Architectural Control Rules can resolve many of these issues. For the past year and a half S.A.W. has had a hard-working group of residents who have spent approximately 250 man-hours writing proposed changes to these documents. We plan to submit these proposed amendments to the Board of Directors in early 2008 for presentation to the community for approval.

We of the S.A.W. group believe there are many changes needed in the park, especially the upgrading of our current facilities. These changes and upgrades must be made so as to benefit the entire community and not just a few small special interest groups.

We sincerely hope the feuding factions in this community can come together as good neighbors and work to solve these problems. None of our past problems are worth the loss of good friends, neighbors or a special golfing buddy. We believe that the S.A.W. group has in fact brought neighbors together by informing them of the many issues facing our community.

The S.A.W. group wishes everyone a happy and prosperous New Year.

Thank you,

Walter Stromme  Lot #91
Chairman, Save Apache Wells Committee

SUPPORT THE CANDIDATES FOR CHANGE
Between now and Election Day January 2, 2008 get to know these homeowners, read their information sheets in the flyer that came with your absentee ballot, attend the Meet the Candidates get-together at the Gazebo on Sunday December 30th from 2-4PM or call them and get their stand on the issues facing our community. They want to hear from you and they need your support on Election Day. Vote for change and a new direction for Apache Wells!
SAW/AWHOA Lawsuit Settlement Agreement

- A $50,000 award to SAW in exchange for dismissal of the lawsuit against AWHOA, Inc. currently pending before Judge Hicks.
- SAW and AWHOA, Inc. will each bear their own attorney fees and costs.
- AWHOA, Inc. will forego the right to appeal Judge Hicks ruling regarding the interpretation of the Special Assessment Bylaw.
- No future action will be filed by SAW with regard to the Transfer Fee.
- SAW will dismiss the current action related to the Transfer Fee.
- AWHOA, Inc. will drop the application for $12,488.02 in attorney fees and costs related to Judge Downie’s ruling on the Transfer Fee appeal as well as the request for refunding of the $550 OAH filing fee paid to SAW.
- SAW and AWHOA, Inc. agree to fully cooperate in an open process to resolve all disputes short of litigation and will work together to amend the Bylaws and CC&Rs to be consistent with current law and to bring clarity to any issues in conflict.

What we have gained by filing our Lawsuit with the Courts

- The approval of a $6020 special assessment voted on in February 21, 2007 was ruled by a Superior Court Judge to be invalid since a majority vote of all homeowners was not obtained. Saving $8,500,000.
- Procedures are now in place to insure a fair election for Board of Directors on January 2, 2008. These include photos and information on all candidates sent to homeowners with the absentee ballots, a PO Box to receive absentee ballots, no walk-in voting at the AWHOA office, a secret ballot (no numbers), and voting hours from 8AM to 6PM.
- Increased interest by our homeowners in the activities of the AWHOA Board and their related committees.
- At the Meet the Candidates meeting an open microphone was made available.
- The Board seems to be more willing to listen to and resolve homeowner concerns.
- The minutes of monthly homeowners and Board meetings are more complete and made available to homeowners more promptly. They are also published in the monthly Roundup and sent out to homeowners via e-mail.
- The 9 candidates for the Board election in January have brought up a number of issues including an outside audit of the AWHOA books, a spending cap on spending significant funds without homeowner approval, stricter adherence to the Bylaws, CC&R’s and Architectural Rules, more acceptable capital improvement plans for the future of Apache Wells, to name just a few.
- Homeowners will have access to Association records as provided for by Arizona State Statutes.
- Board members and office staff will at all times show homeowners the respect they are entitled to. Homeowners in turn will show Board members and office staff the respect they are entitled to as elected officials, homeowners and employees of the Association.
- The summer Executive Committee will consist of duly elected Board members who are full-time residents. If needed non-Board members may be appointed.
- Detailed treasurer’s reports will be provided to homeowners and published in the Roundup, via e-mail or in the Apache Wells Newsletters.
- Homeowners will have input on the annual budget.
- Homeowners will have input on revisions of the current Bylaws, CC&R’s and Architectural Rules and will be able to submit revisions for a vote of the homeowners as required by our current Bylaws.
- Define the transfer fee as the fee for the paperwork necessary for the transfer of property from seller to buyer. Any new “fund raising” fees will be designated as such and will require a majority vote of the homeowners for approval.
- Reinstitution of a reasonable spending cap at which point a vote of the homeowners would be required.

IN-PERSON VOTING

JANUARY 2, 2008
8:00AM-6:00PM in Room A
HOMEOWNERS WHO NEED A RIDE TO THE POLLS PLEASE CALL 480-981-5497

For the latest NEWS & UPDATES VISIT US ON THE INTERNET AT www.saveapachewells.com