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December 13, 2010

VIA FACSIMILE - (480) 991-7040
(Original by U.S. Mail)

Jason Smith, Esq.
Carpenter, Hazlewood, Delgado & Wood, P.C.
1400 W. Southern Avenue
Tempe, Arizona 85282-5691

**Re: Haruff/Worbington v. Sunland Village Homeowners Association (the
"Association")**

Dear Jason:

As you may already know, on December 10, 2010 our clients received a letter from the Association informing them that the Association will be holding a hearing on December 15, 2010 to address their "...[c]oncerns as you brought forth via an attorney on May 27, 2010." First, please advise your client that since this firm represents Pat Haruff and Barbara Worbington in regard to this matter all correspondence should be sent to our office. Second, for the reasons stated below, our clients have no intention of appearing at this so-called hearing and the Board's continued harassment of them must come to an end or we will, unfortunately, be forced to litigate this matter.

We have already responded to the Association's demand for attorney's fees in our December 8, 2010 letter. Our clients are not paying them. Rather than simply respond to my letter, the Association chooses to ignore it and goes ahead and schedules a last second hearing. What gives?

Moreover, the Association's motive in wanting to hold a hearing is unclear. If a hearing took place, how would the outcome affect our clients? The Association has apparently already made up its mind that our clients did something wrong since they have already demanded fees from them. Furthermore, even if such a hearing took place, the manner in

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CHEIFETZ
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SUNLAND VILLAGE COMMUNITY ASSOCIATION

December 13, 2010

Page 2

which the Association desires to conduct it is akin to a kangaroo court. The Association has limited the hearing to asking each of our clients one question from each board member. However, it is our clients that should be asking the questions, like why the Board would force our clients to pay attorneys' fees for being concerned homeowners.

There is no reason why our clients should have to appear for an inquisition issues the Association has already wrongfully and summarily decided against them. The only purpose we can envision for this hearing would be for the Board to subject our clients to more ridicule and embarrassment in front of the entire community.

Our clients' position is clear. They are not going to pay the Association any attorneys fees in regard to this matter. Please be advised that our clients' failure to appear for a hearing will not and should not be considered a waiver of due process or acceptance of punishment.

Jason, again, I implore you to please advise your clients to withdraw their unjustified threats immediately. We are confident that if this matter results in litigation, our clients will be deemed the successful parties and in turn the Association will pay our clients for any attorneys' fees and costs they incur and have incurred thus far.

Very truly yours,

CHEIFETZ IANNITELLI MARCOLINI, P.C.

By: 

Stewart F. Gross
For the Firm

SFG/car