

SAW group talks lawsuit, money

By Temple A. Stark
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Passion does not die as you get older.

More than 100 white-haired proponents and opponents of a new Apache Wells community center proved that June 21 as they packed into a room at the resort.

For more than 90 minutes, Walt Stromme, and Bob and Judi Teague led a discussion of the Save Apache Wells group and their preparation of a lawsuit against their homeowner's association.

Such a lawsuit seems more likely now with Apache Wells Homeowners Association President Marvin Stoll signing off on a request to collect a \$6,020 assessment from homeowners by Sept. 4. The assessment, which can be paid off in installments, is to fund a new \$8.5-million community center. The request for payment had been on hold since the Save Apache Wells group filed a lawsuit against an election which its members say was

invalid.

Mr. Stromme said at the meeting if the request came through, which it did June 26, those who do not want the community center should not pay.

"Do not pay a nickel," he said. "This thing is completely up in the air. They're not going to put a lien on your home. Our attorney can stop that real quick, and as long as this thing is in litigation they cannot collect money."

Previously and repeatedly, Mr. Stoll has said no one on the HOA board will comment on the lawsuit.

Apache Wells is a community on Recker Road between McKellips and McDowell roads. June's SAW meeting was only the second regularly scheduled meeting of the group, thought it has met a few times since a contested February election. At that time, the decision to build a new community center passed 644 to 594, with another 174 residents not voting.

The SAW Committee law-

suit contends the "yes" votes do not constitute a majority of the then-1,412 landowners, they say, is required in the HOA bylaws. SAW Chairman Walt Stromme said his group members now have access to the actual ballots and are looking them over for discrepancies.

Over the past few weeks SAW members and Association members have sat for depositions to present facts and materials to support their legal point of view. The committee also filed a request for summary judgment of the complaint.

The June 21 meeting was held before it was widely known the HOA would be formally requesting the \$6,000 assessment, Mr. Stromme said. He added that the group leaders were aware the board planned to go ahead and collect but did not know when. With the lawsuit pending at the time, the HOA board put the move on hold in late March.

HOA supporters were peppered throughout the crowd,

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with about 20 also sitting at an end table. Ross Neal, a 29-year Apache Wells resident, was the most vocal of them. He sat in the middle of many who disagreed with him and took the heat as he spoke his mind.

Mr. Neal said he was one of the founders of the original Homeowner's Association. He voiced skepticism that HOA board members, who are also residents, would work against their best interests.

"You say you don't use this, you don't use that," Mr. Neal said. "I pay dues to maintain the swimming pool, but I don't use it. In all our history, in this city we've paid taxes for things we don't use."

Save Apache Wells Webmas-

ter and committee member Bob Teague disagreed. He repeated a widely held belief among opponents that the benefits will fall largely on country club members at the expense of the entire community. The Apache Wells Country Club is a separate, dues-paying entity inside Apache Wells. The planned location for the community center is near the golf course and current plans call for it to have a pro golf shop and golf cart storage space. Mr. Teague said those who do not support the new construction should be able to opt out.

Mr. Neal said everyone who signed on to live at Apache Wells read the rules and regulations for doing so. Others said that was not always the case, with one woman in the audience saying when she and her husband moved in they were not given the

formal Covenants, Conditions and Restrictions until after they signed their ownership papers.

At times, both sides were snide and at other times they were conciliatory as they said the issues were out of their hands and being dealt with by lawyers.

The tension began with a SAW supporter who was not happy with the lawyer's fees. The man, who gave his name as Lynn, also said he was concerned the group was not releasing its financial figures.

Mr. Stromme said a lot of proponents for the community center have been asking for the totals. He said full disclosure was not required and their attorney had advised them not to release the total collection figures.

"We're not giving that out simply because the other side thinks we're running out of money and

they're just going to beat us into the ground," he said. "And that's not true."

Treasurer Dee Miller read out some of the numbers. By far, the greatest expense was \$13,000 for attorney fees for a retainer and court time for an administrative hearing. Some of the fees have been put on hold by the lawyer since April.

"Anyone who has donated to our fund can come up to me and I'll go through the financial statement with you," Ms. Miller said. "I can't give out what we have taken in or the balance because I've had two attorneys and someone from Wisconsin calling me insisting that I tell them what we have."

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