



**CHEIFETZ  
IANNITELLI  
MARCOLINI P.C.**

**Attorneys**

www.cimlaw.com

November 27, 2007

**VIA FACSIMILE: (480) 464-5692**

(Original by U.S. Mail)

Eric M. Jackson, Esq.  
JACKSON WHITE, P.C.  
40 North Center, Suite 200  
Mesa, Arizona 85201

**Re: Stromme v. Apache Wells HOA**

Dear Mr. Jackson:

We are writing regarding the Violation Notice the Strommes received from the Association, dated November 5, 2007. As you can imagine, we are extremely troubled by this Notice, as it is nothing short of retaliatory action. We are hopeful that you will counsel your client to cease and desist from any further action with respect to this alleged "violation."

The Association's Notice complains about a wall that has been present on our client's property for nearly three years. Suffice it to say, we find it hard to believe the Association only recently noticed the wall. This is especially true given the fact that our client has been in a dispute with the Association for over a year now, which has undoubtedly resulted in careful scrutiny of his home. Apparently the Association's scrutiny resulted in a "finding" that the Strommes' wall is allegedly too high, and that the Association does not have a permit on file.

The Strommes' wall does not violate any Rules in the Apache Wells community, and in any event, any claimed violation has been waived by the Association. Again, the wall has been present without complaint for nearly three years. Moreover, the Strommes' neighbor has an identical wall insofar as height and location is concerned, yet the Association has no problem with that. Given the heated nature of the dispute between Mr. Stromme and the Association and the fact that this wall was never a problem before, it is quite clear that the only reason the Association is targeting the Strommes in relation to their wall is retaliation. As you

STEVEN W. CHEIFETZ  
CLAUDIO E. IANNITELLI  
JOHN C. MARCOLINI\*  
GLENN B. HOTCHKISS  
SHALEEN D. BREWER\*\*  
JOHN J. SMALANSKAS\*\*\*  
BUZZI L. SHINDLER  
SUSAN LARSEN†  
JAMIE C. EISENFELD‡  
JONATHAN M. LEVINE\*  
STEWART F. GROSS‡  
HAROLD R. NEWMAN‡  
ROMAN A. KOSTENKO‡  
MELANIE C. MCKEDDIE  
MATTHEW A. KLOPP  
CHASE E. HALSEY  
DANIEL P. VELOCCI\*‡

OF COUNSEL  
WALTER CHEIFETZ  
BRAD K. KEOGH  
ILENE H. COHEN\*\*‡

1850 NORTH CENTRAL AVENUE, 19TH FLOOR • PHOENIX, ARIZONA 85004 • (602) 952-6000 • FAX (602) 952-7020

NEW YORK OFFICE

410 PARK AVENUE, 15TH FLOOR • NEW YORK, NEW YORK 10022 • (212) 697-9400 • FAX (212) 697-9401

\* ALSO ADMITTED IN NEW YORK AND NEW JERSEY \*\* ALSO ADMITTED IN NEW YORK AND WASHINGTON \*\*\* ALSO ADMITTED IN PENNSYLVANIA  
† ALSO ADMITTED IN CALIFORNIA ‡ ALSO ADMITTED IN NEW YORK ††† ALSO ADMITTED IN CALIFORNIA AND OHIO  
‡ ALSO ADMITTED IN COLORADO \*\*† ADMITTED IN NEW YORK AND NEW JERSEY



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know, Arizona law does not allow a homeowners association to engage in such selective enforcement.

In the event the Association wishes to pursue its claims regarding the Strommes' wall, kindly provide to our office the details of the alleged violation. More specifically, how does the Association contend the wall violates the Rules for Apache Wells? Who reported the alleged violation? On what date? Has the Association taken enforcement action with respect to the other similar walls in the Apache Wells community? If so, please provide documentation. In addition, what basis does the Association have to pursue an alleged violation for a structure that has been readily apparent in the community for over three years?

We hope that your response to the above questions will not be necessary, in that we expect the Association to refrain from any further action with respect to the Strommes' wall. It is in the best interest of all parties involved to avoid any further escalation of the unfortunate dispute between our respective clients. Retaliatory action and selective enforcement are not taken well by either this firm or its clients, however we will not pursue this issue if the Association acts accordingly. It truly is our clients' goal to work towards healing this community, which can only be accomplished through some degree of cooperation and mutual respect.

We look forward to hearing from you regarding this matter. Should you have any additional questions or concerns, please do not hesitate to contact our office.

Very truly yours,

CHEIFETZ IANNITELLI MARCOLINI, P.C.

By:

Melanie C. McKeddie

For the Firm