



Homeowners of Apache Wells,

As many of you know our committee has decided to allow the homeowners who oppose us to have their e-mails posted on our website. The intent is to allow them to vent their feelings towards us and at the same time provide our supporters with some insight into why they are so angry at what we have been trying to do over the past year. Below is the response that we use as a reply to their submissions:

Dear Homeowner,

Thank you for your e-mail. It has been posted unedited and without comment on our OPINIONS & FEEDBACK page.

Save Apache Wells Committee

It is sad that the AWHOA does not offer such an opportunity for those who oppose their vision for our future. If we are successful in recalling the current Board, we would see to it that homeowners were given the opportunity to express their opinions in the AWHOA Roundup newspaper.

In rebuttal, these are some of our responses we would like to share with homeowners:

PURCHASE OF THE BANK BUILDING



The purchase of the former bank building for considerably more than its appraised value was a bad deal for the homeowners and added little to the community. The AWHOA and CLRPC had planned to put it to a vote of the homeowners and never followed through on that. The building is of little use other than a place for the Directors to have their meetings and their staff to conduct association business. It is a bank building and nothing more.

\$950 TRANSFER FEE

The transfer fee by definition is a fee to cover the cost of transferring property from seller to buyer. It went from \$100 to \$300 and then \$950. Its only purpose is to create a slush fund so that the Board can make purchases without having to get the consent of the homeowners. If they want a slush fund, call it something else, say an impact fee and let them bring it to a vote of the homeowners. For the past 6 months the AWHOA Board has ignored an Administrative judge's order that rolled the transfer fee back to \$300. Since filing their appeal of the lower court's ruling to the Maricopa County Superior Court they have been denied a stay twice. A stay would have allowed the Board to

continue to collect the \$950. Without a stay they should have collected only \$300, the amount ordered by the judge. Putting \$650 into an escrow account is still collecting the \$950. The hearing on the appeal is 9/5/07 in Courtroom 504 of the Central Court Building, Superior Court on Jefferson St. in Phoenix at 9AM. Observers are welcome.

COMMUNITY CENTER BUILDING PROJECT

The \$8.5 million Community Center Project and \$6020 special assessment on all homeowners was to be a huge benefit to the 485 members of the AWCC and their supporters. It was a great deal for them and a bad deal for the majority of homeowners. A Superior Court judge recently ruled that the association lacked the votes needed for approval. We made a lot of AW homeowners very happy and \$6020 richer. The Board's attorney, Gary Linder, announced in the EV Tribune on August 24th that the decision would be appealed.

ACCESS TO AWHOA, INC. RECORDS

"Every homeowner has access to all the minutes and financial information of the HOA," states one e-mail. Yes, our bylaws allow this under Article XI, but what you want is not what you get. A financial report with few details and break down of who was paid what is not what we consider full disclosure. 6554 Legal and Professional \$52,151.02 doesn't tell the homeowner much about where their money went.

SAW RECORDS ARE AVAILABLE TO HOMEOWNERS

The Save Apache Wells Committee has shared their financial records with its members and supporters. At our monthly meetings we report to homeowners what we have spent during the previous month for legal counsel and other expenses. We do not reveal our current bank balance on advice of our legal counsel who are well aware of the AWHOA's effort to outspend us in hopes we will end our legal actions against them. We do provide our current bank balance to homeowners who have donated to our legal fund. Many of our expenses are borne by committee members who pay for office supplies, postage, copying, computer supplies, website hosting and travel out of their own pockets.

DIRECTORS HAVE NEGLECTED THEIR FIDUCIARY RESPONSIBILITY

There is no doubt in our minds that the current Board of Directors has neglected their fiduciary responsibility to represent the interests of ALL of the homeowners of Apache Wells. We believe that a majority of the homeowners will vote to recall them and see to it that they are replaced with a Board of Directors who WILL be responsive to ALL homeowners.

WE ARE NOT THE CAUSE OF DISHARMONY IN APACHE WELLS

We would like nothing better than to see harmony return to Apache Wells. As long as our community is fertile ground for special interest groups to thrive, it will be "us and them". And the "them" are not the members of the AWCC as some have claimed, but those in the community who will use any means to have their way at the expense of the homeowners.

WHAT HAS SAW DONE FOR APACHE WELLS?

"What has SAW proposed that is a positive step for our community?" We have taken a number positive steps over the past year. We have given a voice to the silent majority in Apache Wells, which has been bullied by the Board and special interest groups for far to long. We have told the Board of Directors "You can't do that" and backed it up by taking them to court twice and winning two decisions. We (and through our attorneys) have offered a number of times to sit down with the members of the community who wish to improve Apache Wells and discuss ways to accomplish that with the support and approval of the majority of homeowners. Our Bylaws Committee has spent hundreds of hours going through the AWHOA Bylaws, CC&R's and Architectural Rules in an effort to make them stronger and more responsive to the wishes our homeowners. We have listened to the homeowners who have come to us and tried to give them hope when they felt they were being left out of the community they love.

USE OF "SAVE APACHE WELLS VOTE YES" DURING ELECTION



In the days leading up to the February 21, 2007 vote yellow signs stating SAVE APACHE WELLS VOTE YES "surfaced around the community on mailboxes, vehicles, golf carts and front yards." We made the statement at that time on our website that "We hope that all homeowners will respect the principle of free speech and expression and allow each homeowner to express their position on this issue." That statement did not authorize proponents to use our group name,

Save Apache Wells, in their campaign for support and in an effort to confuse voters. The sign above was located at the home of Jim and Marilyn Nosbish 2401 N. Snead Dr. lot #498. Jim Nosbish is the current AWCC Board President.



In his sworn deposition, former AWHOA Board President Brian Johnson was asked if he had displayed a SAVE APACHE WELLS - VOTE YES sign on his home? He adamantly denied ever having such a sign, stating that they were misleading. The photo at left was taken by a homeowner and is in the possession of our attorneys. The home is located at 5736 E. Marlin Pl. lot #368 and is owned by Brian and Susan Johnson.

In our CC&R's it states, "No 'For Sale' signs or any other type of sign or advertisements shall be displayed in said subdivision except as designated by Company". Did the AWHOA approve these signs? You bet they did and it was confirmed in the sworn deposition of Bing Miller, a current member of the Board and former Chairman of the CLRPC.

WE DO NOT HATE GOLFERS

It has been mentioned that many people in Apache Wells hate golfers. That is simply not true. Many of our SAW committee, members and supporters are golfers. We do not dispute the fact that the golf course enhances our community as well as our property values. What we do dispute is asking all of the homeowners to fund a building project that would primarily benefit the members of the AWCC. The AWHOA, Inc. and the

AWCC, Inc. are two separate entities and that is the way it should be. To do otherwise is a conflict of interest.

OUR VISION FOR THE FUTURE

We live in a democracy and not a dictatorship, so let's not dwell on the past and look to the future. We have taken the actions that we had every right to take in an effort to regain control of our community for the homeowners who support us. If the current Board of Directors had been responsive to our views and willing to discuss our differences we would not be in the position we are currently in. Apache Wells is a great place to live and we want to make it even greater, but first we must get rid of the "us and them" label and get back to being a community of neighbors and friends again. We will do whatever it takes to attain this goal!

Save Apache Wells Committee

www.saveapachewells.com/

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