

Apache Wells holds election

Attorney advises election of moderate candidates

By Todd Hoover,
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Residents of Apache Wells, a 55-plus East Mesa community, 2223 N. 56th St., will go to the polls Wednesday, Jan. 2 to elect new members to their homeowners association

board, but some say regardless of who wins, a divisive battle over a community center may have left permanent scars.



Attorney Steve Cheifetz speaks on legal issues facing Save Apache Wells and the Apache Wells Homeowners Association at a Nov. 20 meeting in the community's gazebo. Independent Newspapers/Todd Hoover

Save Apache Wells' Attorney Steve Cheifetz, accompanied by Associate Attorney Stewart Gross, attended a Nov. 20 meeting sponsored by SAW in the gazebo at the community. He spoke on a number of legal issues facing SAW and the Apache Wells Homeowners Association, including the unsuccessful attempt to reach a settlement and the hope to reach a compromise between the parties that does not financially damage the association.

Organized in the summer of 2006, SAW represents a group of homeowners in Apache Wells who opposed an \$8.5 million community center building project, which required a \$6,020 special assessment to all 1,412 residential unit owners.

Bob Teague, Web site editor for SAW and husband of SAW Co-Chairman Judith Teague, compared the AWHOA board to a government without any branches.

"We were really the first group to oppose them," he said. "In fact, some of our committee members were on the board in years past, and they never had a problem like this. But over the past five, six, seven years, a group has gotten in and taken control of the board and pretty much done what they want to do."

The group filed a lawsuit in Maricopa County Superior Court to stop this project and was able to halt the assessment; they are now hoping for a settlement with the board and Apache Wells Country Club members.

"But now they're saying, 'No, we won't do it, we don't like you people, you've rained on our parade and we're going to fight you to the bitter

end with your money,'" Mr. Teague said.

Mr. Teague claims some money issues were settled, but the board failed to produce a decent financial figure for returning fees.

"We had no choice but to say, 'We just can't agree to that,'" he said. "And that's when everything just kind of shut down."

The AWHOA Board of Directors recently approved the budget for 2008. The monthly dues of \$38.50 have been increased to \$41 for 2008, generating an additional \$42,360 in revenue for the association; the total budget for 2008 will total \$812,700.

Members of SAW, however, are concerned part of their fees will be used against them — and used by the HOA to fight against SAW.

"We're concerned about the \$60,000 that's in there for legal fees," Mr. Teague said. "We feel that that's money that they're going to use to fight against anything that we try to do."

Mr. Cheifetz recommended the homeowners seek change through the democratic process by electing a more moderate board of directors to represent all the homeowners.

Apache Wells homeowners will elect three new members of the board Jan. 2.

Three candidates are SAW supporters: Judith Teague, Joice Lange and Mary Ann Brookover. Board-nominated candidates are Sandra Johnson, Don Fourcade and Jim Brockman.

"Through that process, we're hoping to eventually get a board that's going to be responsive to all of the people in the community and not just the special interest," Mr. Teague said.

SAW's attorneys made a formal request Oct. 11 through the board's attorney for production of AWHOA documents and other records, in response to the board's past non-compliance with ARS 33-1805, which mandates release of association documents to its members.

The deposition of the board-designated individual is 10 a.m. Wednesday, Nov. 28 in the Law Offices of Cheifetz, Iannitelli and Marcolini, P.C. in Phoenix.

Resident June Olah, who is against SAW, thinks attorneys are the only ones who will make any money out of the situation.

"The rest of us are going to end up paying the bill," she said.

Some residents at the meeting who were on the building committee claimed, during its Monday morning meetings for four years, no one came in with compromised plans.

"At every one of those meetings, all of the facts as to where the money

was going was there for them, and they keep saying they can't see it," Ms. Olah said.

Ms. Olah thinks many SAW members don't realize they don't own the country club.

"They think that the restaurant is theirs, that the hall is theirs," she said. "And it was sitting at this meeting, when I was sitting next to a few women, they said, 'Well, why can't we hold our meeting in the hall?' And I said, 'Well, the hall doesn't belong to you. The hall belongs to the country club.' She said, 'What do you mean it belongs to the country club?'"

Ms. Olah thinks the chance to create a single community from the two opposing groups within Apache Wells has been lost.

"That'll go on forever, probably, and it's a shame," she said. "It was going to be a community center, and it would have been nice to have it being one community."

The next SAW meeting is tentatively Tuesday, Dec. 18.

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