

Owner and director Messenger exchange

Screenshots show April 9 and April 23; the year is not shown. Included with June 12, 2026 correspondence.

This edited transcript reproduces selected historical exchanges visible in retained screenshots. It is not a complete platform export. Original screenshots and the earlier transcript with owner analysis remain private.

The text was compared with the screenshot record. Overlapping screenshot text appears once. Speaker labels replace the owner's identity; original phrasing and apparent typos otherwise remain. Message edits shown by the platform cannot be reconstructed from these captures.

Statements and legal arguments are attributed to the speakers, not findings or independent legal advice. A screenshot cannot establish the full context, completeness or original authorship.

Executive-session and related household-specific enforcement discussion omitted; no claim of legal privilege is made.

Personal telephone, private contact address, property-project particulars, profile images and app interface omitted.

Brief personal criticism and motive characterization omitted with explicit markers. Material governance replies and qualifications remain.

April 9 at 1:22 PM

Ty Schwartz:

Hey [Owner]! I just wanted to reach out and let you know that I'm working on a solution to some of the concerns being raised by people in our neighborhood.

It circumvents the enforcement of CC&R restrictions under article 10.

This is an immediate solution to many of the issues that we talked about that does not require a vote by the residence, which appears to be almost unobtainable.

[Non-message platform status text omitted.]

[Owner]:

Hey man I'm definitely down to help out. Sorry I didn't see this earlier. Facebook isn't generally my thing. Please feel free to message my cell at [Personal telephone redacted]

April 23 at 9:50 AM

[Owner]:

Great job last night. Keep up the good work.

Ty Schwartz:

Trying! It's definitely like trying to climb a greased pole.

April 23 at 11:50 AM

[Owner]:

There are end-arounds the commercial parking issue.

The board can adopt a resolution establishing a procedure for an Application for Vehicle Exception / Hardship Request.

Is there a way I could send you a couple documents?

Ty Schwartz:

Here's my email

[Personal contact address redacted]

[Owner]:

Just sent you two documents. Formatting is not intended to be final.

The end-around is to make a process for exceptions. Owners must include enough information to make a "case-by-case" decision.

I'm guessing that appointing a "supportive" board member is going to be a tough sale with Newberry

Ty Schwartz:

Here are the issues. The first time the board denies an application for an exemption we open the HOA up to civil action. If a neighbor who lives next to a commercial vehicle that we grant an exemption to feels that the presence of that vehicle negatively affects the value of their home, we open ourselves to civil action. There is case law in Arizona in recent years of both.

[Owner]:

Right because it can't be a blanket approval.

Ty Schwartz:

The prospect of amending the article regarding commercial vehicles requires 231 home owners to vote yes to the amendment. That's out of 350 homes

[Owner]:

Have Lennar's shares transitioned to class a yet?

How many do they still own and control votes for?

Ty Schwartz:

We have title trust companies and investment groups that own over 25 homes in SRR3

[Owner]:

So the title trust companies and investment groups are instant no. Understood.

Ty Schwartz:

Basically because they will always fall on the existing CCR's

I believe Lennar only holds about 15 of the properties left in our HOA

But there's another 15 that would be an instant no

[Owner]:

That's great though. At least they don't have triple votes anymore

Ty Schwartz:

True

[Editorial omission: executive-session information and related household-specific enforcement discussion, including an intervening owner question.]

The nightly patrol that comes through specifically is checking for overnight street parking parking

So they're not even looking for commercial vehicle vehicles. Just vehicle vehicles parked on the street and they're usually patrolling around two to 3 o'clock in the morning.

[Owner]:

[Editorial omission: owner characterization of counsel's perceived orientation.]

Ty Schwartz:

Well, because from an attorney standpoint modifying the CCR's one is like shooting a grain of rice out of the sky with an arrow

[Owner]:

Any chance you and Newberry are going to agree on a replacement for Erica?

Ty Schwartz:

And authorizing exemptions opens us up to litigation and civil suits, which could be extremely costly for the HOA. Remember that in a civil suit, the jury is made up of people that predominantly hate HOA's.

In both of the recent suits, where a homeowner brought suit against an HOA for modification of the CCR's, which resulted in their belief that their property value had decreased the award was \$250k and \$375k

I don't think Jim is going to be a hard sale on any Potential board member as long as they are joining the board with the understanding that we technically do not write the rules. We have to maintain them if that makes sense.

We have a lot of power when it comes to architectural committee decision. Landscaping, trim lights, exterior modifications things of that nature as board members we decide whether they get approved or not.

[Owner]:

Yes of course.

Ty Schwartz:

We also have a say and how some of the funds can be used in our HOA. There have been suggestions of adding another mini park off grassland and adding a Pickleball court to the main park

[Owner]:

Understood. There are some real things you guys have authority to do.

Ty Schwartz:

We can't do speed bumps or rumble strips because the roadways are controlled by Pima County highways

[Owner]:

IMO a good thing.

Ty Schwartz:

And again, I'm navigating this. I've only been on the board for two months. I've spent several hours going through our CCR's and researching the verbiage so I'm learning as I go.

I don't know if you noticed, but we have a very large reserve fund in our HOA account

Our yearly HOA revenue is roughly \$259,000

[Owner]:

You're doing great. Keep it up.

I don't think all the rules need to be changed. I think some of the common issues people have with HOAs can be relaxed once the developer is not in control. Recently developers have wanted to make it nearly impossible to change cc&rs. But that doesn't mean it's impossible.

Ty Schwartz:

After expenses and losses and operating budget, we generally have an end of your surplus between 60-80k

[Owner]:

I have noticed. And it's an important detail.

Ty Schwartz:

I think that everyone needs to understand that the general consensus amongst the Property Management company and Gemini is that unless we receive a complaint, we're not going to overstep and enforce unnecessary violations

Currently, there's probably about two dozen people in our community that have done modifications and have not submitted any type of ACR

But not one person has received a violation or a cease and desist so that says a lot

In granted 95% of the ACR's, that have been submitted have been approved

Especially when it comes to the stupid rule that you must keep the trees that were planted by Lennar

[Owner]:

I'm one of them. I didn't realize I needed approval for [personal property particulars redacted].

Ty Schwartz:

Yeah, technically any exterior modification needs an ACR but it's just a formality to make sure that nobody builds like a 15 foot statue in their front yard

[Owner]:

I just realized that this past weekend. I thought non permanent things were okay. I certainly haven't done anything that would get complaints.

Ty Schwartz:

Again, we haven't had any issues with any of the modifications everyone's landscaping projects have been very nice and improves the quality of the neighborhood, but there will always be that one person that does a DIY project that looks atrocious

[Owner]:

I will submit an ARC application this week sometime. I don't know the process to retroactively get approval.

Ty Schwartz:

I personally wouldn't do it. I don't think it's an issue especially the fact that you're already done with it. [Personal property-project details omitted.]

I would just say in the future if you were planning to do anything like add trim lights or modify your landscaping plant a new large tree, etc. I would just submit one. It's a pretty easy process and I can help you with it if you need it.

And again, we are approving pretty much every ACR that is coming through our emails. There was an issue because one of the people working at the Property Management company was not forwarding them to the board so they weren't being approved.

[Owner]:

That's great thanks for the offer to help

Ty Schwartz:

I mean, if you're interested in running for the board position submit your email to Ken once he puts out the notice. Other than doing a little clerical work once or twice a month and responding to a dozen or so emails. It's really not that difficult of a job. Granted we get zero dollars for what we do.

[Editorial omission: a brief exchange of personal criticism and speculation about a former director.]

Source and preservation

Source record: SRC-000002. The retained source is preserved unchanged. This derivative is independently generated from reviewed text; it does not embed the private file.