Diary of Events

The Alta Mesa HOA Public Roadway Parking Dispute

February 21, 2026 – November 24, 2026

Regarding A.R.S. § 33-1818 and the Association's Authority to Regulate Dedicated Public Roadways Maintained and Serviced by the City of Mesa

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Table of contents

February 21, 2026 – The Beginning 4

February 24–26, 2026 – Requests for Proof of Recording 4

March 5–6, 2026 – Discovery of the Late Recording 4

March 2026 – Legislative Research and Communication With the Bill Sponsor 5

April 2026 – Termination of Alta Mesa's Longtime Attorney After Approximately 15 Years 6

April–July 2026 – Continued Research and Opposition to Public-Street Enforcement 7

July 23, 2026 – The Association Adopts an Updated Enforcement Policy 7

August 2026 – Formal Opposition and Demand for Compliance 8

September 2026 – Continued Enforcement and Board Governance Concerns 8

September 3, 2026 – Initial Formal Contact With the Arizona Department of Real Estate 9

September 16, 2026 – First Formal ADRE Response 9

September 17, 2026 – Formal Board Action Regarding Former Attorney Augustus H. Shaw IV 9

October 2026 – Discovery of Professional Relationships Between Board President Jody Cote and Director Michele Tyler 10

October 11, 2026 – Formal Request for Verification of Professional Relationship 11

October 2026 – Continued ADRE Communications and Preparation for a Formal Petition 12

October 16, 2026 – Second Formal Inquiry to ADRE 12

October 19, 2026 – Second Formal ADRE Response 13

Scope and Purpose of My Intended ADRE Petition 13

Communications With Attorney Curtis S. Ekmark 14

October 24–31, 2026 – Final Stages of Evidence Collection 15

Formal Notice to Oversii – Preservation of Potentially Relevant Evidence 15

Scope of My Formal Preservation Request 16

Preservation Period 17

Purpose and Scope of My Notice 17

Significance of Contacting Oversii Directly 18

November 13–15, 2026 – Oversii and Parking Variance Records 18

The Significance of My Final Records Requests 19

November 18, 2026 – Executive Session Regarding a Potential Lawsuit 20

November 19, 2026 – A Major Turning Point 20

Resignations of Board President Jody Cote and Director Michele Tyler 21

Departure of Association Attorney Curtis S. Ekmark 21

November 20–24, 2026 – Reflection on the Recent Developments 21

The Timing of the Attorneys' Departures 22
The Timing of the Resignations of Jody Cote and Michele Tyler 23
The Potential ADRE Case and Attorney Ekmark's Departure 24
Chronological Summary of Major Developments 26
Outstanding Issues as of November 24, 2026 28
Conclusion – My Position Moving Forward 29

February 21, 2026 – The Beginning

My involvement in this matter began on February 21, 2026, when I contacted Empire Community Management requesting a copy of the document that The Alta Mesa Community Association, Inc. was required to record pursuant to A.R.S. § 33-1818(B)(1).

After independently searching the Maricopa County Recorder's records, I was unable to locate any recorded document confirming that Alta Mesa had retained its authority to regulate public roadways.

Under my interpretation of A.R.S. § 33-1818, the Association was required to complete the statutory process, including the membership vote and the recording of the confirming document, no later than June 30, 2025.

Although Alta Mesa had conducted a successful membership vote on March 20, 2025, I could find no evidence that the required confirming document had been recorded.

What began as a relatively simple request for an Association record eventually developed into a nine-month dispute concerning statutory compliance, parking enforcement, management accountability, Board governance, professional relationships, potential conflicts of interest, preservation of evidence and the rights of Alta Mesa homeowners.

February 24–26, 2026 – Requests for Proof of Recording

Following my initial request, I exchanged several emails with Community Manager Wanda Simeona of Empire Community Management.

Management indicated that it was waiting for information from the Association's attorney and the County Recorder.

I continued requesting a copy of the actual recorded document, reminding management of its obligations under A.R.S. § 33-1805, which generally requires Association records to be made available within ten business days of a homeowner's request.

At that point, I had no evidence that the Association had completed the required recording before June 30, 2025.

March 5–6, 2026 – Discovery of the Late Recording

On March 5, 2026, management provided me with a copy of an **unrecorded document** confirming the Association's membership vote.

On March 6, 2026, management provided me with the newly recorded document.

The recording information established the following:

Event	Date
Alta Mesa membership vote	March 20, 2025
Statutory deadline	June 30, 2025
My initial records request	February 21, 2026
Unrecorded document provided	March 5, 2026
Actual recording date	March 6, 2026
Maricopa County Recorder Instrument	20260131940
Days beyond statutory deadline	**249 days**

Remarkably, the document was recorded only 13 days after my initial request for proof of recording.

Management subsequently maintained that the document had been signed and notarized before the statutory deadline but that the original document had been lost in transit.

My position was that signing and notarizing a document did not constitute recording it with the Maricopa County Recorder.

This discovery became the foundation of my entire statutory challenge.

March 2026 – Legislative Research and Communication With the Bill Sponsor

Rather than relying exclusively on my own interpretation of A.R.S. § 33-1818, I began researching the legislative history of House Bill 2298, which Governor Katie Hobbs signed into law on April 18, 2023.

My research included legislative documents, statutory language, legislative fact sheets and communications concerning the intent of the legislation.

During the course of my investigation, I also contacted Arizona Representative Neal Carter, the sponsor of HB 2298.

Representative Carter provided the following explanation:

“The process is supposed to be done by the specified date and if not the parking regulations expire.”

This communication reinforced my interpretation that the statutory deadline was intended to have meaningful consequences and that the required process was to be completed by June 30, 2025.

Although Representative Carter's explanation did not constitute a binding legal determination, it provided additional support for my understanding of the legislative intent behind HB 2298.

Nevertheless, on March 31, 2026, management informed me that, according to the Association's attorney:

“Association is in full compliance with the law.”

This established a fundamental disagreement between my interpretation of the statute and the Association's legal position.

April 2026 – Termination of Alta Mesa's Longtime Attorney After Approximately 15 Years

Following my February 21, 2026 request for the required recorded document and the subsequent discovery that the document had not been recorded until March 6, 2026, a significant change occurred in the Association's legal representation.

In April 2026, Augustus H. Shaw IV, Esq., of Shaw & Lines, LLC, who had served as Alta Mesa's attorney for approximately 15 years, was terminated as the Association's legal counsel.

The termination occurred shortly after my discovery of the late recording and my initial challenges concerning the Association's compliance with A.R.S. § 33-1818.

The timing was particularly noteworthy because Shaw had represented the Association during the period in which the statutory recording requirement should have been satisfied.

After approximately 15 years of legal representation, the Association's longtime attorney was terminated approximately two months after my initial request for proof of recording.

Although I cannot establish that my records request or discovery of the late recording directly resulted in his termination, the departure of an attorney who had represented the Association for approximately 15 years was a significant development.

The circumstances surrounding the termination of his remaining legal services and the return of Association files subsequently became a subject of formal Board action in September 2026.

April–July 2026 – Continued Research and Opposition to Public-Street Enforcement

Over the following months, I continued researching the statute and gathering documentation concerning the Association's parking enforcement activities.

My research focused on the distinction between privately owned Association roadways and dedicated public roadways maintained and serviced by the City of Mesa.

I also examined the Association's governing documents, parking restrictions, enforcement notices and the legislative purpose behind HB 2298.

Among the materials I examined was the December 1, 2025 announcement informing homeowners that Alta Mesa had contracted with Oversii to conduct parking enforcement beginning January 1, 2026.

This was particularly significant because the Association had announced its expanded parking enforcement program before the required confirming document was recorded on March 6, 2026.

I communicated my objections to management and requested that the Association discontinue its regulation of dedicated public roadways.

My position remained consistent:

The Association's authority to regulate dedicated public roadways expired on July 1, 2025, because the required confirming document had not been recorded by June 30, 2025.

I further maintained that recording the document on March 6, 2026, could not retroactively restore statutory authority that had already expired.

The Association continued to disagree with that interpretation.

July 23, 2026 – The Association Adopts an Updated Enforcement Policy

Despite my ongoing objections, the Alta Mesa Board adopted a new Violation and Enforcement Policy dated July 23, 2026, signed by Board President Jody Cote.

The policy included a supplemental fine schedule establishing parking fines of $100 per violation.

Rather than discontinuing its disputed public-roadway enforcement activities, the Association appeared to be strengthening its enforcement procedures.

This development substantially increased my concerns because the Association was not merely claiming regulatory authority but establishing procedures through which that disputed authority could be exercised against homeowners.

August 2026 – Formal Opposition and Demand for Compliance

On August 5, 2026, management circulated an announcement informing homeowners that the Board had approved updated parking rules and a violation and enforcement policy.

The new parking rules included written permit and variance requirements for street parking.

Throughout August, I continued challenging the Association's authority through formal correspondence, statutory arguments, notices and demands.

I communicated my position to management, Association counsel and members of the Board of Directors.

My objective was not simply to obtain a personal parking exemption or avoid a potential fine.

My objective was to permanently discontinue the Association's regulation of dedicated public roadways throughout Alta Mesa.

I also began considering the legal implications of the March 6, 2026 recorded document remaining in the public records if the Association no longer possessed the authority it claimed.

My concern was that the recorded document could continue to create confusion among current and future homeowners, management companies, attorneys and Boards of Directors regarding the Association's authority over public roadways.

September 2026 – Continued Enforcement and Board Governance Concerns

The updated parking rules became effective September 1, 2026.

Under those rules, vehicles could only be parked on the street with a written permit or variance issued by the Association.

I continued investigating the legal basis for these requirements and requesting Association records.

My records requests included documentation concerning executive sessions, the March 20, 2025 membership vote, quorum requirements, voting results and the

Association's enforcement activities.

During this period, concerns also arose regarding Board governance, transparency, communication between directors and the Association's legal representation.

September 3, 2026 – Initial Formal Contact With the Arizona Department of Real Estate

As the Association continued to maintain that it possessed authority to regulate dedicated public roadways, I began investigating the formal administrative remedies available to Arizona homeowners.

On September 3, 2026, at 2:25 p.m., I initiated formal correspondence with the Arizona Department of Real Estate (ADRE) through its official Message Center regarding the Homeowner Association (HOA) Dispute Process.

My objective was to determine the appropriate administrative procedure for challenging Alta Mesa's claimed authority under A.R.S. § 33-1818.

This marked an important escalation in my efforts. After more than six months of research, correspondence and records requests, I was actively investigating the possibility of bringing the matter before an independent administrative law judge.

September 16, 2026 – First Formal ADRE Response

On September 16, 2026, the Arizona Department of Real Estate issued its first written response to my inquiry.

This correspondence assisted me in investigating the procedural requirements associated with filing a formal homeowner association dispute petition.

Among the matters I was investigating was my ability to submit a petition on behalf of CHERYL LAVOY IRREVOCABLE TRUST-2, the titled homeowner within Alta Mesa, in my capacity as its authorized representative.

The Department's correspondence concerned the administrative dispute process and did not constitute a determination regarding the merits of my statutory challenge.

September 17, 2026 – Formal Board Action Regarding Former Attorney Augustus H. Shaw IV

At the September 17, 2026 Board meeting, a motion was approved directing the formal termination of all remaining legal services provided by former Association attorney Augustus H. Shaw IV and the return of Association files.

Although Shaw had initially been terminated in April 2026, this subsequent Board action was intended to formally conclude his remaining legal involvement with the Association and ensure the return of its records.

On September 24, 2026, attorney Kathryn Battock of Phillips, Maceyko and Battock PLLC issued correspondence to Shaw & Lines concerning the termination of legal services and the transfer of Association files.

These developments occurred against the background of the continuing dispute concerning the late recording and public-roadway enforcement.

October 2026 – Discovery of Professional Relationships Between Board President Jody Cote and Director Michele Tyler

During my ongoing correspondence with Association attorney Curtis S. Ekmark, I noticed that he repeatedly included Board President Jody Cote's professional CCMC email address in communications concerning my legal dispute with The Alta Mesa Community Association.

This prompted me to investigate Jody Cote's professional employment and whether any additional professional relationships existed between members of the Alta Mesa Board of Directors.

Through my research, I discovered that Board President Jody Cote was employed by CCMC, a community association management company.

I subsequently discovered that Alta Mesa Director Michele Tyler was also employed by CCMC.

My research included reviewing the Morrison Ranch community association's publicly available staff directory, which identified Michele Tyler as an Assistant Community Manager and listed her professional CCMC email address.

The photograph accompanying her professional profile appeared to match the individual I had observed serving as an Alta Mesa director at the September 17, 2026 Board meeting.

Of particular concern was information I discovered indicating that Jody Cote was Michele Tyler's professional supervisor at CCMC.

This raised several important governance questions concerning the independence of the two directors when participating in discussions, deliberations and votes involving Alta Mesa Association business.

I was particularly concerned about whether an existing supervisor-subordinate relationship outside the Association could influence the independent judgment of either director while serving together on the Alta Mesa Board.

I also questioned why Association attorney Curtis S. Ekmark repeatedly used Jody Cote's professional CCMC email address in legal correspondence concerning Alta Mesa, an association managed by an entirely different management company, Empire Community Management.

This raised additional questions regarding confidentiality, the handling of Association-related legal communications and the separation of Jody Cote's professional employment responsibilities from her responsibilities as President of The Alta Mesa Community Association.

October 11, 2026 – Formal Request for Verification of Professional Relationship

On October 11, 2026, I submitted formal correspondence titled:

“FORMAL REQUEST FOR VERIFICATION – PROFESSIONAL RELATIONSHIP BETWEEN BOARD PRESIDENT JODY COTE AND DIRECTOR MICHELE TYLER.”

The correspondence was directed to Association counsel, with copies to Board President Jody Cote and Community Manager Wanda Simeona, and included a request that it be distributed to all members of the Board of Directors.

My objective was to obtain formal verification of the professional relationship between the two directors and determine whether appropriate disclosures had been made to the Association and its Board.

I also questioned whether the reported supervisory relationship could present a potential conflict of interest when the two directors participated in Association decisions.

My concerns included:

- Whether both directors were employed by CCMC.

- Whether Jody Cote directly or indirectly supervised Michele Tyler in her professional employment.

- Whether their professional relationship had been disclosed to the remaining Alta Mesa directors.

- Whether the relationship could affect their independent judgment when voting on Association matters.

- Whether circumstances existed in which either director should consider abstaining from a particular Board vote.

- Why Jody Cote's professional CCMC email address was repeatedly being used in legal correspondence concerning Alta Mesa.

- Whether appropriate safeguards existed to protect confidential Association communications.

I also considered whether Association counsel was responding on behalf of The Alta Mesa Community Association as a corporate entity or on behalf of the two directors individually.

My investigation into these matters was separate from, but developed during, my continuing challenge to the Association's claimed authority under A.R.S. § 33-1818.

The existence of a professional relationship between two directors would not, by itself, establish misconduct or a legal conflict of interest. Nevertheless, I believed the circumstances warranted transparency, formal clarification and appropriate consideration by the Board.

These discoveries added another dimension to what had originally begun as a straightforward request for a recorded Association document.

October 2026 – Continued ADRE Communications and Preparation for a Formal Petition

By October, I had devoted a substantial amount of time to researching the possibility of filing a formal homeowner association dispute petition through the Arizona Department of Real Estate, with the matter potentially proceeding to the Arizona Office of Administrative Hearings (OAH).

I investigated the administrative hearing process, filing fees, standing, representation requirements, available remedies and the possibility of obtaining a legal determination concerning the Association's statutory authority.

October 16, 2026 – Second Formal Inquiry to ADRE

On October 16, 2026, I submitted my second formal inquiry through the ADRE Message Center.

This inquiry continued my efforts to clarify the procedural requirements associated with pursuing an administrative proceeding on behalf of the Trust.

I sought additional clarification concerning the distinction between submitting a petition as an authorized representative and personally representing the Trust during

an administrative hearing.

I also continued investigating the applicable legal requirements, the presentation of evidence and the available administrative remedies.

October 19, 2026 – Second Formal ADRE Response

On October 19, 2026, the Department issued its second written response.

By this point, I had formally contacted ADRE on two separate occasions and received two written responses concerning the homeowner association dispute process.

The official ADRE correspondence history was as follows:

Event	Date
Initial inquiry submitted to ADRE	September 3, 2026
First Department response	September 16, 2026
Second inquiry submitted to ADRE	October 16, 2026
Second Department response	October 19, 2026
Conversation ID	370785
October 16 Message ID	959863
Subject	Homeowner Association (HOA) Dispute Process
Conversation status	Open

These formal communications represented an important stage in my nine-month dispute.

I was no longer simply researching Arizona law or corresponding with the Association's management and attorneys. I was actively investigating the procedural requirements necessary to bring the matter before an independent administrative law judge.

Scope and Purpose of My Intended ADRE Petition

My intended petition was designed around a single statutory issue:

Whether The Alta Mesa Community Association retained authority under A.R.S. § 33-1818(B)(1) when its confirming document was not recorded until March 6, 2026, 249 days after the June 30, 2025 deadline.

I deliberately sought to keep the contemplated administrative case focused on the statutory issue rather than complicating it with unrelated Board governance disputes.

My intended relief included the discontinuation of Association parking enforcement on dedicated public roadways and the ability to park on the dedicated public roadway adjoining the Trust-owned property without obtaining an Association permit, variance or other form of approval.

My objective was to obtain an independent legal determination concerning the Association's statutory authority, rather than continuing to rely exclusively on the interpretation provided by the Association's own legal counsel.

Communications With Attorney Curtis S. Ekmark

During my communications with Association attorney Curtis S. Ekmark, he maintained that the statute did not establish a specific deadline for recording the confirming document.

His interpretation was that the June 30, 2025 deadline applied to the membership vote rather than the subsequent recording requirement.

I disagreed.

My position was that the opening deadline in A.R.S. § 33-1818(B)(1) governed the entire statutory process and that separating the recording requirement from the deadline would effectively allow an Association to delay recording indefinitely.

Such an interpretation, in my opinion, would undermine the purpose of establishing a statutory deadline in the first place.

Ekmark also referenced the potential for substantial legal fees and costs associated with litigation.

He indicated during our communications that he was relatively new to his position as Alta Mesa's legal counsel.

Throughout these communications, his repeated inclusion of Jody Cote's professional CCMC email address remained a separate concern regarding the handling of Association-related legal correspondence.

I continued pursuing the matter despite the potential expense and complexity of litigation.

October 24–31, 2026 – Final Stages of Evidence Collection

As I moved closer to potentially filing my ADRE petition, I began concentrating on obtaining evidence demonstrating how the Association was actually exercising its disputed regulatory authority.

My records requests included:

- The March 20, 2025 membership vote documentation.

- Meeting notices, ballots, quorum calculations and voting results.

- The Oversii parking enforcement contract.

- Parking patrol reports and violation records.

- Parking maps provided to Oversii.

- Instructions given to Oversii regarding public-roadway enforcement.

- Parking permits and variances.

- Records concerning fines, fees and potential towing activities.

- Documentation concerning the Association's enforcement policies.

I also became concerned about the preservation of Oversii's enforcement records and other documentation that could become relevant in a future administrative proceeding.

On October 31, 2026, I continued corresponding with Association counsel regarding the statutory dispute and outstanding records requests.

At this stage, I was no longer simply questioning the Association's interpretation of the law.

I was assembling documentary evidence for a potential administrative hearing before an independent administrative law judge.

Formal Notice to Oversii – Preservation of Potentially Relevant Evidence

As my preparations for a potential ADRE petition progressed, I became increasingly concerned about the preservation of records maintained independently by Oversii, the third-party contractor retained by The Alta Mesa Community Association to conduct parking patrol and enforcement activities.

Rather than relying exclusively on the Association and Empire Community Management to preserve these records, I personally contacted Oversii's management

and legal department by email.

I submitted formal correspondence titled:

“Formal Notice to Preserve Records – Alta Mesa Community Association, Mesa, Arizona.”

In this correspondence, I identified myself as the authorized representative of CHERYL LAVOY IRREVOCABLE TRUST-2 and explained the unresolved statutory dispute concerning the Association's claimed authority to regulate parking on dedicated public roadways maintained and serviced by the City of Mesa pursuant to A.R.S. § 33-1818(B)(1).

I informed Oversii that although the Association had conducted its membership vote on March 20, 2025, the confirming document was not recorded with the Maricopa County Recorder until March 6, 2026, 249 days after the June 30, 2025 statutory deadline.

I further explained that the parties disagreed regarding the legal consequences of the delayed recording and that the unresolved dispute could result in administrative or judicial proceedings in which Oversii's records might become relevant.

Scope of My Formal Preservation Request

I formally requested that Oversii preserve all existing relevant records within its possession, custody or control, including the following seven categories:

1. Patrol Records

Daily patrol logs, patrol schedules, activity reports, GPS records and electronic patrol histories.

2. Vehicle Documentation

Photographs, videos, license plate observations, vehicle identification information, timestamps and associated electronic metadata.

3. Enforcement Records

Parking warnings, violation reports, citations, notices and documentation of alleged parking violations.

4. Towing-Related Records

Any towing requests, authorizations, referrals, communications or related documentation.

5. Association Instructions

Communications, directives and instructions received from Alta Mesa Community Association, Empire Community Management or their authorized representatives concerning public-roadway parking enforcement.

6. Reporting and Financial Records

Reports submitted to the Association or its management company, including records concerning fines, fees or other enforcement-related charges, to the extent maintained by Oversii.

7. Electronic Systems

Relevant records maintained within Oversii's patrol management software, databases, mobile applications, reporting platforms or other electronic systems.

Preservation Period

My preservation request specifically covered the period beginning **July 1, 2025, through the date of my correspondence and continuing while the statutory dispute remained unresolved**, to the extent Oversii possessed or controlled responsive records.

I requested that Oversii take reasonable steps to prevent the routine deletion, overwriting, alteration or destruction of potentially relevant records, including electronically stored information and associated metadata.

The July 1, 2025 starting date was particularly significant because that was the date on which, under my interpretation of A.R.S. § 33-1818, the Association's authority to regulate dedicated public roadways had expired.

Purpose and Scope of My Notice

I made it expressly clear that my correspondence was a request for the preservation of potentially relevant evidence only.

It was not a demand for immediate production of documents, an allegation that Oversii had engaged in unlawful conduct, or a request that Oversii independently determine the legal merits of the underlying statutory dispute.

My objective was simply to ensure that potentially relevant information remained available should it become necessary in future administrative or judicial proceedings.

I also requested acknowledgment of my correspondence and confirmation that it had been forwarded to the appropriate management, legal or records-retention personnel for consideration and appropriate action.

Significance of Contacting Oversii Directly

My decision to contact Oversii directly represented another significant step in my preparations for a potential legal proceeding.

By this stage, my efforts had expanded well beyond my original February 21, 2026 request for a copy of the required recorded document.

I had researched the applicable statute and legislative history, communicated directly with the sponsor of HB 2298, formally contacted the Arizona Department of Real Estate on two separate occasions, challenged the Association's legal interpretation, investigated Board governance concerns and submitted numerous statutory records requests.

I was now taking additional steps to help preserve potentially relevant evidence maintained by an independent third-party enforcement contractor.

The preservation of Oversii's records was particularly important because those records could help establish the nature, extent and frequency of the Association's exercise of its disputed authority over dedicated public roadways.

These records could also help establish what instructions Oversii received from the Association and its management company concerning public-roadway parking enforcement.

My formal preservation notice was intended to protect the availability of this evidence should I ultimately proceed with an ADRE petition or other legal action.

The notice also established that my preparations included addressing the preservation of potentially relevant electronic evidence, rather than relying solely on documents already provided by Association management.

All of these preparations were undertaken without my having formally filed an administrative petition or commenced litigation.

The transmission date and any acknowledgment or confirmation of compliance by Oversii remain to be documented in this historical account.

November 13–15, 2026 – Oversii and Parking Variance Records

In mid-November, management began providing additional documentation concerning parking enforcement.

The documentation and correspondence included parking violation records, Oversii patrol reports, parking maps and the Oversii service agreement.

Management also informed me:

“There have been no fines applied to any homeowner in Alta Mesa.”

I subsequently requested additional information concerning the number of parking permits and variances issued by the Association.

Management explained that there were no long-term permits, that parking variances had begun during 2026, and that all existing variances would expire January 1, 2027.

Management further indicated that variance requests were received and approved through management and that additional information would be requested from Oversii.

The Significance of My Final Records Requests

The Oversii and variance records were particularly important to my contemplated ADRE petition.

They were intended to demonstrate that the Association was not merely claiming authority over public roadways but was actively exercising that authority through a third-party enforcement contractor and a management-administered parking approval process.

Even though management indicated that no fines had been imposed, the existence of parking patrols, violation notices and variance requirements remained relevant to my statutory challenge.

The fact that homeowners were expected to obtain permission from the Association to park on dedicated public roadways was central to my concerns.

My separate formal preservation notice to Oversii was intended to help ensure that underlying patrol records, photographs, electronic data and enforcement instructions remained available should additional evidence become necessary.

These were among my final outstanding areas of investigation before potentially filing the petition.

After approximately nine months of research, correspondence, formal communications with ADRE, evidence collection and evidence preservation efforts, I was approaching the point at which I could present a substantially documented statutory challenge.

November 18, 2026 – Executive Session Regarding a Potential Lawsuit

The Association scheduled an executive session for November 18, 2026.

The published executive session agenda identified four subjects:

1. Parking Committee interviews.

2. Vendor evaluations.

3. **Legal advice regarding potential lawsuit.**

4. Civility.

The reference to a potential lawsuit was particularly noteworthy given the timing of my extensive correspondence, statutory challenges and recent records requests.

Although I cannot establish that the potential lawsuit identified on the agenda referred specifically to my anticipated ADRE petition or other possible legal action, the timing was significant enough to warrant attention.

I also questioned whether the executive session agenda provided sufficient information to homeowners under Arizona law.

November 19, 2026 – A Major Turning Point

The November 19, 2026 general Board meeting represented a substantial turning point in my nine-month dispute with the Association.

Director Margaret Wilcox presented a comprehensive parking motion intended to substantially change Alta Mesa's existing parking enforcement practices.

The motion reportedly passed by a vote of four to three.

The proposed changes included discontinuing Oversii parking patrols, relaxing parking permit requirements and developing revised parking rules.

However, certain provisions of the motion appeared to preserve some degree of Association parking regulation, including possible permit or exception requirements following complaints.

Consequently, although the motion represented substantial progress, it did not appear to provide an unequivocal and permanent discontinuation of all Association regulation of dedicated public roadways.

Resignations of Board President Jody Cote and Director Michele Tyler

During the same Board meeting, Board President Jody Cote and Director Michele Tyler announced their resignations.

Their departures represented a significant change in the leadership of the Association.

The timing of their resignations was particularly noteworthy because both directors had been the subjects of my October 11, 2026 formal request for verification of their professional relationship at CCMC.

Only 39 days had elapsed between my formal correspondence concerning their professional employment and reported supervisory relationship and their announced resignations during the same Board meeting.

Although I cannot establish that my inquiries contributed to their decisions to resign, the sequence of events was significant from a historical standpoint.

Departure of Association Attorney Curtis S. Ekmark

I subsequently learned that Curtis S. Ekmark was also departing as Association counsel, although I have not independently established the circumstances or reasons for his departure.

This represented the second significant change in the Association's legal representation during the nine months following my initial February 21, 2026 records request.

Within a relatively short period, the Association was experiencing substantial changes involving its parking enforcement policies, Board leadership and legal representation.

November 20–24, 2026 – Reflection on the Recent Developments

Looking back at the sequence of events, I find the timing of these developments particularly interesting.

After approximately nine months of challenging the Association's statutory authority, conducting legislative research, communicating with the sponsor of HB 2298, requesting records, investigating Board governance concerns, formally contacting ADRE on two occasions, requesting preservation of third-party evidence and preparing for a potential administrative hearing, several significant changes occurred.

During the nine months following my initial February 21, 2026 records request, the following developments occurred:

- The March 6, 2026 recording of the required confirming document, 249 days after the statutory deadline.

- The April 2026 termination of Augustus H. Shaw IV, who had served as Alta Mesa's attorney for approximately 15 years.

- The September 17, 2026 formal Board action terminating all remaining legal services provided by Shaw and requiring the return of Association files.

- My discovery of Board President Jody Cote's professional employment with CCMC.

- My observation that Association attorney Curtis S. Ekmark repeatedly used Jody Cote's professional CCMC email address in legal correspondence concerning Alta Mesa.

- My discovery of Director Michele Tyler's employment with CCMC and information indicating that Jody Cote was her professional supervisor.

- My October 11, 2026 formal request for verification of the professional relationship between the two directors.

- My direct communication with Oversii requesting the formal preservation of potentially relevant parking enforcement evidence.

- The subsequent departure of Association attorney Curtis S. Ekmark.

- The announced resignation of Board President Jody Cote.

- The announced resignation of Director Michele Tyler.

- The reported approval of a motion substantially changing the Association's parking enforcement practices.

- The anticipated discontinuation of Oversii parking patrols.

During that same period, the Association moved from asserting full compliance with the law and strengthening its parking enforcement policies to approving substantial changes to those enforcement practices.

The Timing of the Attorneys' Departures

The departure of Augustus H. Shaw IV after approximately 15 years of legal representation was particularly noteworthy because it occurred shortly after I discovered that the required confirming document had not been recorded by the statutory deadline.

Several months later, after I had continued challenging the Association's interpretation of A.R.S. § 33-1818 and preparing for a potential administrative

proceeding, additional significant changes occurred.

By that time, I had already contacted the Arizona Department of Real Estate on September 3 and October 16, 2026, and received formal written responses on September 16 and October 19, respectively.

My final records requests concerned Oversii's enforcement activities and the Association's parking variance procedures.

My preparations also included personally contacting Oversii and requesting the preservation of potentially relevant evidence, including electronic records, photographs, GPS data, patrol histories and instructions received from the Association and its management company.

The Board then held an executive session that included legal advice concerning a potential lawsuit.

The following day, the Board reportedly approved substantial changes to parking enforcement, and two directors announced their resignations.

I subsequently learned of the departure of Association counsel Curtis S. Ekmark.

I cannot establish that these events were directly connected to my anticipated legal action. However, it is reasonable to consider whether my extensive correspondence and evidence collection prompted the Association to evaluate its potential legal exposure.

The Timing of the Resignations of Jody Cote and Michele Tyler

Another particularly noteworthy development was the simultaneous announcement of the resignations of Board President Jody Cote and Director Michele Tyler.

Before their resignations, I had already discovered their professional employment with CCMC and raised formal questions regarding their reported supervisory relationship.

My October 11 correspondence specifically sought verification of that relationship and raised questions concerning transparency, independent judgment and potential conflicts of interest.

I had also raised concerns regarding the repeated use of Jody Cote's professional CCMC email address by Association counsel in legal communications concerning Alta Mesa.

Approximately 39 days later, both directors announced their resignations during the November 19 Board meeting.

The fact that my formal inquiries preceded their resignations is an important part of the chronology.

Whether their professional relationship, my inquiries, disagreements within the Board, the parking enforcement dispute or other considerations influenced their decisions remains unknown.

Nevertheless, their departures represented a significant change in the Association's leadership during a period in which I had raised substantial questions concerning both statutory compliance and Board governance.

The Potential ADRE Case and Attorney Ekmark's Departure

Ekmark, as an experienced HOA attorney, would have been in a position to recognize that my challenge involved a substantive question of statutory interpretation supported by documentary evidence.

My challenge was not based merely on dissatisfaction with parking restrictions.

It was based on a specific statutory requirement, an established legislative deadline, an independently verifiable recording date, legislative research, correspondence with the sponsor of HB 2298 and evidence of the Association's continued exercise of disputed regulatory authority.

I had also taken the additional step of formally communicating with the Arizona Department of Real Estate on two separate occasions to investigate the administrative dispute process.

Furthermore, my direct communication with Oversii requesting the preservation of potentially relevant evidence demonstrated that my preparations extended beyond the Association's own records and included evidence maintained by its independent enforcement contractor.

His repeated references to being relatively new to Alta Mesa's legal representation may have been intended to distinguish his involvement from decisions made before he assumed that responsibility.

He inherited an existing dispute involving the disputed recording deadline, the previous attorney's involvement, the subsequent recording of the confirming document and the Association's continued public-roadway parking enforcement.

Whether Ekmark believed the Association could successfully defend an ADRE petition, or whether the potential legal dispute influenced his departure, remains unknown.

Nevertheless, the Association would have faced the prospect of defending its interpretation of A.R.S. § 33-1818 before an independent administrative law judge.

Such a proceeding could have required the Association to explain why a document recorded 249 days after the statutory deadline was sufficient to preserve its authority over dedicated public roadways.

It would also have provided an opportunity for an independent decision-maker to consider my argument that the June 30, 2025 deadline applied to the entire statutory process, including the recording requirement.

The Association's interpretation had never been independently adjudicated, and the outcome of such a proceeding could not be guaranteed.

However, by November 2026, I had assembled a substantial body of documentation supporting my position and had taken additional steps to request the preservation of potentially relevant third-party evidence.

Chronological Summary of Major Developments

Date	Event
April 18, 2023	Governor Katie Hobbs signs HB 2298 into law.
March 20, 2025	Alta Mesa conducts membership vote regarding continued regulation of public roadways.
June 30, 2025	Statutory deadline established under A.R.S. § 33-1818(B)(1).
December 1, 2025	Association announces Oversii parking enforcement program.
January 1, 2026	Announced commencement of Oversii parking enforcement.
February 21, 2026	I request proof of the required recording after being unable to locate it at the Maricopa County Recorder's Office.
February 24–26, 2026	Continued correspondence with management requesting proof of recording.
March 5, 2026	Management provides an unrecorded document.
March 6, 2026	Confirming document recorded 249 days after the statutory deadline.
March 2026	Legislative research and communication with Arizona Representative Neal Carter, sponsor of HB 2298.
March 31, 2026	Management asserts that the Association is in full compliance with the law.
April 2026	Longtime attorney Augustus H. Shaw IV terminated after approximately 15 years.
July 23, 2026	Board adopts updated Violation and Enforcement Policy.
August 5, 2026	Management announces updated parking rules and enforcement policy.
September 1, 2026	Updated parking rules become effective.
September 3, 2026	I submit my first formal inquiry to ADRE regarding the HOA dispute process.
September 16, 2026	ADRE issues its first written response.

Date	Event
September 17, 2026	Board approves formal termination of all remaining Shaw legal services.
September 24, 2026	Formal correspondence issued to Shaw & Lines concerning termination and transfer of files.
By October 2026	Discovery of Jody Cote's employment with CCMC and Ekmark's repeated use of her professional CCMC email address in Alta Mesa legal correspondence.
By October 2026	Discovery of Michele Tyler's employment with CCMC and information indicating that Jody Cote was her professional supervisor.
October 11, 2026	Formal request for verification of the professional relationship between Board President Jody Cote and Director Michele Tyler.
October 16, 2026	I submit my second formal inquiry to ADRE.
October 19, 2026	ADRE issues its second written response.
October 31, 2026	Continued correspondence with counsel and outstanding records requests.
During evidence collection; exact date to be documented	I personally contact Oversii's management and legal department and issue a formal notice requesting preservation of potentially relevant evidence dating back to July 1, 2025.
November 13–15, 2026	Oversii records provided and parking variance information requested.
November 18, 2026	Executive session agenda includes legal advice regarding a potential lawsuit.
November 19, 2026	Parking motion reportedly passes 4–3.
November 19, 2026	Jody Cote and Michele Tyler announce their resignations, 39 days after my formal request for verification of their professional relationship.
By November 24, 2026	I learn of attorney Curtis S. Ekmark's departure.
November 24, 2026	Awaiting official Board minutes and revised parking rules. ADRE petition remains unfiled.

Outstanding Issues as of November 24, 2026

Although substantial progress appears to have been achieved, several matters remain unresolved.

Outstanding matter	Current status
November 19 Board meeting minutes	Awaiting official minutes
Margaret Wilcox's parking motion	Reportedly approved; final adopted wording to be confirmed
Oversii parking enforcement	Discontinuation anticipated
Oversii formal preservation notice	Submitted directly to Oversii management and legal department
Oversii preservation acknowledgment	Acknowledgment and compliance not established in this account
Public-street parking permits and variances	Future requirements remain uncertain
September 1, 2026 Parking Rules	Formal rescission or replacement not yet confirmed
July 23, 2026 Violation and Enforcement Policy	Rescission of public-roadway provisions not yet confirmed
March 6, 2026 recorded document	Remains an unresolved issue
A.R.S. § 33-1818 statutory dispute	No independent legal determination
ADRE formal inquiries	Two inquiries submitted and two written responses received
ADRE Message Center conversation	Open
ADRE petition	Prepared but not filed
Professional relationship between Jody Cote and Michele Tyler	Formal verification sought; both directors subsequently announced their resignations
Use of Jody Cote's professional CCMC email address	Concerns documented; no confidentiality violation independently established

My principal concern remains that a future Board could attempt to reinstate public-roadway parking restrictions unless the Association formally and permanently discontinues its claimed regulatory authority.

I may also consider requesting that the Association record a corrective document with the Maricopa County Recorder referencing Instrument No. 20260131940 and clarifying that the Association no longer claims authority to regulate dedicated public roadways.

Such a document could help prevent confusion among future homeowners, management companies, attorneys and Boards of Directors concerning the Association's claimed authority over public roadways.

Conclusion – My Position Moving Forward

As of November 24, 2026, I have decided not to immediately escalate the dispute or proceed with filing my contemplated ADRE petition.

Instead, I intend to observe how the newly constituted Board addresses parking enforcement, review the official November 19 meeting minutes and carefully examine how the Association announces its revised parking rules to the community.

I will continue preserving the documentation and evidence I have accumulated since February 21, 2026, while remaining mindful of any applicable legal filing deadlines.

My decision to temporarily discontinue actively challenging the Association does not constitute an acceptance of its previous interpretation of A.R.S. § 33-1818, nor does it reflect a change in my position concerning the March 6, 2026 recording.

My original objective remains unchanged:

To permanently discontinue The Alta Mesa Community Association's regulation and enforcement of parking restrictions on dedicated public roadways maintained and serviced by the City of Mesa.

What began on February 21, 2026, as a simple request for a copy of a recorded document developed into 276 days of extensive statutory research, legislative inquiries, records requests, correspondence with management and attorneys, investigations into Board governance and professional relationships, formal communications with the Arizona Department of Real Estate, third-party evidence preservation efforts and preparation for a potential administrative legal proceeding.

During this period, I:

- Independently discovered that the required confirming document had not been recorded by the June 30, 2025 deadline.

- Obtained documentation establishing that the recording occurred 249 days after that deadline.

- Researched the legislative history and statutory requirements of HB 2298.

- Communicated directly with Arizona Representative Neal Carter, the sponsor of the legislation.

- Formally challenged the Association's interpretation of A.R.S. § 33-1818.

- Submitted numerous statutory records requests.

- Corresponded extensively with Association management and legal counsel.

- Formally contacted the Arizona Department of Real Estate on two separate occasions and received two written responses.

- Discovered Board President Jody Cote's professional employment with CCMC.

- Identified the repeated use of Jody Cote's professional CCMC email address by Association attorney Curtis S. Ekmark in legal communications concerning Alta Mesa.

- Discovered Director Michele Tyler's employment with CCMC and information indicating that Jody Cote was her professional supervisor.

- Submitted a formal request for verification of their professional relationship and raised concerns regarding transparency, independent judgment and potential conflicts of interest.

- Obtained documentation concerning Oversii's parking enforcement activities and the Association's parking variance procedures.

- Personally contacted Oversii's management and legal department concerning the preservation of potentially relevant evidence.

- Issued a formal written preservation notice covering patrol records, photographs, videos, GPS records, enforcement documentation, towing-related records, Association instructions, financial reports and electronic metadata.

- Requested that Oversii preserve relevant records dating back to July 1, 2025, and continuing while the statutory dispute remained unresolved.

- Requested reasonable measures to prevent the routine deletion, overwriting, alteration or destruction of potentially relevant evidence.

- Prepared for a potential administrative proceeding before an independent administrative law judge.

During those same nine months, the Association experienced the termination of its longtime attorney of approximately 15 years, the subsequent departure of another attorney, the announced resignations of two Board members, including its president, and a substantial proposed change in its parking enforcement practices.

Both resigning directors had been the subjects of my formal October 11, 2026 inquiry concerning their professional relationship at CCMC.

All of these developments occurred without my having formally filed an ADRE petition.

Whether my efforts directly contributed to all of these changes may never be known. However, I consistently pursued the matter, documented my concerns and required the Association to address questions regarding its statutory authority and governance practices.

My preparations extended beyond challenging the Association's legal interpretation. I actively investigated the administrative dispute process, collected documentary evidence and took steps to request the preservation of potentially relevant records maintained by the Association's independent parking enforcement contractor.

Throughout this ordeal, I remained focused on the fundamental question of whether the Association had complied with the requirements established by the Arizona Legislature.

I did not seek special treatment, an individual exemption or a personal accommodation.

I sought a resolution that would benefit all Alta Mesa homeowners affected by the Association's regulation of dedicated public roadways.

My additional inquiries concerning Board governance were intended to promote transparency, accountability and independent decision-making by the Association's elected directors.

Today, the Association appears to be moving in a substantially different direction regarding parking enforcement, its Board leadership and its legal representation.

For the first time since February 21, 2026, I believe there may be an opportunity to allow the Association to move forward without further immediate legal confrontation.

I intend to give the new Board an opportunity to demonstrate its commitment to these changes while remaining attentive to how the revised parking rules are developed, adopted and communicated to the community.

My formal ADRE correspondence remains open, and I will retain the documentation and evidence necessary to evaluate my available options should the Association continue or attempt to reinstate its regulation of dedicated public roadways.

My formal preservation notice to Oversii also remains part of the historical documentation of my preparations for a potential administrative or judicial proceeding.

My active dispute with the Association may be over for now, but I will remain attentive to its future actions and reserve my position concerning the underlying statutory issue.

Respectfully,

Mark R. LaVoy

Authorized Representative

CHERYL LAVOY IRREVOCABLE TRUST-2

November 24, 2026

Prepared for personal records and historical documentation.