

ATTACHMENT:
Builder and Developer Petitions
in Support of Petition to Amend Rule 31(d)

Representatives from the following builders and developers support the petition to change Rule 31(d) of the Rules of the Supreme Court:

Apex Capital Management, LLC
Communities Southwest,
D.R. Horton, Inc.
Diamond Ventures, Inc.
Everest Holdings
Lennar Arizona Inc.
Pulte Group
Quantum Capital
Richmond American Homes
Rialto Capital
Shea Homes
Standard Pacific Homes of Arizona
T3 Homes, LLC
Taylor Morrison
Terrawest Communities

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)

We are Owners / Developers who develop planned communities and condominiums across Arizona. Our developments – which range in size from 15 units to nearly 8000 units – are in major metropolitan areas, cities, small towns, and unincorporated areas of Maricopa and Pinal Counties.

The planned communities and condominiums we develop are governed pursuant to bylaws and declarations (collectively referred to as the governing documents). By law, these must be included in the closing documents given to purchasers. The governing documents specify that the planned communities and condominiums will be managed, maintained, and governed by associations.

The declarations commonly provide for a period of “declarant control of the association,” during which the Owners / Developers have the authority to appoint and remove the officers and members of the board of directors. We commonly appoint our own employees as officers and board members and then, through declarant-controlled boards, contract with management companies to carry out the associations’ day-to-day responsibilities.

Associations are authorized by declarations to collect assessments from homeowners within our developments; they are also authorized to record notices of claims of lien for unpaid assessments. Our declarant-controlled boards regularly delegate the responsibility for preparing, signing, and filing notices of assessment liens to management companies, who have performed these lien functions for associations for decades without issue. The management companies have first-hand knowledge of the dues and assessments, they interact with our homeowners on a regular basis, and they are held accountable for performing these tasks correctly through management contracts. Moreover, based on our experience, we have found that it costs significantly more to have lawyers to prepare, sign, and file notices of assessment liens.

Our paramount responsibility is to our customers and our communities. While associations remain under our control, we have duties to establish a sound fiscal basis for the associations by imposing and collecting assessments; to maintain records and to account for the financial affairs of the associations from their inception; and to comply with and enforce the terms of the governing documents, including the payment of assessments. We believe that contracting with management companies provides us with a reliable, effective, and efficient manner to fulfill these duties. As such, we support the proposed change to Rule 31(d) of the Arizona Rules of Supreme Court affirming the ability of management companies to prepare, sign, and file notices of assessment liens on behalf of associations.

Name:

[Handwritten Signature]

Title:

SENIOR V.P.

Company:

APEX CAPITAL MGT I L.L.C.

Date:

6-7-2011

Developer Petition in Support of Petition to Add an Exemption to Rule 31(d)

We are a land development and investment company that develops planned communities and condominiums across Arizona. Our developments – which range in size from tens of units to thousands of units – are in major metropolitan areas, cities, small towns, and unincorporated areas of Maricopa, Mohave, Cochise, Pinal, and Yavapai Counties.

The planned communities and condominiums we develop are governed pursuant to bylaws and declarations (collectively referred to as the governing documents). By law, these must be included in the closing documents given to purchasers. The governing documents specify that the planned communities and condominiums will be managed, maintained, and governed by associations.

The declarations commonly provide for a period of “declarant control of the association,” during which the developer has the authority to appoint and remove the officers and members of the board of directors. We commonly appoint our own employees as officers and board members and then, through declarant-controlled boards, contract with management companies to carry out the associations’ day-to-day responsibilities.

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Name: Michael J. Kern
Title: Vice President
Company: Communities Southwest
Date: 6/10/11

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)

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Name: Brent Davis
Title: HOA Manager
Company: D. R. Horton, Inc
Date: 6/8/11

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Name: Chris Kolodziej
Title: Vice President
Company: Diamond Ventures, Inc.
Date: 6/8/11

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)


We are a land investment firm who own & manage communities and condominiums across Arizona. Our developments – which range in size from 68 units to approximately 300 units and include seven different developments – are in major metropolitan areas, cities, small towns, and unincorporated areas of Maricopa, Pima, Pinal, and Yavapai Counties.

The planned communities and condominiums we develop are governed pursuant to bylaws and declarations (collectively referred to as the governing documents). By law, these must be included in the closing documents given to purchasers. The governing documents specify that the planned communities and condominiums will be managed, maintained, and governed by associations.

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Name: Ed DePinto 
Title: Vice President of Land Development
Company: Everest Holdings
Date: 6-8-2011

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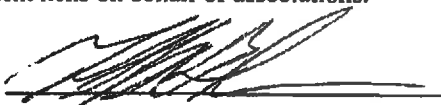
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Name:



Title:

JEFF GUNDERSON, VICE PRESIDENT

Company:

LENNAR ARIZONA INC.

Date:

6/7/11

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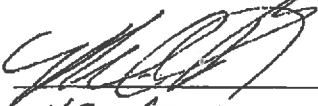
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Name: 
Title: VP - LEAD
Company: PULTECRUISE
Date: 6-10-11

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Name: 
Title: Partner
Company: Quantum Capital
Date: 6/9/11

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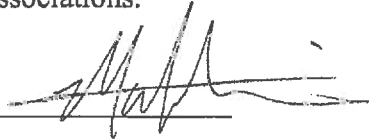
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Name: Matthew Avrami 
Title: ANALYST
Company: RIALTO CAPITAL
Date: 6/13/2011

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Name: Jack Gallagher
Title: Director of Land Acquisition
Company: Richmond American Homes
Date: 6/13/11

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)

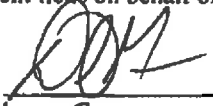
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Name:  DAVID Garcia
Title: VICE PRESIDENT
Company: SHEA HOMES
Date: 6-10-2011

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Name: Connie Dean Connie Dean
Title: Asst. Secy
Company: Standard Pacific of Arizona
Date: 6-7-11

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Name: Kathleen Wade
Title: President
Company: Standard Pacific of AZ
Date: 6/8/2014

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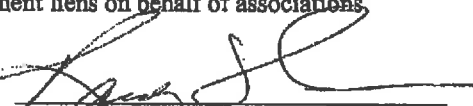
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Name: 
Title: VP of Construction
Company: Standard Pacific Homes
Date: 6/8/11

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)


We are home builders who develop planned communities and condominiums across Arizona. Our developments – which range in size from 15 units to nearly 8000 units – are in major metropolitan areas, cities, small towns, and unincorporated areas of Coconino, Maricopa, Pima, Pinal, and Yavapai Counties.

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Name: Stephen M Tooth 
Title: VP SALES & MARKETING
Company: Standard Pacific Homes
Date: 6/9/11

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Name:

Carol Grumley

Title:

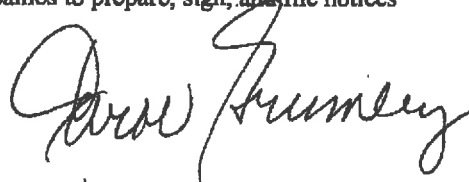
Vice President

Company:

Standard Pacific Homes

Date:

6-8-11



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Name: *Robert Zylue*
Title: *Vice President*
Company: *T3 Homes, LLC*
Date: *JUNE 8, 2011*

Builder Petition in Support of Petition to Add an Exemption to Rule 31(d)

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Name: *Spencer R. [Signature]*
Title: *Land Resource Manager*
Company: *Taylor Morrison*
Date: *June 23, 2011*

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Name: 

Title: V.P.

Company: TerraWest Communities

Date: 6/8/11