

Tonto Hills Improvement Association

President: Robyn Baker
Vice President: Nancy Nelson
Treasurer: Jennifer LaLiberte
Secretary: Sue Kolb

BOARD OF DIRECTORS SPECIAL MEETING MINUTES - July 13, 2026 – 5:30pm – Via Zoom

- I. Call to Order at 5:30 p.m.
- II. Roll Call
 - A. Present - Robyn Baker, Nancy Nelson, Jennifer LaLiberte, Sue Kolb, Chris Prentice, David Tappe, Stacy Holland
 - B. Counsel Present – Quinten Cupps (counsel for the first case) and Augustus Shaw (counsel for the counterclaim/second case)
 - C. Guests – Sam Brandt, Tammy Seymour, Samantha Miedema, Christine Castner, Chris Peled, Bob Swan, Amy Woods, Deb and Rich Pagel, Steven Rensel, Richard Grady, Merrilee Edwards, Diana Cole, Nick Tilley, Suzy and Steve Myers, Rick Nelson, Stan Zdeb, Charlie Civer

Robyn Baker stated that this was a special meeting with the sole purpose to vote on three initiatives. All questions should be sent to the board's email to be addressed later.

- III. New Business
 - A. Vote of the Board to accept the simple revision to the prior Settlement Agreement for the Rent-Sell Real Estate, LLC countersuit v. the THIA, et al.

Stacy Holland made a motion to accept the simple revision to the Settlement Agreement of the Rent-Sell, LLC countersuit v, the THIA et.al. Nancy Nelson 2nd. Motion approved unanimously.
 - B. Vote of the Board authorizing THIA to file an appeal with the Arizonan Supreme Court regarding the Arizona Court of Appeals decision in the Westhoff, et. al. v. Rent-Sell, LLC.

Jennifer LaLiberte motioned to authorize the THIA to file an appeal with the Arizona Supreme Court regarding the Arizona Court of Appeals decision in Westhoff, et. al, v. Rent-Sell, LLC. Stay Holland 2nd. Motion approved unanimously.
 - C. Vote of the Board to request that the Community Association Institute (CAI) submit an amicus curiae brief in support of the THIA's appeal to the Arizona Supreme Court.

Jennifer LaLiberte motioned to authorize the Board to request that the CAI submit an amicus curiae brief in support of the THIA's appeal to the Arizona Supreme Court. Stacy Holland 2nd. Motion approved unanimously.

Following the votes the Board addressed several questions raised by members.

Nick Tilley asked how much more this would cost the community. Robyn Baker stated that this information was not known at this time.

Diana Cole asked when would the Settlement Agreement be made public to the community. Augustus Shaw explained that after the meeting minutes provide official verification of the Board's approval, signature must be obtained from the other defendants and then from the plaintiff. Once the Settlement Agreement is fully executed, a copy becomes part of the Association's records and may be requested by members through normal records-request procedures. No specific time frame was available.

Tammy Seymour asked what the liability to the community would be. Robyn Baker stated that the question would be answered when the Association was able to do so.

Diana Cole asked about the pros and cons of seeking Arizona Supreme Court review. She asked whether the Board could address the considerations it weighed in deciding to proceed. At the Board's request, Quinten Cupps provided a brief procedural overview. He explained that the trial court had previously ruled in favor of the Association and the Westhoffs, with one of the issues at trial being the 1961 amendment to the Declaration of Restrictions and the language contained in that document. The Court of Appeals later reversed the summary judgment ruling and directed the summary judgment be entered in favor of Rent-Sell, LLC. He noted that considerations favoring further review included the legal questions presented, the dissenting opinion at the Court of Appeals, and maintaining the status quo that had occurred in this community. He also noted that the trial court maintained what had occurred in this community for the last 60 years. He identified litigation costs, the possibility of additional attorney fees, and the time required for further proceedings as considerations against continued litigation.

Additional comments were made by Steven Rensel regarding the Board's process, litigation costs, potential attorneys' fees, and the Board's willingness to agree to the Settlement Agreement. Stacy Holland questioned Mr. Rensel as to his own willingness to sign the Settlement Agreement and he stated that he was trying to settle this disagreement. Chris Prentice clarified that several current Board members are not parties to the counterclaim. Jennifer LaLiberte raised a concern regarding a potential conflict of interest during the discussion. Mr. Cupps stated that he would not respond directly to Mr. Rensel because Mr. Rensel is represented by counsel, and advised that the Board had completed the business on its agenda and could conclude the meeting.

IV. Future Meeting Dates

No future meeting dates were discussed.

V. Adjournment

Robyn Baker made a motion to adjourn the meeting. Stacy Holland 2nd. The meeting adjourned at 5:46.

Approved 08/05/2026
Sue Kolb, Board Secretary