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12 Attorneys for Defendants

13 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

14 **IN AND FOR THE COUNTY OF MARICOPA**

15 **NICDON 10663, LLC, an Arizona limited
liability company,**

16 Plaintiff,

17 v.

18 **DESERT MOUNTAIN MASTER
ASSOCIATION, an Arizona nonprofit
corporation,**

19 Defendant.

20 Case No. CV2018-015165

21 **AFFIDAVIT OF KEVIN POLLOCK IN
SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

22 (Assigned to the
Honorable Colleen French)

23 I, Kevin Pollock, being first duly sworn upon my oath, depose and state:

24 1. I am the Executive Director for the Desert Mountain Master Association,
the Defendant in this action.

25 2. As such, I am familiar with the amendment of the Use Restrictions at issue
in this action.

26 3. I am over the age of 21 and competent to testify in this matter.

27 4. The Declaration attached as Exhibit A and referenced in paragraph 6 of the
complaint is the Declaration that applies to all property in Desert Mountain.

1
2 5. In July of 2017, the Association notified the Owners that it was proposing a
change to the Use Restrictions in order to limit certain short term rentals.
3

4 6. The Board discussed the short term rental issue at multiple open meetings
in 2017 and 2018 and obtained input from the community.
5

6 7. The nine person board voted unanimously to propose an amendment to
the Use Restrictions attached as Exhibit B.
7

8 8. In March of 2018, the Board notified the Owners that it was proposing the
amendment to the Use Restrictions attached as Exhibit B.
9

10 9. In April the Association sent out a notice of meeting on May 1 and called
for a vote on the amendment to the Use Restrictions attached as Exhibit B.
11

12 10. I personally attended the meeting on May 1, 2018.
13

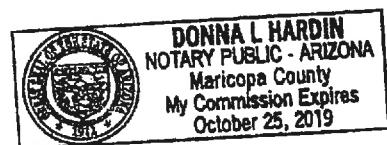
14 11. Of the 2,397 votes in the community, 1761 cast votes regarding the
proposed amendment to the Use Restrictions attached as Exhibit B. Of those voting,
75.13% voted in favor of the amendment.
15

16 12. I declare under penalty of perjury that the foregoing is true and correct.
17

18 By: 
KEVIN POLLOCK

19 SUBSCRIBED AND SWORN TO before me this 14 day of
20

21 January, 2019 by Kevin Pollock.
22



23 Donna L. Hardin
24 Notary Public

25 My commission expires:
26
27
28