

Petition to restore health and safety at The FALL at Rhodes Ranch

Petition January 30th 2018

I, the undersigned, do hereby state that I am a registered owner of The Falls at Rhodes Ranch Condominium Association Inc.; that my ownership is truly stated opposite my signature hereto and that I do hereby petition the following:

Incompliance to section 4.7.1 of the "Rules"

Dear Ms. Holland & the Board at The Falls at Rhodes Ranch:

On or about the date(s) July 2016 through January 23rd, 2018 and ongoing in The Falls at Rhodes Ranch Condominium Owners Association Inc (also known as Apache Springs) located at 9050 West Warm Springs Road, Las Vegas, Nevada, 89148 registered as a domestic Non-Profit Corporation governed by Chapter 82 of the NRS that governs the formation and operation of Nevada non-profit organizations, operating with the following registered Board of Directors:

- Adnan Kahmoo, Director, 9050 West Warm Springs Rd., Unit #1079, Las Vegas, NV 89148
- Jamil Khansa President, 9050 West Warm Springs Rd., Unit #2077, Las Vegas, NV 89148
- Barbara Maulucci Treasurer, 9050 West Warm Springs Rd., Unit #1115, Las Vegas, NV 89148

hereto referred collectively (3) as the Board of Directors (BOD), the defendant(s);

are in an going violation(s) of our community Governing Documents, CC&Rs, known as the "Rules" described in section 1: Purpose, and in various parts of section 3: Use Restrictions of the community Rules and Regulations published in 2017.

The Defendants, in compliance with FirstService Residential and with the assistance of Securitas Security personnel are in violation of community Rules and Regulations section 3.8 Operating Professional or Administrative Business in the community Clubhouse, and all its subsections that explicitly prohibits any home-owner or board member to empower themselves or others, to run any business on common property, which by doing so, the Defendants and their aides are knowingly using community paid labor to generate profit for themselves at the community expense.

The Defendants have neglected their fiduciary duties to the community and are knowingly allowing areas to deteriorate further in spite of being notified. (Exhibit A, 10, 11)

The Defendants aided by Securitas security staff is currently operating a commercial business that is restricting legal lawful access to the Clubhouse and its facilities and through the issuance of draconian laws is impacting the health and welfare of residents in the community by:

- 1) The Board President operating a personal commercial business on the Clubhouse community property using the Clubhouse Boardroom as his personal office; (Exhibit A, 8,9)

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- 2) Using the community security service provided by Securitas as shipping and receiving labor exclusively for their commercial program;
- 3) Requiring unreasonable and unattainable ID from owner or resident due to June 26th 2017 policy changes, and a challenge from security for their reason to enter the Clubhouse before allowing them access to the club area, that effectively discourages use of the Clubhouse by owners or residents;
- 4) Changing the open hours use of the Clubhouse from 9am to 12noon, Section 4.3.1, restricting use of the Clubhouse and the club conference room with no explanation during normal hours as posted in the community policy rule section 4.3 and 4.3.1 and by locking the main club doors and forcibly evicting residents while accusing them of trespassing on community property during normal business hours; (Exhibit A, 5-6)
- 5) Closing and converting one of the community public bathrooms into a personal storage area requiring owners to share a common bathroom (Exhibit A 6);
- 6) Monopolizing the community Clubhouse, its fridge, conference room, bathroom, and storage facility as personal Board exclusive items in violation community policy 4.2.14 and violating section 4.6 subsection 1 ; (Exhibit A 7-8)
- 7) Converting the Clubhouse storage area into a private for profit business operating for free inside a non-profit facility; (Exhibit A, 6)
- 8) Creating and enforcing a new Pet policy introduced June 26th 2017 as section 3.6 that includes indoor pets that pose no public health threat to the community. This policy further includes a "monitoring program" for all approved pets defined in section 3.6.4 that has no schedule start date or any explanation on how the monitoring is being done on pets indoors or outdoors; (see attached 2017 Rules and Regulations)
- 9) Creating and enforcing a \$25.00 per Pet Fee in (section 3.6.4) on ALL approved pets to be used to provide additional pet services for the community, but failing to start any such service since the beginning of the enforcement, 8 months ago; (Exhibit A 12,13)
- 10) Endangering the health and safety of the community by using Securitas Security personnel at community rates for other services rather than the protection of our common property.

To resolve these violations of our collective Governing Documents and to restore our trust in our elected BOD we request the following:

- 1) Terminate all business activities in the community Clubhouse immediately so that we are in compliance with section 3.8.2 of our local Rules and Regulations;
- 2) Refrain from directing community employed staff to work on personal profitable tasks assigned by the Board;

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- 3) Pay for the use of the community facilities occupied since the noted time of July 2016 till the time the business is vacated and the areas are restored to normal community use. The rate to be based at the normal community club rate described in section 4.4.1(b);
- 4) Pay for Restoration of the Clubhouse bathroom and restore the Clubhouse storage facility to its intended use;
- 5) Pay the community for energy, internet, and water usage since July 2016 required to run their business in the Clubhouse;
- 6) All 3 BOD members tender their resignation(s) immediately and refrain from running as Board representative of any common community in Nevada since they have demonstrated that they cannot comply with NRS 116.3103 116.615, NAC 116.405.1, NAC 116.405.2, NAC 116.405.3, NAC 116.405.5(h) and the fiduciary agreement under NAC 116.395 Executive Board: Fiduciary duty with respect to institutions holding money of association;
- 7) The immediate termination of FirstService Residential services and the immediate cancelation of Securitas Security services and a refund of fees paid for said services since the start of the current contract.

In conclusion the denial of access and full use of the Clubhouse, the draconian pet polices has severely impacted our quality of life and has removed our ability to enjoy the amenities we are charged monthly to maintain.

Sincerely,

Owners at 9050 West Warm Springs, Las Vegas NV

January 30th 2018

Name Peter S. Estada Unit number 2168 Signature Peter S Estada

Name Yvonne Perry Unit number 2029 Signature Yvonne J. Perry

Name Cody Bignelli Unit number 1100 Signature Cody Bignelli

Name Mikhail Sauchenko Unit number 2097 Signature Mikhail Sauchenko

Name Mikhail Sauchenko Unit number 2102 Signature M Sauchenko

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Exhibit A

The Falls at Rhodes Ranch Clubhouse 2017-2018

Community kitchen fridge used exclusively by the board staff in violation of Section 4.2.14 (as applied to all common areas) and section 4.3 of the "Rules"

June 27th -November 11-19th 2017

12 pm, clubhouse locked no posted hours



Conference room still unavailable although sign has changed from "under construction" to above. Security has no knowledge and refers inquiry to management, whereas management refers inquiry back to security. Violation section 4.4.1, and 4.6.1

January 2018

- Common area changes

No response from people inside



Still no access to conference room



Women's Bathroom now a storage

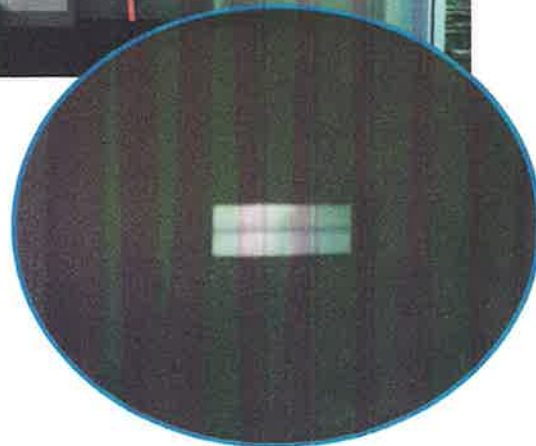


Store room now private office
for unknown company **section 4.4.1(e)**

Board member offices



Two unlabeled offices **not available to the community owners** in the falls clubhouse



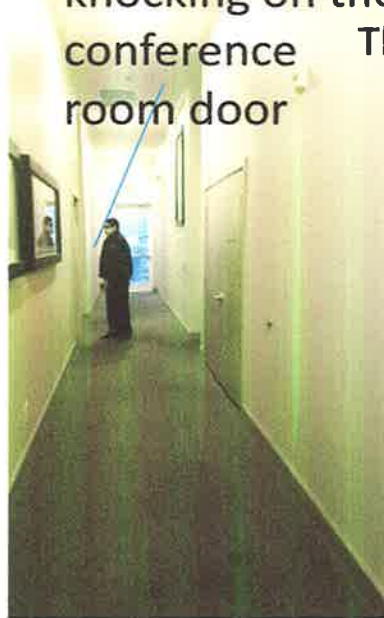
Securitas Security confirmed on Jan 24th 2:44pm that they do not use this as their office

Securitas Guard stating he has “no idea why the conference Room is not available for owners” use

“Conference” room status

The same guard knocking on the conference room door

The conference room in use exclusively by BOB for over 1.5 years



The Falls Clubhouse conference room being used in violation of the “rules” section 4.4 Jan 24th 4:30pm

Images sources : [accused_of_trespassing_and_then_evicted_VVsmall.mp4](#)
[asking_security_for_Information_about_Conference_room.mp4](#)

Evicted and accused of trespassing

- Escorted out of the Clubhouse

Jamil Khansa President, Unit
#2077 9050 West Warm Springs



- Board member Jamil with the aid of Securitas security advised us that my daughter and I are trespassing on private property. January 24th 2018 4:30pm during open Clubhouse hours

Image source: [accused_of_trespassing_and_then_evicted_VVsmall.mp4](#)

Neglect

Damaged rail was reported at a public board meeting on June 26th 2017



Images taken August 2017, current status
As of January 24th 2018 : no change

Neglect

Community Clubhouse windows not maintain (bird strikes have been there since December 2017)

Building signs have been deteriorating for over 2 years, last reposted Jun, 26 2017



Pool maintenance neglect



Pet policy failure



No signs posted no poop bags available in the areas where dog owners are encouraged to use.



No changes made anywhere in the community with regards to Pets or Pets services

1/30/2018

Exhibit A

Pet policy failure



Remained in place till biodegrading into the rocks