

**DECLARATION OF ROBERT EUGENE FRANK**

STATE OF **NEVADA** )

) ss.

COUNTY OF **CLARK** )

I, Robert Eugene Frank, being first duly sworn, state the following:

1. I was a member of the Board of Directors of the Sun City Anthem Community Association, Inc. from May 2007 to April 2009, and as such, have personal knowledge of the facts stated in this declaration. If called as a witness, I am competent to testify to these facts.

This declaration is made pursuant to NRS 53.045.

2. On March 27, 2008, a Board of Directors Regular Meeting was held to discuss among other items, Agenda XIV "A" which is a motion, on advice of counsel, to accept and approve the CC&Rs and By-Laws amendments to allegedly conform with NRS 116 without obtaining unit owner approvals.

3. I attended such meeting. I had previously opposed the proposed amendments to the CC&Rs and By-Laws. The other directors and the association attorney were fully aware of my strenuous objections to the proposed motion due to the facts that directors had not been given a chance to read and thoroughly understand what the attorney had done, and because our unit owners had not been allowed to vote on the proposed changes. However, at the time the aforementioned motion was put to a vote, I had briefly excused myself to the adjoining service facilities. I was not present in the meeting room and was not notified when the vote was being called. As a result, I was not able to speak and vote in opposition to the aforementioned item.

4. During April 2008, after the changed By-Laws and CC&Rs had been distributed to unit owners and registered with the State, a detailed audit of the attorney's product was finally completed. But, it was discovered the association attorney's product was incomplete. The attorney had left out critical sections of the revised documents. The board then decided to require the attorney to make the necessary corrections and re-distribute at the attorney's expense.

5. On May 5, 2008, the Attorney General issued a letter to the Nevada Real Estate Division that specifically prohibited the action the board had approved on March 27, and distributed in early April 2008. I believe the AG letter was likely to have been prompted by the action taken by the Board on March 27, 2008. I also have reason to believe that the association attorney was made aware of the AG letter on or shortly after May 5, 2008 when it was received by the Real Estate Division.

6. On May 12, 2008, an Emergency Board of Directors Meeting was held to further discuss and recast our votes on the attorney's corrected version of the amendments. At that time, the association attorney, board president, board secretary and community manager failed to inform other directors of the nullifying contents contained in the May 5<sup>th</sup> letter from the Attorney General. I was unaware of the AG letter at that time, and I was the only director to vote against any amendment.

7. Based on the foregoing, I request that I be dismissed as a respondent to this action.

"I declare under penalty of perjury that the foregoing is true and correct."

**APRIL 15, 2011**

Date

**SIGNED**

Robert Eugene Frank