

EXHIBIT 5

Subject: RE: Woodcrest East

I have a meeting this afternoon but am open Thursday afternoon at 2. Let me know if that works.

God Bless,

Curtis Ekmark, Esq.

Direct: 480-427-2822

Curtis.Ekmark@carpenterhazlewood.com

Licensed in AZ

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

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From: Reese Anderson <Reese.Anderson@pewandlake.com> >
Sent: Tuesday, October 25, 2022 6:43 PM
To: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com> >
Cc: Vicki Goslin <Vicki.Goslin@carpenterhazlewood.com> >; clint@goodlaw.legal
Subject: RE: Woodcrest East

Curtis,

The project is platted as a condo and has a recorded condo declaration. Thus, it is a condominium and meets the requirements of both the Master Association CC&RS and State Law. I am not sure what other items / language / restrictions the master association can legally request be added to the condo declaration. From the first time we spoke, you are correct that I said our client is not going to give up any of their legal rights that they have regarding rentals and we have been consistent with that position ever since. So, I am not sure why we are accused of being untrustworthy. Nonetheless, we remain committed to listen to any reasonable ideas that you or others might have on any topic. But, our client is not interested in relinquishing any legal right that it currently possesses.

Clint Goodman and I are still open for a call on Wednesday (tomorrow) afternoon any time after 3 PM if that works for you.

Reese Anderson
Pew & Lake, PLC
480-461-4670

From: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com> >
Sent: Tuesday, October 25, 2022 6:20 PM
To: Reese Anderson <Reese.Anderson@pewandlake.com> >
Cc: Vicki Goslin <Vicki.Goslin@carpenterhazlewood.com> >; clint@goodlaw.legal
Subject: RE: Woodcrest East

During our call with Phyllis on September 30 I explained to you that the big issue was that the Board does not want your clients using the property as an apartment. I specifically explained the concern that your clients could retain a large amount of units and start renting them out, essentially using the property as an apartment. With respect to that issue, I told you I was brainstorming but threw out the idea of putting in a restriction that would forbid any owner (or related entities) from renting out more than one or two Units. I told you I was open to alternative suggestions but had to solve that issue. I also explained the Board wanted a short term rental prohibition. You responded by saying that you would check with your client. You also

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Woodcrest East 00502

requested that I send you any other suggestions. I told you I would be happy to but that the apartment issue was the deal breaker.

After I did not hear from you, I sent an email on October 11 asking if your client was willing to insert the restrictions regarding apartment use. You said your client was out of town and asked for red-lines and comments.

On October 12, I emailed you and stated: "As I mentioned, the big issue is making sure the condominium is not used as an apartment. I would also suggest the following:" I then listed several suggestions. With all due respect, no reasonable person can argue that this email waived the apartment issue. In fact, it was the opposite. I listed that issue first, referred to it as the "big issue" and used the word "also" in the next sentence.

That same day you acknowledged that the apartment restriction was still an outstanding issue by asking in an email why your clients would give up their legal rights. There would be no reason for you to send such an email if you believed approval was already given.

That same day I responded by pointing out that your clients need approval to record the declaration. This response further notified you that approval was not yet given.

Six days later you recorded the Declaration and sent me an email explaining that you had to do it because you were being pressured by the municipality.

With all due respect, your claim that the Association approved the Declaration is simply not true. This type of behavior is exactly why the Board does not trust your client.

If you would like to discuss language to add to the Declaration, I will be happy to do so.

God Bless,

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From: Reese Anderson <Reese.Anderson@pewandlake.com>
Sent: Tuesday, October 25, 2022 3:50 PM
To: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com>
Cc: Vicki Goslin <Vicki.Goslin@carpenterhazlewood.com>; clint@goodlaw.legal
Subject: RE: Woodcrest East

Hello Curtis,

10/24/2023

Woodcrest East 00503

I would like to take you up on your offer and set up a call with you, me and Clint Goodman, who will be representing Woodcrest East on this matter, since you and I will likely be fact witnesses if litigation becomes necessary. So, I have added Clint to this email so we can all coordinate.

When we do talk, I look forward to hearing your thoughts on this matter as well as an explanation as to how your client has been damaged to such a degree that a lawsuit is necessary, when, as you wrote below, we did record the declaration "with the Board's consent," which was provided by you through your suggested changes. Again, we made the suggested changes that even you said were not required. In short, I am really perplexed as to what claim your client even has here and how if anything, a simple fix, can't resolve a completely unnecessary threat of litigation.

How about a call sometime Wednesday (tomorrow) afternoon?

Reese Anderson
Pew & Lake, PLC
480-461-4670

From: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com> >
Sent: Tuesday, October 25, 2022 2:49 PM
To: Reese Anderson <Reese.Anderson@pewandlake.com> >
Cc: Vicki Goslin <Vicki.Goslin@carpenterhazlewood.com> >
Subject:

The Board last night directed us to file suit based on your recording the Declaration with the Board's consent. Call me at 480 650 9433 if you want to discuss.

God Bless,

Curtis Ekmark, Esq.
Direct: 480-427-2822
Curtis.Ekmark@carpenterhazlewood.com
Licensed in AZ

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Woodcrest East 00504

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From: Reese Anderson <Reese.Anderson@pewandlake.com>
Sent: Tuesday, October 11, 2022 11:35 AM
To: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com>
Cc: Rebecca Hill <rhill@ccmcnet.com>
Subject: RE:

Hello Curtis.

Client was out of the country for 3 weeks and just returned today so that I can brief him. Will get back to you soon.

Do you have some redlines / comments for us to draft Condo Declaration that we sent you on August 23rd? I was hoping to see those comments last week per our prior conversation on Sept. 30th . . . but I understand that everyone is busy - so, just asking.

Reese Anderson
Pew & Lake, PLC
480-461-4670

From: Curtis Ekmark <Curtis.Ekmark@carpenterhazlewood.com>
Sent: Tuesday, October 11, 2022 11:30 AM
To: Reese Anderson <Reese.Anderson@pewandlake.com>
Cc: Rebecca Hill <rhill@ccmcnet.com>
Subject:

Thanks for touching base regarding Power Ranch. Let me know if your client is willing to put restrictions into the Declaration in order to make sure the property is not used an apartment. Call me at 480 650 9433 if you want to discuss.

God Bless,

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