4. The Defendant's application for their new mailbox, which had already been installed, was considered by Gilbert Dembeck on March 8, 2002. At that time, Mr. Dembeck recommended that the Defendants' application be disapproved, since the mailbox did not blend in architecturally with the rest of the community.

5. In accordance with Gilbert Dembeck's recommendation, on March 13, 2002, Gary Betz, who was the chairperson of the Architectural Control Committee at that time, disapproved Mr. & Mrs. van Bommel's application pursuant to the recommendation of Gilbert Dembeck.

6. Despite his original recommendation referenced above, on May 3, 2002, Gilbert Dembeck sent an email to Gary Betz advising him that the application submitted by Mr. and Mrs. van Bommel should be approved by default. Subsequently, on May 23, 2002, Gary Betz provided Mr. & Mrs. van Bommel with written confirmation that their mailbox was approved based exclusively on the May 3, 2002 email of Gilbert Dembeck.

7. After Gary Betz explained during his deposition that his May 23, 2002 notice to the Defendants was sent only because of the May 3, 2002 email of Gilbert Dembeck, Mrs. van Bommel asked Gary Betz if the Defendants' mailbox was approved the way it is and he responded, "no, ma'am."

8. Several months after this testimony was given by Mr. Betz, the Defendants attorney prepared an affidavit for Gary Betz to sign which appeared to be inconsistent with his prior deposition testimony and which affidavit supported the Defendants' position in this case. This affidavit, which was signed by Gary Betz in September 2003, states in part that, "the Architectural Control Committee approved of the mailbox that Mr. and Mrs. van Bommel has installed at their home."