

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-016557

01/26/2007

JUDGE PENDLETON GAINES

CLERK OF THE COURT  
A. Beery  
Deputy

SUN CITY GRAND COMMUNITY  
ASSOCIATION INC

JASON E SMITH

v.

SYLVIA J HEILBRUN DECEDENTS TRUST,  
THE, et al.

SYLVIA J HEILBRUN DECEDENTS  
TRUST, THE  
16439 W CRATER LANE  
SURPRISE AZ 85374

DANIEL PENTON  
16439 W CRATER LANE  
SURPRISE AZ 85374  
VICKY ROSS  
410 SHORELINE HWY  
#6  
MILL VALLEY CA 94941

MINUTE ENTRY

10:02 a.m. This is the time set for evidentiary hearing. Plaintiff is represented by counsel, Jason E. Smith. Vicky Ross is present telephonically on her own behalf. Daniel Penton is neither present nor represented by counsel.

Court Reporter, Monica Hill, is present.

Statements are made to the Court.

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For the reasons stated on the record,

IT IS ORDERED granting the Plaintiff's Application for Preliminary Injunction. Mr. Daniel Penton and Mr. Shawn Henry and all others that are not age qualified are ordered to comply with the provisions of the CC&R's regarding age-qualified applicants, and because they have not, the Court finds a breach of the CC&R's by Mr. Penton and Mr. Henry and by the Defendant trust and orders that that breach be cured not later than close of business on March 1, 2007, either by compliance with the CC&R's, or by Mr. Penton and Mr. Henry moving out of the house. This order will be enforced by the Sheriff with a writ of restitution on appropriate application of the Plaintiff homeowners association.

On the issue of attorney's fees, the Court will reserve determination of attorney's fees but would request that Mr. Smith and Ms. Ross meet and confer regarding same.

Counsel for the Plaintiff is to submit a form of order for the Court's signature.

10:10 a.m. Daniel Penton is now present.

The Court reaffirms its orders.

10:15 a.m. Hearing concludes.

**LATER:**

Counsel having advised the Court that a stipulation has been signed by all parties, including Mr. Penton, the Court vacates the above orders.

IT IS ORDERED counsel for Plaintiff is to submit a form of judgment consistent with the stipulation.