

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-092942

01/07/2009

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
T. Soto
Deputy

RANCHO MANANA HOMEOWNERS
ASSOCIATION

CHARLES E MAXWELL

v.

SHEILA M VOLF, et al.

JOHN C SHORB

CHARLOTTE PHILLIPS
NO ADDRESS ON RECORD
JOSEPH T TADANO

MINUTE ENTRY

The Court has received and reviewed Third-Party Defendant Kaus' Motion for Partial Summary Judgment (Count IV) and Third-Party Plaintiff Volf's Response thereto. No Reply was filed.

The Court agrees with the Third-Party Plaintiff Volf that there are disputed issues of fact as to whether Third-Party Defendant Kaus made any misrepresentations, whether any such misrepresentations caused Ms. Volf to act in reliance of such representations, and whether Mr. Kaus was acting as a neighbor versus in a commercial context so as to create a duty. Therefore,

Third-Party Defendant Kaus' Motion for Partial Summary Judgment is **DENIED**.