Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/27/2014 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-000282 01/24/2014

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
D. Harding
Deputy

BRETT VISSER J ROGER WOOD

v.

OPTIMA CAMELVIEW VILLAGE CONDOMINIUM ASSOCIATION LYDIA P LINSMEIER

MINUTE ENTRY

Courtroom ECB-514

2:09 p.m. This is the time set for Order to Show Cause Return Hearing on Plaintiff's Application for Preliminary. Plaintiff is represented by counsel, J. Roger Wood. Defendant is represented by counsel, Lydia P. Linsmeier.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court requests briefing on the issue of whether the defendant Association's Declaration and/or other rules and regulations allow the Association to terminate Plaintiff's electricity to his unit based on Plaintiff's non-payment of penalties assessed against Plaintiff.

IT IS HEREBY ORDERED that the parties shall simultaneously submit their Memorandum on the above issue by Friday, January 31, 2014. They may then submit a response by Friday, February 7, 2014.

IT IS ORDERED setting telephonic argument on the Memorandum on **February 13, 2014 at 9:00 am.**

IT IS FURTHER ORDERED that Counsel for the Plaintiff is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this division (602-506-8311) promptly at the scheduled time. All parties appearing telephonically must be joined in a single conference call and be prepared to hold until called to testify.

The call should be placed from a telephone in an area with no background noise as this will prevent the parties from hearing the proceedings in the courtroom. The call may not be placed from a vehicle. Also, the use of cellular telephones to call into the hearing is strongly discouraged.

IT IS FURTHER ORDERED that a Temporary Restraining Order shall be in effect through February 28, 2014. The terms of the TRO are as follows:

- The Association shall turn on the electricity to Plaintiff's unit today, January 24, 2014. The power shall remain on through February 28, 2014 or until further order of the Court.
- Plaintiff may not lease the unit. It shall remain vacant through February 28, 2014 or until further order of the Court.
- Plaintiff shall set a time for the Property Manager and/or her representative to inspect the unit as soon as possible to verify that it is vacant.

2:31 p.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.