

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-003237

01/03/2018

HON. TERESA SANDERS

CLERK OF THE COURT  
A. Durda  
Deputy

VILLA CAMELBACK HOMEOWNERS  
ASSOCIATION

NIKITA VERMA PATEL

v.

MARK A PATTERSON

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5106 N 17TH AVE # 10  
PHOENIX AZ 85015

MINUTE ENTRY

The court has reviewed and considered Plaintiff's Motion for Summary Judgment and Plaintiff's Statement of Facts in Support of Its Motion for Summary Judgment, both filed November 16, 2017.

The court notes Defendant did not file a response and it is now beyond the time frame for Defendant to file a response. "An adverse party who fails to respond does so at his peril because uncontroverted evidence favorable to the movant, and from which only one inference can be drawn, will be presumed to be true." *Tilley v. Delci*, 220 Ariz. 233, 237, 204 P.3d 1082, 1086 (App. 2009) (quoting *Choisser v. State ex rel. Herman*, 12 Ariz. App. 259, 261, 469 P.2d 493,495 (1970)).

Pursuant to Ariz. R. Civ. P. Rule 56(a), "the court shall grant summary judgment if the moving party shows that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law." "It is only the existence of uncontroverted competent evidence favorable to a movant, from which only one inference can be drawn, that entitles a party to summary judgment." *Nemec v. Rollo*, 114 Ariz. 589, 592, 562 P.2d 1087, 1090 (App. 1977) (citing *Choisser v. State ex rel. Herman*, 12 Ariz.App. 259, 469 P.2d 493 (1970)).

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Plaintiff has provided evidence of Defendant's obligation to pay association assessments, late fees, costs, and attorneys' fees, and his breach thereof. No controverting evidence has been presented. Plaintiff's Motion for Summary Judgment demonstrates that there is no genuine dispute as to any material fact and that it is entitled to summary judgment against Defendant as a matter of law.

**IT IS ORDERED** granting Plaintiff's Motion for Summary Judgment.

**IT IS FURTHER ORDERED** directing Plaintiff to file a Proposed Judgment on or February 28, 2018.