

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-020827

02/24/2009

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT  
T. Tankersley  
Deputy

POINTE TAPATIO COMMUNITY  
ASSOCIATION

ELIZABETH SHILLITO

v.

ROGER B CAVENDER, et al.

ROGER B CAVENDER  
20625 ANDALUSIAN VIEW  
PUEBLO CO 81008

LORI JEAN SHEAR CAVENDER  
20625 ANDALUSIAN VIEW  
PUEBLO CO 81008

STATUS CONFERENCE/  
ORAL ARGUMENT

9:18 a.m. This is the time set for telephonic Status Conference and Oral Argument on Plaintiff's Motion for Summary Judgment. Plaintiff is represented by counsel, Elizabeth Shillito. Defendant, Roger B. Cavender, is present on his own behalf.

Court reporter, Cindy Lineburg, is present also a record of the proceedings is made by audio and/or videotape.

Argument is heard on Plaintiff's Motion for Summary Judgment.

For the reasons stated on the record,

IT IS ORDERED granting Plaintiff's Motion for Summary Judgment as to delinquent assessments and related fees.

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IT IS FURTHER ORDERED that counsel for Plaintiff submit a form of judgment that includes a statement of the assessments and assessment fees.

IT IS FURTHER ORDERED denying Plaintiff's Motion for Summary Judgment as to all other fines, not related to assessments.

IT IS FURTHER ORDERED setting a telephonic Bench Trial on **March 16, 2009, at 1:30 p.m. (time allotted: 90 min.)** before:

**HON. DOUGLAS RAYES**  
**Judge of Superior Court of Arizona**  
**101 W. Jefferson**  
**ECB Courtroom 411**  
**Phoenix, Arizona 85003**  
**(602) 506-0816**

IT IS FURTHER ORDERED that each side shall submit a 3-page trial memorandum to the Court by no later than **March 9, 2009**.

IT IS FURTHER ORDERED at least five judicial days before the Bench Trial, the exhibits to be used at trial shall be submitted to the clerk for marking. The exhibits will be marked serially as they are listed in the LIST OF EXHIBITS which will be prepared by counsel. The parties shall advise the division, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence. All exhibits will be clearly marked to correspond with the list provided. *Counsel will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits.*

The exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits.

Counsel are to provide a workable list of exhibits. The list should include a description of each exhibit. (See blank sample of an exhibit table below as a reference.) The list may be the same as that contained in the Joint Pretrial Statement. Do not put numbers on the exhibits.

Examples of a correct description:

Journal Pages  
Photograph  
List of dates

Examples of incorrect description:

Pages from John Jones' journal (1)  
4 x 6 photograph of victim's car (2)  
List of dates of meetings between John and Tony (3)

