

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-011927

02/02/2012

HONORABLE KATHERINE COOPER

CLERK OF THE COURT  
A. Melchert  
Deputy

DAVID B VANYO, et al.

JEFFREY D GROSS

v.

CAREFREE FOOTHILLS HOMEOWNERS  
ASSOCIATION, et al.

KURT M ZITZER

**TRIAL MINUTE ENTRY**  
**DAY 4**

Courtroom 514- East Building

9:26 a.m. Trial to a jury continues from February 1, 2012. Plaintiffs are represented by counsel, Jeffrey Gross. Plaintiff, David Vanyo, is present. Defendants are represented by counsel, Kurt Zitzer. John Crane, representative for Defendant Carefree Foothills Homeowners Association, is present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

The jury is not present.

Discussion is held regarding the final jury instructions and the form of verdict.

The jury enters the courtroom and trial continues.

The jury is instructed by the court as to the law applicable to this cause.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-011927

02/02/2012

**FILED:** Final Jury Instructions

Closing arguments are presented.

11:15 a.m. The jury retires in charge of the sworn bailiff to consider their verdict and court stands at recess.

1:12 p.m. Court reconvenes with the parties and respective counsel present. The jury is not present.

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

**LET THE RECORD REFLECT** that the court has received two questions from the jury. Same is discussed between court and counsel and written responses are submitted.

1:18 p.m. Court stands at recess.

1:48 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

The jury is all present in the jury box and by their presiding juror return into court their verdict, which are read and recorded by the clerk and are as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the following verdict:

1. Is Plaintiff entitled to condemn an interest in the CC&Rs for a private way of necessity across Lot 24 to access Mamie Maude?

*YES*

If your answer "yes," go to Question No.2. If your answer to Question No. 1 is "no," do not answer any further questions on this form. Your foreperson or the individual members of the jury should sign and date this verdict form.

2. State the amount of just compensation, if any, to which defendants are entitled for the condemnation of the private way of necessity:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-011927

02/02/2012

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The verdict is unanimous and signed by the foreperson.

The jurors reply that this is their true verdict.

The jury is thanked by the court and excused from further consideration in this cause.

1:52 p.m. Trial concludes.

**FILED:** Verdict; Exhibit Worksheet; Jury Questions; Trial Worksheet.

**IT IS ORDERED** that jury fees be assessed against the Defendant, in the sum of **\$1,017.72**, all in accordance with the formal written Judgment for Jury Fees signed by the court on February 8, 2012, and filed (entered) by the clerk on February 8, 2012.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the clerk permanently release {enter exhibit numbers to be released} which were not offered in evidence to the counsel/party causing them to be marked, or their written designee.

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.