

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-006001

02/12/2013

HON. JOHN REA

CLERK OF THE COURT
L. Gilbert
Deputy

WESTVIEW CROSSING HOMEOWNERS
ASSOCIATION

JOHN C HENDRICKS

v.

PETINA M JOHNSON, et al.

PETINA M JOHNSON
6820 S 21ST DR
PHOENIX AZ 85041

VICTOR D JOHNSON
8918 W LA REATA
PHOENIX AZ 85037
LYDIA P LINSMEIER

MINUTE ENTRY

Defendant Petina Johnson filed a Motion for Relief from Final Judgment. Plaintiff Westview Crossing responded and moved for attorney's fees under A.R.S. §12-349. Petina Johnson filed an Answer and appeared in the early stages of this case, but ceased participating, and a Judgment was entered against her as trustee of the Petina Johnson Revocable Living Trust. Her motion for relief from judgment asserts that she filed for bankruptcy in June 2011 and was discharged in October 2011. She complains that she did not receive mail from the Court. This is probably because she did not file a change of address with the Clerk as she is required to do. The Court attempted to mail documents to her as the addresses on her filings changed but apparently could not keep up with her as she moved. The matter of her bankruptcy was brought up by Victor Johnson, and Westview Crossing attempted to search the bankruptcy court records but without result. This was because Ms. Johnson filed for bankruptcy under the name Patina

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Johnson. This is not her name, at least according to the name she uses in her motion for relief from judgment, but it is the name she used in bankruptcy.

Plaintiff acknowledges that the judgment must be vacated but seeks attorney's fees for Ms. Johnson's unreasonable conduct. The request for attorney's fees is well taken. Ms. Johnson has unreasonably expanded and delayed this proceeding by moving without informing the Court of her changes in address, by filing bankruptcy without informing the Court or the Plaintiff, and by filing her bankruptcy under a different name.

IT IS ORDERED the Final Judgment filed November 15, 2012, is vacated.

IT IS FURTHER ORDERED Plaintiff Westview Crossing is awarded its reasonable attorney's fees and costs pursuant to A.R.S. §12-349 incurred subsequent to June 29, 2011, when Ms. Johnson filed bankruptcy and failed to inform the Court or Plaintiff.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

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.

Attachments:

PETINA M JOHNSON: Address Name Change