

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-016728

03/24/2009

HON. MARK F. ACETO

CLERK OF THE COURT  
M. Sahli  
Deputy

TENTH AVENUE MISSIONS HOMEOWNERS  
ASSOCIATION INC

COREY ISRAEL RICHTER

v.

DENNIS P KLEINSCHMIT, et al.

ANDREW D LYNCH

MINUTE ENTRY

**FORM OF JUDGMENT**

Plaintiff lodged a proposed Form of Judgment on January 6, 2009. On January 16, 2009, Defendants filed an objection thereto. On February 2, 2009, Plaintiff filed a response. The Court has reviewed the pleadings. Pursuant to Rule 7.1, the Court declines to schedule oral argument.

**IT IS ORDERED** as follows:

- Plaintiff shall submit an Amended Form of Judgment;
- Paragraph 6 of the Judgment shall be amended as suggested by Plaintiff on lines 9 through 21 of page 2 of Plaintiff's response;

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-016728

03/24/2009

- Paragraph D of the Judgment shall be amended as suggested by Plaintiff on lines 7-15 of page 3 of Plaintiff's response;
- The Amended Judgment shall include a paragraph providing that Defendants may satisfy the Judgment by paying the amount owed thereunder prior to general execution of foreclosure;
- Overruling any objection not addressed above;
- That the Judgment lodged by Plaintiff (unsigned ) be filed in the Court file.

**TAXABLE COSTS**

There being no objection, the Court finds that Plaintiff has incurred taxable costs in the amount of \$662.10.

**IT IS ORDERED** awarding taxable costs to Plaintiff in this amount.

**ATTORNEY FEES**

On January 6, 2009, Plaintiff filed an "Application for Attorneys' Fees". The Court has reviewed the pleadings. Pursuant to Rule 7.1, the Court declines to schedule oral argument.

Pursuant to Plaintiff's request,

**IT IS ORDERED** extending the deadline for Plaintiff's Fee Application to January 6, 2009.

The Court finds that Plaintiff has incurred reasonable attorney fees in the amount of \$17,868.50 in prosecuting this action. The Court awards fees in this amount to Plaintiff.<sup>1</sup>

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<sup>1</sup> The applicable CC & Rs provide that fees "shall" be awarded in an action such as this. Even in the absence of this provision, the Court would have awarded fees to Plaintiff in this amount pursuant to both § 12-341.01(A) and § 12-349.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-016728

03/24/2009

**INACTIVE CALENDAR**

**IT IS ORDERED** continuing this case on the Inactive Calendar until April 23, 2009. If an amended Proposed Form of Judgment is not submitted by that date, this case will be dismissed without further notice.

FILED: Unsigned Judgment