

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-097363

03/23/2011

HONORABLE L. GRANT

CLERK OF THE COURT
T. Soto
Deputy

CLEMENTE RANCH HOMEOWNERS
ASSOCIATION

KELLIE J CALLAHAN

v.

MARK R LAMORTICELLA

MARK R LAMORTICELLA
NO ADDRESS ON RECORD

MINUTE ENTRY

On or about January 21, 2011, Plaintiff, Clemente Ranch Homeowners Association, filed a Motion for Summary Judgment.

Also, on or about January 21, 2011, an Affidavit of board member in support of Plaintiff's Separate Statement of Facts in Support of its Motion for Summary Judgment was filed.

The Defendant Mark R. Lamorticella, failed to timely respond to Plaintiff's Motion for Summary Judgment.

Rule 7.1(b) of the Ariz. Rules of Civil Procedure states "... if the opposing party does not serve and file the required answering memorandum... such noncompliance may be deemed a consent to the denial or granting of the motion, and the Court may dispose of the motion summarily."

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The Court finds that the Defendant has failed to timely respond to Plaintiff's Motion for Summary Judgment.

IT IS ORDERED that the Plaintiffs are entitled to summary judgment against the Defendant as a matter of law as there is no issue as to a material fact. See, Orme School v. Reeves, 166 Ariz. 301, 802 P.2d 1000 (1990).

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED that judgment shall enter against the Defendant in favor of Plaintiff in the amount of \$3,793.06.

IT IS FURTHER ORDERED that within 30 days from date of entry of this Order that Plaintiff shall submit to this Court an appropriate Order and Application for reasonable attorney's fees.