

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-055942

02/25/2021

HONORABLE ANDREW J. RUSSELL

CLERK OF THE COURT
S. Motzer
Deputy

GENE D WATSON, et al.

FREDERICK E DAVIDSON

v.

LEISURE WORLD COMMUNITY
ASSOCIATION

KATHERINE J MEROLO

COMM. RUSSELL

MINUTE ENTRY

The Court has received and reviewed Defendant's Expedited Motion to Stay Proceedings to Enforce Judgment and Order, as well as Plaintiffs' Response. Defendant asks the Court to enjoin Plaintiffs from recording the Judgment and Order entered in this case, and stay any collection proceedings related to the monetary portion of that Judgment. In the alternative, should the Court decline to stay those proceedings, Defendant asks for "a hearing for the Court to set the amount of the supersedeas bond at zero dollars." *See* Motion, page 5, lines 16-17.

The Court may enter a stay of any judgment or any enforcement proceedings during the pendency of various motions (*see* Ariz. R. Civ. P. 62(b)(1)-(4)), and "when justice so requires in other instances until such time as the court may fix." *See* Ariz. R. Civ. P. 62(b)(5). But the Court does not see, and Defendant has not shown, how justice would require a stay under these circumstances. The case centers on Defendant's attempts to amend various CC&Rs. "The 2014 Amendment merely adjusts the approval requirement for subsequent amendments to the Plat Declarations from 75% of the owners in each plat to 75% of all owners in all plats." *See* Defendant Leisure World Community Association's Rule 59(a) Motion for New Trial, page 10, lines 10-12. The rulings in this case generally invalidate the purported amendments, but how Defendant will be damaged by allowing the rulings to take effect (returning the amendment percentages to their original levels) is not evident.

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IT IS ORDERED denying Defendant's request for a stay of proceedings to enforce the Judgment, including recordation of same.

As for Defendants' request that the Court schedule a hearing to set a supersedeas bond, and that the Court set that bond at zero dollars, Rule 62(c) provides that a party may obtain a post-judgment supersedeas bond "as provided in Rule 7 of the Arizona Rules of Civil Appellate Procedure." *See* Ariz. R. Civ. P. 62(c). Rule 7 of those appellate rules requires that, if requested, "the superior court must hold a hearing on a motion to set bond." *See* ARCAP 7(a)(2). Defendant having requested a hearing to set the amount of a supersedeas bond,

IT IS ORDERED setting a hearing to consider the amount of the supersedeas bond **on March 29, 2021 at 10:00 a.m. (30 minutes allotted).**

The conference will be held via Court Connect (the Court's new video-conference/remote hearing platform).

[Tinyurl.com/jbazmc-cvj13](https://tinyurl.com/jbazmc-cvj13)

Or call in (audio only)

+1 917-781-4590 Phone Conference ID: 776 371 089#