

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-013188

04/01/2008

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
C. Castro
Deputy

CRAIG EARLY, et al.

STEPHEN L TUNNEY

v.

TATUM RANCH HOMEOWNERS
ASSOCIATION, et al.

STEPHEN W TULLY

TRIAL MINUTE ENTRY
DAY 3

Courtroom 704 – Central Court Building

10:00 a.m. Trial to a Jury continues from March 28, 2008. Plaintiffs, Craig and Jill Early are present with counsel, Stephen L. Tunney. Defendants, Tatum Ranch Homeowners Association are represented by counsel, Stephen W. Tully.

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

The jury is not present.

Discussion is held regarding instructions and verdict forms.

For the reasons stated on the record,

The fiduciary duty instructions shall not be read to the jury and the damages claim shall not be included in the verdict form.

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10:25 a.m. Court stands at recess.

10:31 a.m. Court resumes with respective counsel and parties present.

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

The jury is now present.

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

FILED: Final Instructions of Law

Bench conference is held.

Closing arguments are presented.

11:22 a.m. The jury retires in charge of sworn bailiffs to consider their verdict.

1:36 p.m. The jury is all present in the jury box and by their Foreperson return into court their verdict, which is read and recorded by the clerk and is as follows:

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find that Defendants, Tatum Ranch Homeowners Association DID breach its duty to act reasonably or fairly as to the Plaintiffs, Craig and Jill Early.”

The jurors who signed the verdict reply that this is their true verdict.

FILED: Verdict

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

Discussion is held.

1:42 p.m. Trial concludes.

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,

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IT IS ORDERED that the Jury Fees be assessed against, Defendants, Tatum Ranch Homeowners Association **in the sum of \$ 584.82**, all in accordance with the formal written Judgment for Jury Fees signed by the court and filed (entered) by the clerk on April 1, 2008.

IT IS FURTHER ORDERED that the clerk permanently release all exhibits not offered in evidence to counsel causing them to be marked, or to their written designee. Counsel shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form (2)

FILED: Exhibit Worksheet; Trial/Hearing Worksheet