

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-007263

04/25/2016

HON. RANDALL H. WARNER

CLERK OF THE COURT  
K. Ballard  
Deputy

JEFFREY SALLUS, et al.

JAMES ROBERT ECKLEY

v.

SUNRISE DESERT VISTAS PROPERTY  
OWNERS ASSOCIATION INC, et al.

GUY W BLUFF

LARRY D LANGLEY

RULING

Before the court and fully briefed is Plaintiffs' April 5, 2016 Motion for Declaratory Relief, which follows a trial in which the jury found for Defendants on all claims. The instant Motion concerns a claim for declaratory and injunctive relief that was not submitted to the jury. Plaintiffs seek an order that the Association uniformly enforce the CC&R's, and also seek appointment of a special master to oversee all actions of the Association and its Board of Directors.

Defendants raise a number of procedural objections, but it is unnecessary to decide them. Based on the evidence presented at trial, the parties' briefs and the affidavits attached to them, the court finds that the requested relief is not warranted.

In support of this determination, the court finds:

1. The Board has not selectively or discriminatorily enforced the CC&R's.
2. The Board has not violated the CC&R's as alleged by Plaintiffs.

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3. Neither the Board nor the Association is deadlocked.
4. Despite conflicts involving a small number of people, the Association is adequately functioning and does not require court supervision.
5. The members of the Association (which number approximately 174) have the right and the ability to elect the Board members they want to run the Association in the manner they see fit.
6. Appointing a special master would be tantamount to the court running the Association, since special master orders are subject to court review. The circumstances of this case do not justify having the court run the Association.

**IT IS ORDERED** denying the Motion.

**IT IS FURTHER ORDERED** that Defendants lodge a form of judgment and file any application for attorneys' fees or statement of costs within **30 days** of this order.