

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-094725

04/26/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS
ASSOCIATION INC

CHARLENE A CRUZ

v.

ISMAEL CASTRO-SALAZAR

ISMAEL CASTRO-SALAZAR
1030 S 223RD LN
BUCKEYE AZ 85326

MARK K SAHL
CITS - SE SPANISH

MINUTE ENTRY

Courtroom 207 – SEA

9:13 a.m. This is the time set for Status Conference re: Defendant's submission of the Architectural Committee form and whether further proceedings need to be scheduled. Counsel, Charlene A. Cruz, is present on behalf of Plaintiff. Defendant is neither present nor represented. Court Interpreter, Marianne Hutchinson, is present.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT today's proceeding was scheduled to begin at 9:00 a.m. Defendant has failed to appear or contact the Court regarding his non-appearance. The Court will proceed in Defendant's absence.

Counsel for Plaintiff advises the Court that Defendant previously indicated he would submit the Architectural Committee form but has failed to do so.

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IT IS ORDERED directing Defendant to file a formal written Answer to the Complaint no later than **May 16, 2016**.

Defendant having failed to appear and good cause appearing,

IT IS ORDERED on or before **May 6, 2016**, Defendant shall remove or take steps to remove, to Plaintiff's satisfaction, the gazebo/backyard patio cover that was constructed in violation of the ancillary unit provisions of the recorded CC&R's. Alternatively, if approved by Plaintiff, Defendant can submit a waiver to the Architectural Committee of the Association. If the Architectural Committee approves Defendant's request and the Court is notified by the Plaintiff, the temporary restraining order can be suspended.

IT IS FURTHER ORDERED that no bond is required of the Plaintiff.

IT IS ORDERED setting an Evidentiary Hearing re: Plaintiff's request for injunctive relief on **June 15, 2016 at 11:00 a.m. (1 hour allotted)** before:

HONORABLE DAVID TALAMANTE
SUPERIOR COURT OF ARIZONA
SOUTHEAST COURTHOUSE
COURTROOM 207
222 E. JAVELINA
MESA, AZ 85210

IT IS ORDERED that counsel and self-represented litigants ("the parties") are directed to personally meet **no later than May 20, 2016** to exchange exhibits and discuss the exhibits prior to submitting them to the Court. At this meeting, the parties' shall attempt to agree on authenticity, foundation, and admission of the exhibits to shorten the time spent on exhibits during the hearing.

IT IS FURTHER ORDERED that the parties shall deliver to the Clerk of this Division all exhibits they will be introducing at the hearing, **no later than noon on June 8, 2016**. Counsel shall present all exhibits with a written list of brief exhibit descriptions to the Clerk. Exhibits shall not be placed in a notebook unless they are voluminous. Each exhibit shall be clipped or bound if too large to be stapled. Exhibits are to be separated by a colored sheet of paper or by a tabbed divider sheet. An enlargement may be used for demonstrative purposes; however an 8 ½ x 11 size copy of the enlargement must be submitted with the other exhibits and will be marked for demonstrative purposes only. (Enlargements will be released to the party using said enlargement at the end of trial.) The exhibits will be marked by the Clerk in

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consecutive order: Plaintiff's exhibits marked first; Defendant's exhibits marked second. Exhibits are assigned numbers in a serial fashion. Placeholders will not be accepted and exhibit numbers will not be reserved for exhibits not presented at this time. The parties shall ensure that there are no duplicate exhibits. Failure to follow the procedure for submitting trial exhibits may result in the exclusion of that party's exhibits at the hearing.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

9:21 a.m. Conference concludes.