

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-054557

04/17/2017

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT

W. Tenoever

Deputy

ANITA R BELL, et al.

ANITA R BELL

6751 E AMBER SUN DR

SCOTTSDALE AZ 85266

v.

TERRAVITA COUNTRY CLUB INC

DAXTON R WATSON

WILLIAM M BROWN

6751 E AMBER SUN DR

SCOTTSDALE AZ 85266

RULING

The defendant has filed a timely objection to Plaintiffs' Statement of Costs. The Court erroneously ruled on the request before the time for response had run out.

The response correctly points out that the Court, when ruling on the summary judgment motion, also ruled that there was no "prevailing party" and that neither side, therefore, would be entitled to an award of costs. The plaintiffs did not mention that ruling when they requested costs.

The Court has authority to afford the defendant relief from the judgment. Ariz. R. Civ. P. 60(b).

IT IS THEREFORE ORDERED vacating the judgment filed April 12, 2017, awarding plaintiffs Anita R. Bell and William M. Brown \$361.50 in costs against defendant Terravita Country Club, Inc. The judgment entered on March 24, 2017 stands as entered.

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IT IS FURTHER ORDERED Plaintiffs' request for an award of costs is denied.

/s/ John R. Hannah

John R. Hannah
Judge of the Superior Court