

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2018-001666

04/05/2019

HON. ROSA MROZ

CLERK OF THE COURT  
D. Charbagi  
Deputy

ESTATES AT SIERRA VISTA COMMUNITY  
ASSOCIATION

CHANDLER W TRAVIS

v.

STEVE H VIGIL JR., et al.

STEVE H VIGIL JR.  
3116 W DESERT LN  
LAVEEN AZ 85339

MICHELE N VIGIL  
3116 W DESERT LN  
LAVEEN AZ 85339  
JUDGE MROZ

MINUTE ENTRY

The Court has considered Defendants' Motion to Change Prevailing Party filed on February 28, 2019, and Plaintiff's Response. The Court finds no good cause to grant Defendants' Motion.

**IT IS ORDERED** denying Defendants' Motion to Change Prevailing Party filed on February 28, 2019.

The Court has also considered Plaintiff's Application for Attorneys' Fees and Costs filed on February 8, 2019, which included a proposed form of Judgment. Defendants did not file a Response/Objection, which the Court deems as a consent to the granting of the Motion. Ariz. R. Civ. P. 7.1(b). The Court has considered the factors set forth in *Associated Indemnity Co. v. Warner*, 143 Ariz. 567, 694 P.2d 1181 (1985), and *Schweiger v. China Doll Restaurant*, 138

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Ariz. 183, 187-88, 673 P.2d 927, 932 (App. 1983) in deciding whether and how much to award in attorneys' fees. The Court also considered Article 9, section 9.1 of the Declaration which states, in relevant part: "If any lawsuit is filed by the Association or any Owner to enforce the provisions of the Project Documents or in any other manner arising out of or relating to the Project Documents or the operations of the Association, the prevailing party in such action shall be entitled to recover from the other party all attorney fees incurred by the prevailing party in the action." The Court has already found that Plaintiff is the prevailing party.

**IT IS ORDERED** awarding Plaintiff \$20,000 in reasonable attorneys' fees.

Plaintiff also requested \$9,746.01 in taxable costs, consisting of the following:

Court filing fees	\$	375.60
Postage	\$	2.05
Printing	\$	16.68
Expert Fees	\$	9,261.68
Process service	\$	90.00

A.R.S. §12-341 provides that "[t]he successful party to a civil action shall recover from his adversary all costs expended or incurred therein unless otherwise provided by law." However, Costs are not recoverable unless provided for by statute. *Sweis v. Chatwin*, 120 Ariz. 249, 585 P.2d 269 (App. 1978).

The Court finds that the only taxable costs that are recoverable are the court filing fees of \$375.60 and the service of process fees of \$90.

**IT IS ORDERED** awarding \$465.60 in taxable costs.

The Court signed the Judgment incorporating the above on this date.