

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-097453

04/24/2019

HONORABLE JANICE CRAWFORD

CLERK OF THE COURT  
H. Bell  
Deputy

NORTH CANYON RANCH OWNERS  
ASSOCIATION

SAMUEL C RICHARDSON

v.

PAMELA J ALLEN, et al.

DENNIS P BROOKSHIRE

BANK OF AMERICA NATIONAL  
ASSOCIATION  
NO ADDRESS ON RECORD  
FIRST NATIONAL OF NEBRASKA INC  
NO ADDRESS ON RECORD  
FIRST INTERNATIONAL OF  
NEBRASKA INC  
NO ADDRESS ON RECORD  
PLANNED DEVELOPMENT SERVICES  
L L C  
14100 N 83RD AVE # 200  
PEORIA AZ 85381  
JUDGE CRAWFORD

MINUTE ENTRY

This matter comes before the Court on Plaintiff's China Doll Affidavit in Support of Award of Attorney Fees, Plaintiff's Statement of Costs and Notice of Taxation, Plaintiff's Rule 1006 Accounting Summary, Defendant's Objection thereto, and Plaintiff's Reply.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-097453

04/24/2019

The Court has reviewed the substantive history of this case, including Plaintiff's Motion for Summary Judgment, Plaintiff's Motion for New Trial, the associated rulings, and the Memorandum Decision issued by the Court of Appeals.

As the prevailing party, Plaintiff is entitled to an award of reasonably attorney fees. Plaintiff is not, however, entitled to include the attorney fees that were incurred before Defendant filed bankruptcy. Plaintiff's position that it can include attorney fees that were incurred before Defendant's bankruptcy but billed to Plaintiff after Defendant's bankruptcy is not persuasive and disregards the instruction to this court to "determine the amount of fees and costs **incurred** . . . . after [Defendant] petitioned for bankruptcy." [emphasis added] Accordingly, the Court has deducted attorney fees that were incurred before 11/5/2013.

The starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate. In this case, the rates charged by Plaintiff's attorney are commensurate with their experience and the work they do. The Court therefore finds the rates to be reasonable.

Defendant challenges the time spent on various tasks. The Court has reviewed the description of the charges and does not find the time to be excessive. Defendant also challenges an award to Plaintiff for attorney fees it incurred in connection with its unsuccessful Motion for Summary Judgment. After reviewing the arguments made by Plaintiff in the Motion for Summary Judgment and the analysis by the Court of Appeals, the Court finds that the Motion for Summary Judgment did not lack merit. Finally, Defendant challenges the accuracy of some of the charges to the extent that the charges are not described in the "History Bill." The Court's award of attorney fees is based solely on charges contained in the "History Bill" and does not rely on the totals provided by Plaintiff.

**THE COURT FINDS** that Plaintiff is entitled to reasonable attorney fees totaling \$22,865.00.

As the prevailing party, Plaintiff is entitled to an award of its taxable costs under A.R.S. ¶12-332. Plaintiff is also entitled to non-taxable costs in accordance with the CC&Rs. However, as set forth above, Plaintiff is not entitled to costs, taxable or nontaxable, that were incurred prior to Defendant's bankruptcy filing.

Additionally, Plaintiff is not entitled to costs described as Westlaw Computer Research Database Access because Plaintiff did not submit any support that such costs were actually incurred or were segregated and apportioned to this case. Nor did Plaintiff submit any support that the cost was actually charged to Plaintiff.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-097453

04/24/2019

Finally, Plaintiff is not entitled to recover a cash advance of \$10.00 or various bankruptcy court costs ranging from \$0.10 to \$1.70.

The Court's award for costs is based solely on charges contained in the "History Bill" and does not rely on the totals provided by Plaintiff.

**THE COURT FINDS** that Plaintiff is entitled to an award for costs in the amount of \$1170.63.

**LET THE RECORD REFLECT** the entry of Judgment of Foreclosure is filed contemporaneously with this Order.