

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-095878

05/15/2015

HON. DAVID K. UDALL

CLERK OF THE COURT

K. Tiero

Deputy

CAMELBACK HOUSE HOMEOWNERS  
ASSOCIATION INC

MARK W WALDRON

v.

MARC SECTER

J ROGER WOOD

**UNDER ADVISEMENT RULING**

The Court took this matter under advisement after Oral Argument was held on May 8, 2015 on Plaintiff's Motion for Summary Judgment. The Court has considered the arguments of the parties and the pleadings. The Court makes the following findings and enters the following orders.

THE COURT FINDS the Defendant is the owner of Unit 272 located at 4630 North 68<sup>th</sup> Street in Scottsdale Arizona and is part of the Camelback House Home Owners' Association. The Court further finds the Covenants, Conditions and Restrictions (CC&Rs) of the Camelback House declaration were recorded December 12, 1972, and are applicable to the Defendant and his property. Under the CC&Rs, the Defendant is required to pay all assessments and charges levied by the Home Owners' Association.

THE COURT FURTHER FINDS that the Defendant breached the obligation under the CC&Rs, and he would also be required to pay late fee charges, costs, and attorney's fees.

THE COURT FURTHER FINDS the Defendant made a payment of \$7,924.00 towards his late assessments on January 7, 2014. The Court further finds the Defendant currently is in arrears and owes the Home Owners' Association \$3,237.00 for failing to make timely assessment fees.

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THE COURT FURTHER FINDS the Home Owners' Association has a right to foreclose on the property under ARS 33-1256(A). The Court further finds the Defendant has been in arrearages for more than 12 months and for an amount greater than \$1200.00. The Court further finds this is a triggering mechanism that allows the Home Owners' Association to proceed with foreclosure. The Court further finds under ARS 33-1256(A) the Home Owners' Association can also collect charges for late payments on assessments, reasonable collection fees and reasonable attorney's fees and costs incurred with respect to payment of those assessments.

THE COURT FURTHER FINDS there are no genuine issues of material fact that exist at this time. The Court further finds the Defendant is delinquent, and he has an obligation to pay the assessments. The Court further finds that ARS 33-1256(A) gives the Association the right to foreclose on the entirety of its lien. The Court further finds the Defendant has been in arrearages more than 12 months and in an amount greater than \$1200.00, triggering the Association's right to foreclose. The Court further finds the Defendant owes Plaintiff the amount of \$3,237.00, and this is undisputed.

IT IS THEREFORE ORDERED granting Plaintiff's Motion for Summary Judgment.

IT IS FURTHER ORDERED entering Judgment against Defendant in the amount of \$3,237.00.

IT IS FURTHER ORDERED awarding Plaintiff attorney's fees and costs.

IT IS FURTHER ORDERED that Plaintiff's counsel shall provide an Order of Judgment and a Request for Attorney's Fees and Costs **within 10 days of receipt of this minute entry.**

Dated this 15<sup>th</sup> day of May, 2015

/ s / HONORABLE DAVID K. UDALL

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HONORABLE DAVID K. UDALL  
JUDICIAL OFFICER OF THE SUPERIOR COURT