

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-019231

06/07/2004

HON. MICHAEL J. O'MELIA

CLERK OF THE COURT  
A. Beery  
Deputy

FILED: 06/11/2004

TROON NORTH ASSOCIATION

FREDERICK E DAVIDSON

v.

CRESCENT CLUB INVESTORS I LTD, et al.

TERESITA T MERCADO

GREGORY G MCGILL  
AMY KUNZ SWANER  
DAVID MILES PLLC  
1550 E MCKELLIPS RD  
STE 101  
MESA AZ 85203

MINUTE ENTRY

The Court has considered all of the memoranda submitted in respect to the issues of damages and/or attorney fees. The Court also considered the exhibits and arguments of counsel.

The Court makes the following rulings:

It is clear from the evidence submitted that the Defendants ceased the alleged illegal activities many months before the lawsuit was filed. Actually, there was approximately 7-8 months between the time the letter was sent and the time the lawsuit was filed. The evidence is clear that the letter was not received by the appropriate property owners.

It is also clear that the *lis pendens* filed in this case was not proper or legal *lis pendens*, and therefore the Defendants are entitled to the minimum of \$5,000.00 pursuant to the statute as damages. The Court is unclear as to whether there are three or four *lis pendens* at issue. The parties should be able to determine that issue.

IT IS THEREFORE ORDERED denying the Plaintiff's request for attorney fees and allowing the Defendants' request for attorney fees in the amount of \$4,200.00.