

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-012018

06/08/2006

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
D. Raybon
Deputy

FILED: 06/21/2006

MOUNTAIN VISTA RANCH OWNERS
ASSOCIATION

J ROGER WOOD

v.

JOHN & HOLLY DICKERSON, et al.

JOHN & HOLLY DICKERSON
15943 W TASHA DR
SURPRISE AZ 85374

MINUTE ENTRY

The court has received Plaintiff's Motion for Reconsideration and Clarification of the March 17, 2006 Court Ruling, Defendants' Response and the Reply.

Plaintiff seeks clarification on the denial of attorney's fees. The award of attorney's fees is discretionary. It is the court's opinion that it is an appropriate exercise of discretion to deny attorney's fees when the main thrust of the lawsuit i.e., the repair of the garage, was accomplished prior to service of the complaint.

As to late fees and fines, it seems that Defendants never took the position that these obligations were not owed. They in fact admit the obligation. Under these circumstances, it is also appropriate in the exercise of discretion, to deny attorney's fees.

The latest amount claimed to be owed, as stated in the reply, is \$24.00 for late fees, \$405.00 for fines, and \$25.00 for NSF charges. The total is \$454.00.

Plaintiff is entitled to judgment in that amount.

Since by entry of judgment, all the issues will be disposed of, Rule 54(b) is not required.

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IT IS ORDERED GRANTING Plaintiff judgment against John Dickerson and Holly Dickerson, husband and wife, in the sum of \$454.00, with interest thereon from the earliest date permitted at the rate of ten (10) percent per annum until paid.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this court pursuant to Rule 58, Arizona Rules of Civil Procedure.

/ s / HONORABLE BARRY C. SCHNEIDER

JUDICIAL OFFICER OF THE SUPERIOR COURT