

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-094725

06/15/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
M. Kay  
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS  
ASSOCIATION INC

CHARLENE A CRUZ

v.

ISMAEL CASTRO-SALAZAR

ISMAEL CASTRO-SALAZAR  
1030 S 223RD LN  
BUCKEYE AZ 85326

MARK K SAHL  
CITS - SE SPANISH

MINUTE ENTRY

Courtroom 207 – SEA

Prior to the commencement of today's proceeding, Plaintiff's exhibits 1-7 are marked for identification.

11:17 a.m. This is the time set for Evidentiary Hearing re: Plaintiff's request for injunctive relief. Counsel, Charlene A. Cruz and Mark K. Sahl, are present on behalf of Plaintiff (Manager, Thomas Campanella, is also present). Defendant is neither present nor represented. Court Interpreter, Sylvia Fisher, is present.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

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**LET THE RECORD REFLECT** today's proceeding was scheduled to begin at 11:00 a.m. Defendant has failed to appear or contact the Court regarding his non-appearance. The Court will proceed in Defendant's absence.

Counsel for Plaintiff advises the Court that he has not had any recent contact with the Defendant and further advises the Court that Defendant has failed to remove the pergola as ordered in the Court's Minute Entry dated April 26, 2016.

Thomas Campanella is sworn and testifies.

The witness is excused.

Plaintiff's exhibits 2 and 7 are received in evidence.

Based on Defendant's repeated failure to appear,

**THE COURT FINDS** that the allegations in the initial Complaint are deemed admitted. Based on those admissions and the testimony of the witness, the Court finds that the request for injunctive relief by the Plaintiff is appropriate.

**IT IS ORDERED** that the pergola/gazebo/backyard patio cover that was constructed in violation of the ancillary unit provisions of the recorded CC&R's is to be removed by Defendant no later than **July 15, 2016**.

**THE COURT FINDS** that Plaintiff is entitled to reasonable attorneys' fees and taxable costs.

**IT IS ORDERED** directing Plaintiff to submit a form of Order consistent with its Complaint and request for relief along with an Affidavit in support of its reasonable attorneys' fees and taxable costs. The Order is to be submitted no later than **June 27, 2016**.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

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Plaintiff's exhibits 1 and 3-6 are released.

**ISSUED:** Exhibit Release Form

11:29 a.m. Hearing concludes.