

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-006552

06/20/2017

HONORABLE LORI HORN BUSTAMANTE

CLERK OF THE COURT
T. Nosker
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS
ASSOCIATION INC

MARK K SAHL

v.

SHIRLEY STRELSKI, et al.

JONATHAN A DESSAULES

MINUTE ENTRY

The court has reviewed and considered the following pleadings:

- Motion to Set Aside Orders Entered on March 3, 2017 and October 6, 2016
- Plaintiff's Response to Defendant's Motion to Set Aside Orders Entered on March 3, 2017 and October 6, 2016
- Reply in Support of Motion to Set Aside Orders Entered on March 3, 2017 and October 6, 2016

Arizona Civil Rule 60(b) provides what a party must do in order to seek relief from default:

On motion and just terms, the court may relieve a party . . . from a final judgment, order or proceeding for the following reasons: . . . (6) any other reason justifying relief.

Ariz. R. Civ. P. 60(b)(6). "A motion under Rule 60(b) must be made within a reasonable time" Ariz. R. Civ. P. 60(c)(1).

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Plaintiff does not object to the elimination of the general injunctive relief restraining Defendant from any violation of the Declaration from the Court's October 6, 2016 Order so that request will be granted.

However, Plaintiff failed to demonstrate she was entitled to relief from the attorney fees. It is unfortunate that she had health issues and issues with previous counsel; however, these issues do not rise to the level of demonstrating extraordinary circumstances, hardship or injustice. Defendant failed to appear for more than one court appearance, failed to object to the Association's Attorney Fee Applications and failed to file a Motion under Rule 60(b) within a "reasonable time."

IT IS ORDERED granting, in part, and denying in part Motion to Set Aside Orders Entered on March 3, 2017 and October 6, 2016.

IT IS FURTHER ORDERED granting the request to alter the language of the injunction.

IT IS FURTHER ORDERED denying the request to eliminate or reduce the attorney fees awarded.

IT IS FURTHER ORDERED denying the Association's request for an award of attorney fees in responding to Defendant's Motion.