

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-019236

05/28/2026

HONORABLE ADELE PONCE

CLERK OF THE COURT
L. Gilbert
Deputy

TANGLEWOOD ASSOCIATION

DANIEL S FRANCOM

v.

ROGELIO DORANTES VILLANUEVA, et al.

ROGELIO DORANTES VILLANUEVA
6720 N 33RD AVE
PHOENIX AZ 85017

STERLING JEWELERS INC
C/O CT CORPORATION SYSTEM
3800 N CENTRAL AVE STE 460
PHOENIX AZ 85012
SANDRA MENDOZA LOPEZ
3128 W PALMAIRE AVE
GLENDALE AZ 85301
JUDGE PONCE

MINUTE ENTRY

Before the Court is the motion by Tanglewood Association (“Plaintiff” or “the Association”) for summary judgment against Defendant Sandra Mendoza Lopez (“Defendant”). The Court has reviewed the motion and the statement of facts.

The party moving for summary judgment must produce evidence that it believes demonstrates the absence of a genuine issue of material fact and must explain why summary judgment is warranted. *Nat'l Bank of Ariz. v. Thruston*, 218 Ariz. 112, 115 (App. 2008). If the moving party meets its burden, the burden shifts to the nonmoving party to present sufficient evidence demonstrating the existence of a disputed fact. *Thruston*, 218 Ariz. at 119. The

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nonmoving party cannot then rest on its pleadings, but must call to the court's attention evidence to explain why the motion should be denied. *Id.* “If the party with the burden of proof on the claim or defense cannot respond to the motion by showing that there is evidence creating a genuine issue of fact on the element in question, then the motion for summary judgment should be granted.” *Orme Sch. v. Reeves*, 166 Ariz. 301, 310 (1990). “If the moving party on a motion has made a prima facie showing that no genuine issue of material fact exists, the opponent of the motion has the burden to produce sufficient evidence that there is indeed an issue.” *W.J. Kroeger Co. v. Travelers Indem. Co.*, 112 Ariz. 285, 286 (1975).

The Court notes that the Defendant in this case has not filed a response to the motion for summary judgment. A moving party is not entitled to summary judgment merely because the nonmoving party failed to respond to the motion. *See United Bank of Ariz. v. Allyn*, 167 Ariz. 191, 196 (App. 1990). However, “[a] party who fails to respond to a motion for summary judgment...does so at his peril because uncontroverted evidence favorable to the movant, and from which only one inference can be drawn, will be presumed to be true.” *Rudinsky v. Harris*, 231 Ariz. 95, 99 (App. 2012), *quoting Tilley v. Delci*, 220 Ariz. 233, 237 (App. 2009). (citation omitted).

In this case, the evidence indicates Plaintiff is a planned community. Defendant, Sandra Mendoza Lopez, is a record owner of real property within the Association. The Association has a Declaration, which is a contract between the parties, and each unit owner is a mandatory member of the Association. The Declaration provides that each Owner is obligated to pay assessments and other charges including interest, costs and attorneys’ fees. Such assessments and other charges are a consensual lien against Defendant’s lot in the Association’s favor secured by the property, pursuant to the declaration and A.R.S. §33–1807. Per the Declaration, the Association is entitled to foreclose the assessment lien. Recording of the Declaration constitutes record notice and perfection of the association’s lien pursuant to A.R.S. §33–1807(F).

Defendant has a history of failing to pay assessments and other charges and has been delinquent since at least July of 2025. Defendant has failed to pay the assessments and other charges totaling \$3,491.85. The Association has also incurred costs and attorneys’ fees. The Association is entitled to foreclose on the lien as to both. Defendant has not provided viable defenses to defeat the Association’s action to foreclose its lien. The Association is therefore entitled to summary judgment and an entry of judgment and a decree of foreclosure.

Based on the Court’s review of the Motion for Summary Judgment and the Statement of Facts filed by the Plaintiff,

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IT IS ORDERED granting the Motion for Summary Judgment filed April 1, 2026, awarding judgment in favor of Tanglewood Association against the Defendant Sandra Mendoza Lopez in the amount of \$3,491.85 as well as attorneys' fees and costs.

IT IS FURTHER ORDERED that Plaintiff may foreclose on the lien as provided in the Declaration and pursuant to statute.

IT IS FURTHER ORDERED that Plaintiff shall provide the Court with a proposed form of order.

IT IS FURTHER ORDERED Plaintiff shall submit any motion for attorneys' fees and costs and lodge a proposed form of final judgment complying with Rule 54(c) of the Arizona Rules of Civil Procedure once the Court has ruled on any motion for attorneys' fees.