

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006858

07/20/2005

HONORABLE BENJAMIN E. VATZ

CLERK OF THE COURT
C.I. Miller
Deputy

FILED: 07/27/2005

TATUM RANCH COMMUNITY
ASSOCIATION

BOB J MCCULLOUGH

v.

JACKIE LYNN ANDRICK FOSTER

JACKIE LYNN ANDRICK FOSTER
30410 NORTH 42ND STREET
CAVE CREEK AZ 85331

HEARING MINUTE ENTRY

11:03 a.m. This is the time set for Hearing on Plaintiff' Regarding Contempt Order. Plaintiff is represented by counsel, Bob McCullough. Defendant Jackie Lynn Andrick Foster is neither present nor represented by counsel.

Proceedings are recorded on CD (FTR) in lieu of a court reporter.

Plaintiff's case:

Opening statements are made by Plaintiff's counsel.

Plaintiff's exhibit 1 is marked for identification.

11:07 a.m. Defendant Jackie Lynn Andrick Foster is now present in the courtroom.

Bob McCullough, Sean Bodkin and Jackie Lynn Andrick Foster are sworn.

11:09 a.m. Court stands at recess to permit the court to hear other matters on the calendar.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006858

07/20/2005

11:19 a.m. Court reconvenes with respective parties and counsel present.

Proceedings are recorded on CD (FTR) in lieu of a court reporter.

Sean Bodkin having been previously sworn now testifies.

Plaintiff's exhibit 1 is received in evidence.

FILED: Affidavit of Counsel.

Plaintiff rests.

Defendant's case:

Jackie Lynn Andrick Foster having been previously sworn now testifies.

Defendant rests.

Both sides rest.

For the reasons stated on the record,

THE COURT FINDS that Defendant Jackie Lynn Andrick Foster has violated this court's order of August 19, 2003 and that she is in contempt of court by failing to abide by its terms. The court has heard testimony of both parties and reviewed the evidence offered by Plaintiff. The court denies the request that a civil arrest warrant issue for the incarceration of Defendant; however, as previously set forth, the court finds that the Defendant's failure to comply with the court's orders, specifically paragraphs 1 and 2 of the Judgment and Injunction entered by the court on August 19, 2003, places Defendant in contempt of court. Accordingly,

IT IS ORDERED that Defendant Jackie Lynn Andrick Foster shall pay post-judgment and injunction attorneys' fees and costs, totaling \$3,063.80, to Plaintiff Tatum Ranch Community Association, all in accordance with the formal written Contempt Order signed by the court on July 20, 2005, and filed (entered) by the clerk on July 20, 2005.

Plaintiff's counsel moves for treble sanctions.

IT IS ORDERED that the court has considered the mitigating circumstances and denies the motion that Defendant pay the treble attorney's fees, as the amount awarded is a significant sanction and the judgment will be as indicated.

12:14 p.m. Hearing concludes.