

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-051768

06/27/2008

HONORABLE EDDWARD BALLINGER, JR.

CLERK OF THE COURT  
T. Ross  
Deputy

402 NOW L L C, et al.

LAWRENCE K LYNDE

v.

REGENCY HOUSE ASSOCIATION

ELISE SAADI

HEARING SET

**NORTHEAST COURTROOM 112**

8:50 a.m. This is the time set for 15 Minute Return Hearing on Plaintiffs' Order to Show Cause Re: Issuance of Temporary Restraining Order and Preliminary Injunction. Plaintiffs are represented by counsel, Lawrence Lynde. Defendant is neither present nor represented by counsel. Doug Offerman, representative of 402 Now L.L.C., is present.

Court reporter, Kim Hannan, is present as well as a record of the proceedings being made by CD/videotape.

The Court has reviewed an affidavit of service of process that establishes service upon Lynda Erickson, statutory agent for Regency House Association.

8:53 a.m. Elise Saadi, counsel for Defendant, is present.

Discussion is held.

Based upon matters presented to the Court,

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**IT IS ORDERED** that Plaintiff and his social invitees shall be permitted access to the building and all privileges related to access granted other owners immediately. There shall be no restrictions on his beneficial use of the property.

**IT IS FURTHER ORDERED** that Plaintiff's contractors may enter the premises on three business days. They shall give at least seventy-two (72) hours prior notice to Defendant of the days in which access will be requested. They shall be provided the ability during the hours of 9:00 a.m. and 5:00 p.m. on those days to have use of the service elevators. They shall not use any elevators other than the service elevators and all construction shall be in accordance with the restrictions placed on any other unit owner.

**LET THE RECORD REFLECT** that plumbing and electrical work shall not be included in the aforementioned order.

Counsel for Defendant requests an evidentiary hearing.

**IT IS ORDERED** setting an Evidentiary Hearing on preliminary injunctive relief on **August 25, 2008 at 10:45 a.m. (Allotted time: 1 hour)** in this division.

Doug Offerman is sworn and testifies.

9:37 a.m. Matter concludes.