

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

07/09/2008

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

DOMINICK ABATEMARCO

BRIAN M BERGIN

v.

CANTERRA AT SQUAW PEAK
CONDOMINIUM ASSOCIATION INC, et al.

MARK A HOLMGREN

RULING AND PRELIMINARY INJUNCTION

The Court having reviewed Plaintiff's Motion for Reconsideration/Clarification and the Response and Reply filed incident thereto; and good cause appearing,

IT IS ORDERED granting said Motion in part, this Court finding that Plaintiff does not have an adequate remedy at law. Notwithstanding this finding, this Court cannot give Plaintiff priority over other similarly situated homeowners who have defectively dangerous balconies. To do so would itself violate the Association's CC&R's. Now therefore,

IT IS ORDERED that the Canterra at Squaw Peak Condominium Association is mandatorily enjoined and compelled to promulgate and approve a remediation plan and funding mechanism to repair all balconies within the Association pursuant to Sections 3.5 and 4.2 of the CC& R's to be filed with the Court on or before September 12, 2008. Plaintiff shall have until September 26, 2008, to file any objections to the proposed plan.

IT IS FURTHER ORDERED that all such repairs shall be completed on or before December 31, 2009.

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/s/ Paul A. Katz

Paul A. Katz
Judge of the Superior Court