

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-091264

07/20/2010

HONORABLE KAREN POTTS

CLERK OF THE COURT

M. Scott

Deputy

MESA EAST PROPERTY OWNERS
ASSOCIATION

GARY C HENDRICKSON

v.

LAND INVESTMENT VENTURES L L C, et al.

LAND INVESTMENT VENTURES L L C
NO ADDRESS ON RECORD

ZONA DIAL
NO ADDRESS ON RECORD
DESERT SCHOOLS FEDERAL CREDIT
UNION
NO ADDRESS ON RECORD
ROYAL EQUITY TRUST
NO ADDRESS ON RECORD
TRAVIS S WILLIAMS

MINUTE ENTRY

The Court has considered Defendant George Roy's Motion to Dismiss, Plaintiff's Response to Motion to Dismiss, Defendant's Response (Reply), Defendant Roy's Supplement to Motion to Dismiss, Plaintiff's Response to Defendant's Supplement to Motion to Dismiss, and Defendant Roy's Reply.

Defendant George Roy seeks dismissal of all claims made by Plaintiff for the reason that he did not own the real property in issue at the time Plaintiff filed its Complaint. Plaintiff does not dispute this fact. Because Plaintiff's allegations are predicated upon the property owner's noncompliance with covenants prior to the filing of the Complaint and in existence at the time of the filing of the Complaint, Defendant Roy is not properly named as a party. Plaintiff must, if it

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seeks to allege violations by Defendant Roy, amend its Complaint in accordance with the Arizona Rules of Civil Procedure. Therefore,

IT IS ORDERED granting Defendant Roy's Motion to Dismiss and dismissing Defendant Roy from this matter without prejudice.

/ s / HONORABLE KAREN POTTS

JUDICIAL OFFICER OF THE SUPERIOR COURT

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>