

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-095508

07/02/2015

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
I. Ostrander
Deputy

MICHAEL MCMULLEN

DAVID E JOHNSON

v.

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE

J GARY LINDER

RULING

The Court has read the following:

- Defendant's *Motion for Summary Judgment* electronically filed on May 7, 2015;
- Plaintiff's *Response in Opposition to Motion for Summary Judgment* electronically filed on June 11, 2015; and
- Defendant's *Reply to Plaintiff's Response to Motion for Summary Judgment* electronically filed on July 1, 2015.

In Defendant's motion and reply, Defendant admits to the breach and has established it has remedied the breach. There remain no specific performance or damages issues for trial.

IT IS ORDERED granting Defendant's *Motion for Summary Judgment* and finding in favor of the Plaintiff on the issue of breach and for the Defendant on the issues of specific performance being remedied and there being no damages. If any party believes they are entitled to attorney's fees, then that party shall file an application for fees by **July 24, 2015**, and include a sentence and blank for an award of fees and costs to as of now, an undetermined party.