

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2016-000904

07/20/2016

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT  
L. Nelson  
Deputy

ESTRELLA VISTA HOMEOWNERS  
ASSOCIATION INC

EDWARD D OBRIEN

v.

ANGEL GONZALEZ

ANGEL GONZALEZ  
15540 WEST WATKINS ST  
GOODYEAR AZ 85338

**RULING**

The Court has reviewed the parties' Stipulation to Judgment, Settlement Agreement and Covenant Not to Execute as to Defendant Angel Gonzales filed on July 8, 2016 as well as the proposed Stipulated Judgment. The proposed Stipulated Judgment contains several paragraphs providing for an award of future costs, fees and assessments, including the following:

Paragraphs 1 and 2: "accruing assessments of \$151.20 quarterly, or such greater amount as Estrella Vista may assess in the future until all amounts due and owing under this Judgment are paid in full;" and

Paragraph 5: "For Estrella Vista's future collection costs, court costs, attorneys' fees and interest incurred in collecting any amounts contained in this Stipulated Judgment, after applying all credits for any sums paid pursuant to this Stipulated Judgment."

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The Court declines to enter a judgment that includes an award for future undetermined amounts of fees, costs, or assessments. *See Stern v. Stern*, 2016 WL 3773520 (App. July 12, 2016); *Costa v. Maxwell & Morgan P.C.*, 2015 WL 3490115 (D. Ariz. 2015).

Accordingly, the Court will not approve the language “or such greater amount as Estrella may assess in the future” in paragraphs 1 and 2.

As to paragraph 5, the Court will approve the following language as a substitute for that contained in the parties’ Stipulated Judgment:

For Estrella Vista’s reasonable costs and fees incurred in collecting or enforcing this Stipulated Judgment, subject to the filing of an application for such fees or costs and the Court’s determination of reasonableness. Any such award shall be included in a separate or amended judgment.

**IT IS THEREFORE ORDERED** that **within 10 business days of the date this minute entry is filed**, the parties shall file either: (1) an amended Stipulated Judgment (in Word format) that conforms to the requirements set forth above; or (2) a stipulation to withdraw the Stipulation to Judgment, Settlement Agreement and Covenant Not to Execute as to Defendant Angel Gonzales.