

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-012503

08/27/2009

HONORABLE J. KENNETH MANGUM

CLERK OF THE COURT
D. Glab
Deputy

SUNRISE DESERT VISTAS PROPERTY
OWNERS ASSOCIATION INC

DENNIS L HALL

v.

DIANE L KNELSON, et al.

FREDERICK E DAVIDSON

MINUTE ENTRY

The Court has reviewed Defendants' Motion for Reconsideration and has re-reviewed the Motion for Summary Judgment and the Response.

Defendants point out that they have a right to clear vegetation as necessary for access, parking and improvements. The Court considers the photos and affidavits to be prima facie evidence of excessive clearing. Nowhere do Defendants explain how the clearing was necessary. The Court considers paragraph 23 to provide an affirmative defense and Defendants have not presented any such affirmative defense. Defendants have failed to raise evidence that they should prevail on a Motion for Summary Judgment on that issue.

With respect to the height issue,

IT IS ORDERED that Plaintiffs shall respond to Defendants' Motion for Reconsideration with respect to the height claims by September 10, 2009, and Defendants may reply by September 20, 2009.