

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-007710

08/20/2010

HONORABLE L. GRANT

CLERK OF THE COURT
T. Soto
Deputy

DIAMOND ALLIED SERVICES L L C

GEOFFREY S KERCSMAR

v.

SANDS SCOTTSDALE HOME OWNERS
ASSOCIATION

TIMOTHY L MOULTON

RICHARD R THOMAS

MINUTE ENTRY

On or about April 7, 2010, Plaintiff Diamond Allied Services, LLC filed a notice of Lodge Amended Proposals Final Judgment; the Court has received and reviewed that pleading.

On or about April 12, 2010, Defendant, the Sands Scottsdale Homeowners Association filed Defendant's Response to Plaintiff's Notice of Lodging of Amended Proposed Final Judgment as an objection; the Court has received and reviewed that pleading.

On June 22, 2010, the matter was set for Oral Argument before this Court during which the parties argue the merits of their respective positions on the issue.

The Court has also reviewed the Notice of Acceptance of Offer of Judgment; the Offer of Judgment of Plaintiff; Plaintiff's Application for Fees and Costs;

Based upon the arguments of counsel, and the pleadings filed by the parties, the Court finds that the offer of judgment clearly provides for a separate and independent award of attorney's fees.

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Having reviewed Plaintiff's Application for an Award of Attorney's Fees, the Court finds that an award of attorney's fees is appropriate as it was contemplated by the offer of judgment.

IT IS ORDERED that Defendant's Objection to Award of Attorney's Fees is overruled.

IT IS FURTHER ORDERED that Plaintiff is entitled to an award of attorney's fees in the amount of \$39,232.00 and costs and the amount of \$2,242.00.

The Court is not inclined to award attorneys fees for the preparation of the Application for Attorney's Fees.

IT IS FURTHER ORDERED that Plaintiff's Request for Additional Attorney's Fees in the amount of \$7,928.00 is denied.

IT IS FURTHER ORDERED that Plaintiff shall submit an appropriate order to this Court within 30 days from the date of this ruling.