

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-096071

08/23/2022

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT

V. Felix

Deputy

JOHN SANDERS, et al.

CHRISTOPHER D HILL

v.

SPRINGFIELD COMMUNITY ASSOCIATION

DEAN R COX

JUDGE THOMPSON

MINUTE ENTRY

Division One, Arizona Court of Appeals has “remanded this matter to the superior court to conduct further proceedings to determine whether there is “clear, convincing and satisfactory proof” to reform the contract to include the names of John, Robert, and Lori, as SCA suggests”.

This Court has provided the parties the opportunity to provide written citations to the record which they believe demonstrate their respective positions in the issue submitted. The Court has since reviewed the portions of the communications between the parties, the representations of counsel to the Court and considered the arguments of the parties.

THE COURT FINDS as follows by clear, convincing and satisfactory proof that:

1. The parties intended to resolve all claims, including those of Plaintiffs in this action via the terms of the settlement;
2. Counsel for Plaintiffs was aware of the error in the release document and took advantage of the unilateral mistake of Defendant’s counsel;

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3. The actions of Plaintiffs' counsel in taking advantage of what he knew at the time to be a unilateral mistake on the part of Defendant's counsel in drafting the agreement of the parties constitutes inequitable conduct which justifies reformation of the contract to include the release of Plaintiffs' claims as part of the settlement agreement.

IT IS ORDERED signing this minute entry as a final written order of the Court. **The Court notes that no further matters remain pending and the order is entered pursuant to Rule 54(c), Arizona Rules of Civil Procedure.**

DATED this 23rd day of August 2022.

/ s / HONORABLE PETER A. THOMPSON

HONORABLE PETER A. THOMPSON
JUDICIAL OFFICER OF THE SUPERIOR COURT