

09/24/2002

CLERK OF THE COURT  
FORM V000A

HONORABLE ROBERT L. GOTTSFIELD

M. Johnson  
Deputy

CV 2002-090335

FILED: \_\_\_\_\_

TORRE BLANCA ASSOCIATION

CHARLES E MAXWELL

v.

DENNIS M NEWMAN, et al.

JACK H SIMON

MINUTE ENTRY

8:25 a.m. This is the time set for hearing defendants' Motion to Compel and for Sanctions and plaintiff's Cross Motion to Compel and for Sanctions. Counsel Mark E. Lines is present in person on behalf of plaintiff. Counsel Jack H. Simon is present telephonically on behalf of defendants.

Court Reporter, Lorraine Chalkey, is present.

Arguments are held.

After extended argument the Court orders as follows:

1. Granting defendants' request for occupant ledgers kept by the association or its agents showing the charges made and all payments received from July 19, 2001.
2. Granting defendants' request that plaintiff provide proof of all payments made by plaintiff to its attorneys from the date of the judgment to the date of filing the complaint only.

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3. Taking under advisement defendants' request for sanctions and plaintiff's cross motion to compel and for sanctions.

8:54 a.m. Matter concludes.

LATER:

The Court now denies defendants' request for sanctions and denies plaintiff's cross motion to compel and for sanctions.

By way of explanation even though plaintiff has provided an accounting on August 19, 2002 and that certainly is a help it is the Court's view that the defendants are entitled to actual occupant ledgers in order to verify the accounting. The Court also believes that proof of payments by plaintiff to its attorneys is a reasonable request during the period above ordered. Hopefully when these documents are provided it will result in a settlement of this lawsuit. The Court does not believe that sanctions are in order for either party under all the circumstances. Defendants avow they have no records to turn over as payments by Michelle Newman, the only person the judgment has been entered against in Justice Court on April 19, 2001. Such payments were made on her former boyfriend's checking account and are not available to Ms. Newman. The main dispute seems to be that Ms. Newman feels she paid off the Justice Court judgment which was in the total amount of \$2067.00 and it was paid off during the period of April 19, 2001 to the date plaintiff filed its lawsuit to foreclose lien. Defendants just want to be satisfied that all her payments were credited to the account and want to be able to determine how a principal balance \$4,357.12 accrued notwithstanding her alleged payment in full of the judgment. Defendants advise they now have unredacted copies of all attorneys' fees billings to plaintiff and there is no need for any in camera inspection by the Court.

The Court agrees with plaintiff that none of the three defendants may collaterally attack the Justice Court judgment in

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
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this action. They are only entitled, as now ordered by the Court, to proof of sums allegedly assessed against them from the date of the Justice Court judgment to the present.