

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-001318

09/08/2016

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

BRODIE POOLE, et al.

JONATHAN A DESSAULES

v.

VELDA ROSE ESTATES HOMEOWNERS
ASSOCIATION

CHRISTINA N MORGAN

KRIS SMITH

JUDGMENT SIGNED

Before the court are Plaintiffs' Statement of Costs, Application for Award of Attorneys' Fees and lodged Form of Judgment, and Defendant's Application for Award of Attorneys' Fees and lodged Form of Judgment.

Plaintiffs are the successful party, so they are entitled to taxable costs in the amount of \$585.76. For the same reason, Defendant is not entitled to costs or attorneys' fees.

Plaintiffs are not entitled to attorneys' fees. This action arose out of statute, not contract, so A.R.S. § 12-341.01(A) does not apply. Nor have Plaintiffs demonstrated an entitlement to fees under A.R.S. § 12-349. A.R.S. § 10-11604(C) does apply to this case, but the court finds that Defendant refused inspection in good faith and had a reasonable basis for doubt about Plaintiffs' right to inspect. Fees are, therefore, not awardable under this statute.

Consistent with this ruling,

IT IS ORDERED approving and settling the formal Judgment in favor of Plaintiffs Brodie Poole, Susan Rice, Gwendolyn Krogstad, Richard Bertling, Dianne Taylor Bertling, and

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Stan Hayes and against Defendant Velda Rose Homeowners Association electronically signed by the court on September 7, 2016. The Judgment will be electronically filed (entered) by the clerk on September 9, 2016.