

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-053962

09/19/2016

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenoever
Deputy

WAYNE L MULLINS

WAYNE L MULLINS
2937 E NISBET CT
PHOENIX AZ 85032

v.

NISBET GREENS HOMEOWNERS
ASSOCIATION INC, THE, et al.

MARK E LINES

BETH MULCAHY
ANDREA STEVENS
2946 E NISBET CT
PHOENIX AZ 85032

RULING

The Court has read and considered Defendant's Motion for Summary Judgment and all of the associated filings.

The Court agrees with the defendant's interpretation of Article IV, section 3 of the Declaration of Covenants, Conditions and Restrictions, with respect to both the maximum annual assessment and the effective date of the annual increases. All of the plaintiff's remaining claims are predicated on his contrary interpretation of the CC & Rs. The claims therefore fail as a matter of law.

IT IS THEREFORE ORDERED Defendants' Motion for Summary Judgment is granted.

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IT IS FURTHER ORDERED that the defendants (including, in addition to Nisbet Greens Homeowners Association, Beth Mulcahy and the Mulcahy Law Firm, Andrea Stevens, and the individual director defendants) shall have twenty days from the date on which the Clerk transmits this order to the parties in which to lodge a proposed form of order and to file any application for attorneys' fees and/or costs that may be appropriate.