

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2021-014955

09/07/2022

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT  
A. Walker  
Deputy

DOUBLETREE CANYON HOMEOWNERS  
ASSOCIATION

CURTIS S EKMARK

v.

TEODORA CUPES, et al.

JOHN N MOORE

JUDGE HANNAH

MINUTE ENTRY

East Court Building – Courtroom 811

9:13 a.m. This is the time set for a virtual Oral Argument regarding plaintiff's Motion for Summary Judgment, filed May 27, 2022. Plaintiff, Doubletree Canyon Homeowners Association, is represented by counsel, Curtis S. Ekmark. Defendants, Teodora Cupes and Cipriano Ionutescu, are represented by counsel, John N. Moore. Doubletree Canyon Homeowners Association Board President, Pam Coe, is also present. All parties appear via the Court Connect platform.

A record of the proceedings is made digitally in lieu of a court reporter.

Argument is presented.

For the reasons as stated on the record,

**IT IS ORDERED** plaintiff's Motion for Summary Judgment is granted.

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The basis for the ruling is that the property as it sits now is admittedly in violation of the CC&Rs. Specifically, the plan submitted to the Architectural Review Committee shows matching doors and windows, but the doors and windows on the structure do not match.

The court rejects the defendants' interpretation of section 3.2.21 of the CC&Rs. Though that section is entitled "Window Coverings," the second sentence states that "No reflective material shall be used on any Improvement without the prior written consent of the Architectural Review Committee." The "Improvement" is the building itself. The prohibition against "reflective materials" therefore is not limited to "window coverings." The prohibition applies to all exterior building surfaces including doors.

**IT IS FURTHER ORDERED** defendants shall have 90 days from the date of this minute entry to remedy the issue of non-matching windows and doors.

**IT IS FURTHER ORDERED** that the parties shall go through the process required by the CC&Rs with respect to the approval of the work that is to be done, e.g. the defendants shall provide the plaintiff's Architectural Review Committee with a sample of the materials to be used.

**IT IS FURTHER ORDERED** that the plaintiff shall submit a proposed form of judgment and any application for attorneys' fees and costs not more than 30 days from the date of this minute entry. Defendants shall file a response within 20 days and a reply shall be filed within 10 days.

**IT IS FURTHER ORDERED** that counsel meet and confer regarding the proposed form of judgment and attorneys' fees.

9:37 a.m. Matter concludes.