

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-010689

10/03/2003

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
L. Muhammad
Deputy

FILED: 10/10/2003

OAKWOOD LAKES COMMUNITY
ASSOCIATION INC

JAMES H HAZLEWOOD

v.

CEDRIC M WADE, et al.

SANFORD J GERMAINE

MINUTE ENTRY

3:02 p.m. This is the time set for hearing Defendants' Motion for New Trial or Alternatively to Set Aside Order. Plaintiff is represented by counsel James H. Hazlewood. Defendant Cedric M. Wade is present with counsel Sanford J. Germaine, who also represents Lisa M. Wade who is not present.

Court reporter: Michele Sink.

The Court has had the opportunity to review the Motion, the Response, and the Reply in this cause.

Court and counsel discuss the status of the case.

Lawrence A. Sentif is sworn and testifies.

The witness is excused.

Cedric Matthew Wade is sworn and testifies.

Both sides rest.

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Arguments are presented on Defendants Wade's Motion to Dismiss for Insufficiency of Service of Process.

3:32 p.m. By Counsel Germaine.

3:37 p.m. By Counsel Hazlewood.

IT IS ORDERED denying Defendants Wade's Motion to Dismiss for Insufficiency of Service of Process. THE COURT DOES FIND that the service of process was sufficient in this matter, pursuant to the Arizona Rules of Civil Procedure 41(d).

Arguments are presented on the Motion to Alternatively Set Aside the Order.

3:40 p.m. By Counsel Hazlewood.

3:43 p.m. By Counsel Germaine.

3:46 p.m. By Counsel Hazlewood.

IT IS ORDERED denying the Motion Set Aside the Order.

Both counsel are to rebrief the Motion for a New Trial.

Focusing on the meritorious defense argument and the enforceability of the CC&R's as part of the meritorious defense argument,

Petitioner/Defendant shall have **20 days** within which to supplement the Motion for New Trial.

Respondent/Plaintiff shall have **15 days** for Response.

Petitioner/Defendant shall have **5 days** for Reply.

The matter will be deemed submitted to the Court on the pleadings. The Court will not allow oral argument. The Court will rule on the Motion for a New Trial on the basis of case authority.

The permanent injunction shall remain in effect until further Order of the Court. The restraining Order shall remain in effect in the Respondent/Plaintiff.

3:49 p.m. Matter concludes.