

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-090668

10/24/2003

HON. BARBARA M. JARRETT

CLERK OF THE COURT
M. Brady
Deputy

FILED: 10/30/2003

DON P CRAMPTON

T GERALD CHILTON JR.

v.

EAGLE MOUNTAIN INVESTORS L.L.C., et al. ROBERT A HENRY

DOCKET-CIVIL-SE

MINUTE ENTRY

The Court previously heard oral argument on, and took under advisement, Defendant EMI's Motion to Dismiss the Complaint. The Court now makes the following findings and enters the following orders.

IT IS ORDERED granting Defendant EMI's Motion to Dismiss Plaintiff's Second Claim for Relief: Declaratory Judgment. The Court agrees with Defendants that the issue whether Plaintiff will be allowed to construct a particular residence on Lot 4 is between Plaintiff and The Eagle Mountain Community Association, not between Plaintiff and EMI. The Court also agrees with Defendant EMI that Plaintiff is not entitled to seek declaratory relief requiring Defendant EMI to provide at its expense a sewer tap that would not require a builder on Lot 4 to install a sewer ejector pump.

IT IS FURTHER ORDERED granting EMI's Motion to Dismiss any claim for punitive damages in this contractual dispute.

IT IS FURTHER ORDERED allowing Plaintiff to file an Amended Complaint.