

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-009316

10/18/2007

HONORABLE PETER SWANN

CLERK OF THE COURT
D. Monroe
Deputy

SUN GROVES HOMEOWNERS
ASSOCIATION

TRAYLOR E RICHARDSON

v.

ANGEL M AYLLON

ANGEL M AYLLON
4543 E GLENEAGLE DR
CHANDLER AZ 85249

ORDER TO SHOW CAUSE RETURN HEARING;
PRELIMINARY INJUNCTION ISSUED;
CASE CONTINUED ON INACTIVE CALENDAR

10:15 a.m. This is the time set for Order to Show Cause Return Hearing regarding Plaintiff's request for a preliminary injunction, evidentiary hearing, and trial on the merits. Plaintiff, Sun Groves Homeowners Association, is represented by counsel, Mark A. Holmgren. Defendant, Angel M. Ayllon, is neither present nor represented by counsel.

Court Reporter, Judie Bryant, is present.

Counsel for Plaintiff provides the Court with an affidavit of service reflecting that the Defendant was served on October 10, 2007, which is returned to counsel. It is now past the time set for this Return Hearing, and the Defendant has failed to appear. The Court proceeds in his absence.

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Discussion is held regarding relief being requested and suggested language for a Preliminary Injunction.

Carla Lynn Helmstadter is sworn and testifies.

IT IS ORDERED issuing a Preliminary Injunction as follows:

Within 30 days from the date of service of this order, Defendant must install landscaping pursuant to the landscaping plan he previously submitted and the Association approved, or in the alternative, 15 days from the date of service of this order, Defendant may submit a new landscaping plan, if he wishes, and install that landscaping within 30 days from the date of the Association's approval of the new landscaping plan.

The normal dates provided by the Rules of Civil Procedure for answering the Complaint and other duties in connection with this litigation remain unaltered. Should the Defendant fail to submit an Answer, in addition to this Preliminary Injunction, there may be a Default Hearing. Defendant is admonished of the continuing duty to comply with the Rules of Civil Procedure.

IT IS FURTHER ORDERED that no bond is required on the Preliminary Injunction.

Counsel is directed to have a copy of this Preliminary Injunction minute entry served on Defendant expeditiously. In the event that there is no Answer, counsel may move to set a Default Hearing. If an Answer is received, counsel may submit a request for a Rule 16 Conference, which will result in the issuance of the Court's scheduling minute entry.

Upon oral motion by counsel for Plaintiff,

IT IS ORDERED extending this case on the Inactive Calendar for dismissal without further notice on **January 31, 2008**.

10:25 a.m. Matter concludes.

/S/ HONORABLE PETER SWANN

JUDICIAL OFFICER OF THE SUPERIOR COURT