

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-009511

10/18/2024

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT
J. Lizardi
Deputy

CIRCLE G RANCHES 4 HOMEOWNERS
ASSOCIATION

ASHLEY N TURNER

v.

ALI F HOMSI

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2015 E MYRNA LN
TEMPE AZ 85284

JUDGE THOMPSON

MINUTE ENTRY

The Court has considered Plaintiff Circle G Ranches 4 Homeowners Association's Motion for Summary Judgment, filed on August 14, 2024. Defendant Ali Homsy has not filed a response or request for continuance regarding a response and the time for doing so under the Arizona Rules of Civil Procedure has passed.

The failure to respond to a motion may be treated as consent to its being granted. Ariz. R. Civ. P. 7.1(b). Moreover, an unopposed motion for summary judgment will be granted unless the moving party fails to present facts showing the absence of any materially disputed issue of fact. *E.g., Biondo v. General Motors Corp.*, 5 Ariz. App. 286, 291, 425 P.2d 856, 861 (1967) (affirming summary judgment); *see also Siner v. Stewart*, 9 Ariz. App. 101, 103, 449 P.2d 635, 637 (1969) (same). When, as here, the party against whom the motion is directed fails to respond, the facts asserted by the moving party are assumed to be true. *E.g., Sato v. Van Denburgh*, 123 Ariz. 225, 599 P.2d 181 (1979) (affirming summary judgment); *Schuldes v. National Surety Corp.*, 27 Ariz. App. 611, 617, 557 P.2d 543, 549 (App. 1976) (same). The motion and its accompanying statement of facts establish that there are no material facts in dispute that preclude granting the

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motion and that Plaintiff is entitled to judgment against Defendant in the amount of \$10,957.58 in unpaid assessments, late fees, fines and other authorized charges pursuant to the Covenants Codes and Restrictions in place and applicable to Defendant's property.

IT IS ORDERED granting Plaintiff Circle G Ranches 4 Homeowners Association's Motion for Summary Judgment filed August 14, 2024 seeking \$10,957.58 in unpaid assessments, late fees, fines and other authorized charges pursuant to the Covenants Codes and Restrictions in place and applicable to Defendant's property.

This is an action arising out of a purported contract, which entitles Plaintiff to apply for an award of attorney's fees. *Lacer v. Navajo County*, 141 Ariz. 392, 394, 687 P.2d 400, 402 (App. 1984).

IT IS ORDERED that not later than 20 calendar days after the entry of this order, Plaintiff may submit an application for an award of attorney's fees and statement of costs. If an application or statement is submitted that Defendant wishes to oppose, a response must be filed not later than 20 calendar days after service. Plaintiff is not permitted to file a reply unless requested to do so by the court.

IT IS FURTHER ORDERED that not later than 20 calendar days after the entry of this order, Plaintiff must also submit a proposed form of judgment, leaving blank spaces for attorney's fees and taxable costs. That form of judgment may incorporate by reference what is said here but otherwise should be confined to the amounts being awarded along with Rule 54(c) language.