

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-092038

11/09/2005

HON. MARK F. ACETO

CLERK OF THE COURT  
M. Brady  
Deputy

FILED: 11/10/2005

MARYLAND HEIGHTS GARDEN HOMES  
ASSOCIATION

CHARLES E MAXWELL

v.

BRENNDA FITTING, et al.

BRENNDA FITTING  
6611 N 46TH DR  
GLENDALE AZ 85301

MARK E LINES

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

On October 6, 2005, Plaintiff filed a "Motion for Partial Summary Judgment Regarding Liability for Breach of Contract and Foreclosure". The Court has reviewed the pleadings. Pursuant to Rule 7.1, the Court declines to schedule oral argument.

Plaintiff's breach of contract and foreclosure claims pivot off of Plaintiff's allegation that Defendant Brennda Fitting is liable to Plaintiff for unpaid assessments. Defendant admits that this allegation is true. As to the unpaid assessment allegation, there is no genuine issue of material fact and Plaintiff is entitled to judgment as a matter of law. Therefore,

IT IS ORDERED granting partial summary judgment in favor of Plaintiff and against Defendant Brennda Fitting regarding Plaintiff's claim that Defendant is liable to Plaintiff for some unpaid assessments.

**TELEPHONIC SCHEDULING CONFERENCE**

The Court wishes to discuss with the parties the topic of referral to some form of alternative dispute resolution. Therefore, it is ordered setting a telephonic scheduling conference on **January 6, 2006 at 2:30 p.m.**

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**NOTE:** This division will place the conference call at the time of the hearing.

Further,

IT IS ORDERED that both Plaintiff's counsel and Defendant Brennda Fitting participate in the telephonic scheduling conference. Further,

IT IS ORDERED that Defendant Brennda Fitting contact this division no later than 48 hours before the telephonic scheduling conference to advise this division of the phone number to use to contact her at the time of the telephonic scheduling conference. (If Defendant does not have access to a phone, Defendant must appear in person, in Court for the telephonic scheduling conference.)

The Court warns that failure to participate in the telephonic scheduling conference could result in sanctions. For example, if Defendant fails to participate in the conference, the Court could strike Defendant's answer, enter default against Defendant, and order that said default be effective as of the date of entry.

/ s / HON. MARK F. ACETO

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JUDICIAL OFFICER OF THE SUPERIOR COURT