

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-001341

11/14/2005

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
R. Tomlinson
Deputy

FILED: 11/17/2005

AHWATUKEE CUSTOM ESTATES
MANAGEMENT ASSOCIATION

JAMES H HAZLEWOOD

v.

JAMES M RAST, et al.

ROGER R FOOTE

ORDER ENTERED BY COURT

10:50 a.m. This is the time set for Oral Argument on Pending Motions for Summary Judgment. Present on behalf of the Plaintiff is Traylor Richardson for James Hazlewood and on behalf of the Defendants is Roger Foote.

Court reporter, Cindy Lineburg, is present

Argument is presented to the court.

For the reasons stated on the record,

IT IS ORDERED GRANTING in part the Plaintiff's Renewed Motion for Partial Summary Judgment on Count II. The court finds that the Plaintiff has the authority to impose deadlines and monetary penalties.

IT IS FURTHER ORDERED DENYING in part the Plaintiff's Renewed Motion for Partial Summary Judgment on Count II. The court finds that it is a fact question for trial as to the reasonable amounts of the monetary penalties.

IT IS FURTHER ORDERED GRANTING Plaintiff's Motion for Summary Judgment dismissing counterclaims.

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IT IS FURTHER ORDERED DENYING Defendants' Cross Motion for Summary Judgment on Liability on the Counterclaims.

LET THE RECORD REFLECT the trial will go forward to determine what, if any, is a reasonable amount for monetary penalties. The July 27, 2004 settlement date will be adopted as the date from which the fines will be determined.

11:28 a.m. Matter concludes.