

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-091574

11/27/2006

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
M. Brady
Deputy

CRESCENT BUTTE HOMEOWNERS
ASSOCIATION

ELISE SAADI

v.

LILY A HWA

STEVEN W CHEIFETZ

MINUTE ENTRY

The Court has before it Plaintiff's Motion for Summary Judgment, filed September 11, 2006 and the Defendant's Cross-Motion for Summary Judgment, filed October 17, 2006 and all related pleadings. Initially, the Defendant concedes that she is indebted to Plaintiff for fines and charges related to her violation of the CC&R's in an amount of \$1,453.75.

IT IS ORDERED GRANTING Plaintiff's Motion for Summary Judgment as to this debt.

Defendant contends, in her cross-motion for summary judgment, that the \$1,453.75 is comprised of items which do not entitle Plaintiff to foreclosure as a remedy. The Court agrees. From the record submitted by both parties, there is no genuine issue of material fact and Defendant's cross-motion for summary motion is appropriate as to Plaintiff's claim for a lien for the \$1,453.75 debt.

IT IS ORDERED DENYING Plaintiff's Motion for Summary Judgment regarding its claim for a lien and GRANTING Defendant's Cross-Motion for Summary Judgment as to Plaintiff's claim for a lien.

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IT IS FURTHER ORDERED that Plaintiff prepare a Proposed Form of Judgment within 30 days of the date this minute entry is filed.