

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-090996

11/05/2024

HONORABLE BRIAN D. KAISER

CLERK OF THE COURT  
K. Tiero  
Deputy

TAX LIEN SERVICES L L C

HEATHER MUIR HENDRIX

v.

LEE M BEITMAN, et al.

LEE M BEITMAN  
18209 N 2ND ST  
PHOENIX AZ 85022

ANNIE FRANCE AUGUSTINE  
NO ADDRESS ON RECORD  
FRANCES BEITMAN  
18209 N 2ND ST  
PHOENIX AZ 85022  
ROBERT BIRKS  
NO ADDRESS ON RECORD  
LYNNE A FISHER  
NO ADDRESS ON RECORD  
SEVEN PALMS HOMEOWNERS  
ASSOCIATION  
NO ADDRESS ON RECORD  
CHARLESTON PLACE HOMEOWNERS  
ASSOCIATION INC  
NO ADDRESS ON RECORD  
TURTLE ROCK I I I HOMEOWNERS  
ASSOCIATION  
NO ADDRESS ON RECORD  
CIRCULATION TECHNICIANS INC  
NO ADDRESS ON RECORD  
DUSTIN CHAD MCBRIDE  
SUNSET SHADOWS NO 2  
HOMEOWNERS ASSOCIATION  
NO ADDRESS ON RECORD

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BORIS PETROVIC  
NO ADDRESS ON RECORD  
COMM. KAISER

MINUTE ENTRY

Before the Court is Defendant Lee M Beitman's Affidavit of Costs, filed in this Court on October 7, 2024. This appears to be a statement of costs on appeal. Defendant's appeal was decided on July 23, 2024. The order of mandate issued on August 29, 2024. This Court issued its order in compliance with the mandate on October 4, 2024. The Appellate Court's decision read in part, "Because Beitman is the prevailing party on appeal, we award his taxable costs upon compliance with ARCAP 21."

Rule 21(b)(1), Arizona Rules of Civil Appellate Procedure, reads in part, "If a party is entitled to costs . . . the party must file a statement of costs *in the appellate court within 10 days* after the appellate clerk gives notice of the court's decision or order." *Id.* (emphasis added).

The Affidavit of Costs was not filed within 10 days of the appellate decision and the Affidavit was not filed in the appellate court as required by ARCAP 21. Moreover, had the Defendant complied with ARCAP 21, the Court of Appeals would have included an award of costs in its order of mandate. *See* ARCAP 21(e). No award of costs is included in the order of mandate.

Because the Affidavit is untimely and filed in the wrong court, it is DENIED.