

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-052755

12/10/2007

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

CARPEDIEM INVESTMENTS L L C

FREDERICK E DAVIDSON

v.

DESERT MOUNTAIN MASTER
ASSOCIATION, THE, et al.

CURTIS S EKMARK

MARIO F ESCUDERO
10421 E SCOPA TRAIL
SCOTTSDALE AZ 85262
RICHARD V MACK

UNDER ADVISEMENT RULING

The Court having taken multiple motions under advisement; having reviewed the memoranda of the parties and legal authorities cited therein; and good cause appearing,

IT IS ORDERED granting Defendants Kenny, Foltz, and Realty Executives, Inc.'s Motion for Summary Judgment; this Court finding that Plaintiff was aware prior to the purchase of the property that it was a consolidation of two formerly separate lots and Plaintiff had the obligation and the opportunity to determine whether or not it wanted to go through the process of re-splitting the property in question.

IT IS FURTHER ORDERED denying Plaintiff's Motion for Partial Summary Judgment Re: Invalidity of Lot Tie of Lots 363 and 364.

IT IS FURTHER ORDERED denying Desert Mountain Defendants' Motion for Summary Judgment on Negligent Misrepresentation Claim and Desert Mountain Defendants'

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Motion for Partial Summary Judgment on Plaintiff's Declaratory Judgment Claim as there are genuine issues of material fact

IT IS FURTHER ORDERED granting Desert Mountain Defendants' Motion for Summary Judgment on Promissory Estoppel Claim.

FINALLY, in light of the fact that all issues were adequately briefed for the Court there is no reason to consider Rule 56(F) Relief.