

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-051923

12/06/2018

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
W. Tenoever
Deputy

SUNRISE CONDOMINIUM ASSOCIATION

TROY B STRATMAN

v.

ROBERT K WELCH

MATTHEW ALLEN KLOPP

JUDGE BRUCE COHEN

**ATTORNEY FEE AWARD
ENTRY OF JUDGMENT**

Northeast Regional Court - Courtroom 112

10:06 a.m. This is the time set for Telephonic Oral Argument on Plaintiff Sunrise Condominium Association's Application for Award of Attorneys' Fees. Plaintiff Sunrise Condominium Association is represented by counsel, Troy B. Stratman. Defendant Robert K. Welch is represented by counsel, Matthew A. Klopp.

A record of the proceedings is made digitally in lieu of a court reporter.

Arguments are heard.

IT IS ORDERED taking Plaintiff Sunrise Condominium Association's Application for Award of Attorneys' Fees under advisement.

10:19 a.m. Matter concludes.

LATER:

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Plaintiff is entitled to attorney fees and costs, whether pursuant to ARS Section 33-1256(H) or 12-341.01. While there may be an inconsistency in the statutes as to whether all fees or only reasonable fees are to be awarded, there is little distinction when applied to this matter.

Defendant's counsel presented valid arguments against the fee award sought by Plaintiff. But the total fees sought by Plaintiff is reasonable, the actions taken were appropriate, and the hourly fee charged by Plaintiff's counsel is perhaps even on the lower side of what is customarily charged in the legal community. Further, fees charged in order to pursue an attorney fee claim are also reasonable, as contemplated by the statute.

That said, there is a relatively small sum that was incurred to address a meritorious claim of Defendant. Such does not change who the prevailing party is in this matter but reason and fairness would dictate that there be an adjustment to account for those fees, as argued by Defendant.

IT IS THEREFORE ORDERED that Plaintiff is entitled to an award of \$12,380 in attorney fees and \$473.50 in taxable costs.

The court further notes that by separate order filed concurrently herewith, final Judgment is entered by the court.