

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2016-000282-001 DT

03/08/2018

HONORABLE PATRICIA ANN STARR

CLERK OF THE COURT

C. Avena

Deputy

CANDLEWOOD ESTATES AT TROON
NORTH HOMEOWNERS ASSOCIATION

FREDERICK E DAVIDSON

v.

CAROL M ROOT (001)
ARIZONA DEPARTMENT OF FIRE BUILDING
AND LIFE SAFETY (001)

CAROL M ROOT
5080 SHADY ISLAND TRAIL
MOUND MN 55364

OFFICE OF ADMINISTRATIVE
HEARINGS
REMAND DESK-LCA-CCC

MINUTE ENTRY

This Court previously dismissed the appeal in this matter. On November 17, 2017, Appellee Carol Root filed a Motion for Costs. Appellant Candlewood Estates at Troon North Homeowners Association (“Candlewood”) filed an Objection on January 4, 2018, and Root replied.

First, Candlewood’s Objection was untimely filed. A party opposing a request for costs may file a response with 5 days after receipt of the request. A.R.S. § 12-346(B). Candlewood filed their Objection 48 days after Root filed her request for costs, which was plainly untimely, and provided no explanation for the late filing.

Moreover, the objections raised by Candlewood do not mandate against an award of costs. First, while Candlewood claims that Root is not entitled to costs because her husband has acted on her behalf, it provides nothing but supposition in support of that claim. Second, Candlewood complains that the request for costs is not “verified,” and thus must be denied. But

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the request is signed by Root, and includes a copy of the filing fee receipt, providing all the information required to show that Root paid the fee.

Therefore,

IT IS ORDERED awarding costs in the amount of \$222.00 to Appellee Carol Root.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court.

/s/ Patricia A. Starr

THE HON. PATRICIA A. STARR
JUDGE OF THE SUPERIOR COURT

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. **Therefore, you will have to deliver to the Judge a conformed courtesy copy of any new filings.**