

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2013-000086-001 DT

07/25/2013

COMMISSIONER MYRA HARRIS

CLERK OF THE COURT
J. Eaton
Deputy

COLONY BILTMORE-GREENS
HOMEOWNERS ASSOCIATION INC

BETH MULCAHY

v.

SUSAN H GRANT (001)

SUSAN H GRANT
C/O ASHLEY A MARTON
510 EAST 20TH ST STE 2B
NEW YORK NY 10009

ARCADIA BILTMORE JUSTICE
COURT
REMAND DESK-LCA-CCC

MINUTE ENTRY

Lower Court Case No. CC2012004442 RC.

Defendant-Appellant Susan H. Grant (Defendant) requests that this Court reconsider its Minute Entry ruling because Defendant asserts there was no evidence supporting this Court's determination that she paid the amounts the HOA claimed just days before the trial. Defendant contends this Court erred. This Court has read Defendant's request for rehearing, Plaintiff's response, and has reviewed its Minute Entry ruling as well as the trial court file. Plaintiff's request is denied.

In reviewing this Court's prior Minute Entry ruling of April 29, 2013, this Court noted it erred on page 7 of that ruling by referring to Plaintiff dismissing its case. A review of the trial court orders indicates the Plaintiff's case was not dismissed: instead, the trial court vacated the trial after finding the trial was unnecessary. This Court therefore amends its Minute Entry ruling of April 29, 2013, to remove the phrases "Plaintiff dismissed its case" from page 7. Instead, the sentence should read:

Here, the trial court vacated the trial because Defendant voluntarily paid the underlying assessment.

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Each party requested attorneys' fees. Plaintiff prevailed and is awarded its reasonable attorneys' fees for the preparation of its response to Defendant's request for rehearing.

IT IS THEREFORE ORDERED denying Defendant's request for rehearing.

IT IS FURTHER ORDERED amending the Minute Entry ruling of April 29, 2013, as indicated above.

IT IS FURTHER ORDERED awarding Plaintiff its reasonable attorneys' fees for the preparation of its response.

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

/s/ Myra Harris

THE HON. MYRA HARRIS
Judicial Officer of the Superior Court

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