

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2011-000543-001 DT

11/09/2011

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT
H. Beal
Deputy

CORTESSA COMMUNITY ASSOCIATION

JEREMY M GOODMAN

v.

ANGELA LINNER (001)

ANGELA LINNER
18005 W HATCHER RD
WADDELL AZ 85355

REMAND DESK-LCA-CCC
UNIVERSITY LAKES JUSTICE COURT

RECORD APPEAL RULING / REMAND

Lower Court Case Number CC2010456416RC

The University Lakes Justice Court entered a judgment against Defendant-Appellee Angela Linner (Defendant). The trial court awarded Plaintiff-Appellant Cortessa Community Association (Plaintiff) \$400.00 in attorney's fees. Plaintiff contends the trial court abused its discretion by reducing the amount of attorney's fees requested. For the reasons stated below, this Court affirms the judgment imposed.

I. FACTUAL BACKGROUND.

In July 2010, Plaintiff filed a civil complaint against Defendant, wherein it sought \$3,120.72 for unpaid homeowner association fees and late fees. This complaint did not include a request for attorney's fees. On December 3, 2010, Plaintiff, through its counsel, filed a First Amended Complaint, wherein it sought \$2,000.00 in attorney's fees. After Defendant failed to answer or appear, the trial court entered a default judgment against Defendant on April 28, 2011, wherein it awarded Plaintiff \$400.00 in attorney's fees and \$294.00 in costs. Notably, the default judgment form prepared by Plaintiff requested \$1,701.90 in attorney's fees and \$366.93 in costs. On May 11, 2011, Plaintiff filed a timely notice of appeal. This Court has jurisdiction pursuant to ARIZONA CONSTITUTION Art. 6, § 16, and A.R.S. § 12-124(A).

II. ISSUE: DID THE TRIAL COURT ABUSE ITS DISCRETION WHEN IT REDUCED PLAINTIFF'S AWARD OF ATTORNEY'S FEES AND COSTS.

There is nothing in the record to explain why the trial court reduced the requested attorney's fees and costs. An award of attorneys' fees is within the sound discretion of the trial court and will not be disturbed absent an abuse of that discretion. *Orfaly v. Tucson Symphony Society*,

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209 Ariz. 260, 99 P.3d 1030, ¶ 18 (Ct. App. 2004). “While preferably a better practice, it is not necessary for the trial court to state the reasons for its denial of attorneys’ fees on the record.” *Associated Indemnity Corp. v. Warner*, 143 Ariz. 567, 571, 694 P.2d 1181, 1185 (1985). When a trial court gives no reasons for denying a request for fees, “we uphold a decision on attorneys’ fees under A.R.S. § 12–341.01 if it has any reasonable basis.” *Uyleman v. D.S. Rentco*, 194 Ariz. 300, 305, 981 P.2d 1081, 1086 (Ct. App. 1999). Ostensibly, the trial court found the requested attorney’s fees and costs to be unreasonable. In light of the uncomplicated legal efforts to file a four-page amended complaint, motions for alternative service, and forms associated with the default judgment, this Court finds no abuse of discretion by the trial court.

III. CONCLUSION.

Based on the foregoing, this Court concludes that the trial court did not abuse its discretion when it reduced Plaintiff’s award of attorney’s fees and costs.

IT IS THEREFORE ORDERED affirming the judgment of the University Lakes Justice Court.

IT IS FURTHER ORDERED remanding this matter to the University Lakes Justice Court for all further appropriate proceedings.

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

/s/ Crane McClennen
THE HON. CRANE MCCLENNEN
JUDGE OF THE SUPERIOR COURT

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