

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

**FILED** ✓  
**DATE: 05/13/2020**  
**5 O'Clock P.M.**  
**Donna McQuality, CLERK**  
**BY: L. WILLIAMS**  
Deputy

DIVISION: 4

DONNA McQUALITY, CLERK

HON. KRISTA M. CARMAN

By: L. WILLIAMS, Deputy Clerk

CASE NO. P1300CV201800905

DATE: May 13, 2020

**TITLE:**

WILLIAM GILBERT and APRIL GILBERT,  
husband and wife,  
(Plaintiffs)

**COUNSEL:**

*William J. O'Leary and Michael P. Thieme,*  
O'Leary Eaton, P.L.L.C. (e)  
(For Plaintiffs)

vs.

LEGEND HILLS COMMUNITY ASSOCIATION,  
an Arizona non-profit corporation; John and Jane  
Does 1-10; ABC Trusts 1-10; DEF Corporations 1-  
10; UVW Partnerships 1-10; and XYZ Limited  
Liability Companies 1-10,  
(Defendants)

*J. Gary Linder and Sean M. Moore,*  
Jones, Skelton & Hochuli, P.L.C. (e)  
(For Defendants)

**HEARING ON:**

ORAL ARGUMENT/  
STATUS CONFERENCE/  
TRIAL SETTING CONFERENCE

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

MINA HUNT

**START TIME: 9:02 a.m.**

APPEARANCES: William J. O'Leary, Counsel for the Plaintiffs  
J. Gary Linder, Counsel for the Defendants, telephonically

This is the date and time set for an Oral Argument, Status Conference, and Trial Setting Conference.

The Court **NOTES** having reviewed the previous Under Advisement Ruling, the CC&Rs and all pending motions and responses.

Counsel present argument.

The Court **FINDS** a distinct difference as to the authority that is granted to the Association and the Board under the CC&Rs. The Association's purpose is stated in the CC&Rs. The plain face of the contract is unambiguous and makes distinctions between the Board's and the Association's authority.

**IT IS ORDERED:**

- **Granting** the *Plaintiffs' Motion for Reconsideration* in favor of the Plaintiff.
- Counsel for the Plaintiffs shall file an Application for Attorney's Fees within 10 days.
- Counsel for the Defendants shall file an Application for Attorney's Fees within 10 days.

**END TIME: 9:26 a.m.**

cc: Krista M. Carman – Division 4 (e)