

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-022841

03/07/2014

HONORABLE KATHERINE COOPER

CLERK OF THE COURT

D. Harding

Deputy

CAMELHEAD HEIGHTS HOMEOWNERS
ASSOCIATION INC

JAKE D CURTIS

v.

ANDREW L NICKLES, et al.

PAMELA L KINGSLEY

CLARE H ABEL

DOCKET-CIVIL-CCC

MINUTE ENTRY

The Court has reviewed and considered Plaintiff's Supplemental Application for Attorneys' Fees for Sanctions under A.R.S. § 12-349, filed January 31, 2014; Defendants' Response, filed February 10, 2014; and Plaintiff's Reply, filed February 10, 2014.

The Court has also reviewed Plaintiff and Defendants' proposed forms of Judgment and the parties' respective pleadings regarding the proposed judgments.

The above-entitled and numbered cause having been heard by bench trial on July 22-25, 2013, and the Court having rendered a decision in favor of Plaintiff Camelhead Heights Homeowners Association, Inc. and against the named Defendants pursuant to its Under Advisement Ruling filed with the Clerk on September 30, 2013,

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Camelhead Heights Homeowners Association, Inc., has judgment against all Defendants Andrew L. Nickles, Cheryl L. Nickles, A-C Red Rock Trust, the Heirs of Daniel E. Ellis, Jr. and Janet K. Ellis, and First American Title Insurance Company, as the successor to Arizona Title Insurance and Trust

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Company pursuant to Trust No. 3733 and Counterclaimants Andrew L. Nickles, Cheryl L. Nickles, and A-C Red Rock Trust, as follows:

(a) Plaintiff Camelhead Heights Homeowners Association, Inc., is the rightful fee owner of Tract A and Tract B of Camelhead Heights subdivision, and more specifically described as follows:

Tract A of CAMELHEAD HEIGHTS, according to the Plat of record at Book 140 of Maps, Page 49, records of Maricopa County, Arizona.

Tract B of CAMELHEAD HEIGHTS, according to the Plat of record at Book 140 of Maps, Page 49, records of Maricopa County, Arizona.

(b) Defendants Andrew and Cheryl Nickles and A-C Red Rock Trust have no estate, right, title or interest in Tracts A and B and are barred and forever estopped from having or claiming any right or title to Tracts A and B, except for:

A utility easement across Tract B "FOR ACCESS AND UTILITIES IN FAVOR OF 4850 EAST RED ROCK DRIVE, PHOENIX, ARIZONA," based on that certain Quit Claim Deed dated August 31, 2000 and recorded at Maricopa County Recorder Instrument No. 2000-0674175.

(c) Defendants Daniel and Janet Ellis and their heirs have no estate, right, title or interest in Tracts A and B and are barred and forever estopped from having or claiming any right or title to Tracts A and B.

(d) Defendant First American Title Insurance Company, as the successor to Arizona Title Insurance and Trust Company pursuant to Trust No. 3733, has no estate, right, title or interest in Tracts A and B and is barred and forever estopped from having or claiming any right or title to Tracts A and B.

(e) The use of Tract B is restricted to recreational use by and for the benefit of the lot owners of the Camelhead Heights subdivision.

(f) Except for the utility easement described in subsection (b) above, Counterclaimants shall have and take nothing against Counterdefendants.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Camelhead Heights Homeowners Association, Inc., shall have judgment against Defendants A-C Red Rock Trust, Andrew Nickles, and Cheryl Nickles, jointly and severally, for the following amounts:

\$1,126.54	Taxable Costs Incurred Prior to January 10, 2012
\$3,346.26	Taxable Costs Incurred After January 10, 2012
\$6,692.52	Doubled Taxable Costs (Rule 68 sanction)
\$16,089.00	Expert Witness Fees for Robert P. Lindfors (Rule 68 sanction)
\$140,203.75	Attorneys Fees
\$17,761.22	Additional Attorneys Fees (A.R.S. 12-349 sanction)

for a total amount of **\$181,873.03**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that interest shall accrue on the total amount at the legal rate of 4.25% per annum from the date of this Judgment until paid in full.

This is a final Judgment pursuant to Rule 54(c). There are no matters still pending in this case.

DONE IN OPEN COURT this 7th day of March, 2014.

/ S / HONORABLE KATHERINE COOPER

HONORABLE KATHERINE COOPER
JUDICIAL OFFICER OF THE SUPERIOR COURT

Effective April 15, 2014 new civil rules and forms are in effect for managing cases moving to trial. Be sure to review the new Civil Rules 16, 26, 37, 38, 72 through 74 and 77.