ARIZONA COURT OF APPEALS

DIVISION ONE

AZNH REVOCABLE TRUST, by and through **JOHN and SUSAN SULLIVAN, TRUSTEES, REAL PARTIES IN INTEREST** Plaintiff/Appellant/Cross-Appellee v. **SUNLAND SPRINGS VILLAGE HOMEOWNERS ASSOCIATION**, Defendant/Appellee/Cross-Appellant	No. 1 CA-CV 25-0424 Maricopa County Superior Court CV 2023-096192

OPENING BRIEF
OF PLAINTIFF/APPELLANT/CROSS-APPELLEE
AZNH REVOCABLE TRUST

John Sullivan
State Bar No. 023018
1909 E. Ray Rd., Suite 9198
Chandler, Arizona 85225
(480) 818-5070
Email: info@SullivanAppeals.com
Attorney for AZNH Revocable Trust

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Introduction

Plaintiff/Appellant, AZNH Revocable Trust ("Homeowner"), is a member of a planned community with about 4,000 residents, Sunland Springs Village Homeowners Assoc. ("HOA"), Defendant/Cross-Appellant.

Pursuant to A.R.S. § 33-1804(A) & (F) (Planned Communities "Open Meeting Law") the HOA Board must conduct all meetings and take formal action in open session unless an exception applies. The Board may meet in closed session to "consider" a matter if one of five (5) exceptions applies and the Board (acting as a group) in open session follows the procedure in A.R.S. § 33-1804(C) prior to closed session. Rather than obey § 33-1804(C), the HOA manager and the Board President have been meeting secretly to arrange closed meetings without participation of the entire Board and without following the Open Meeting Law.

Pursuant to A.R.S. § 33-1804(D) & (F), Board meeting notices and agendas must be issued in advance of a Board meeting which "inform" the Homeowner of the matters to be discussed or decided. The Board has not been informing the Homeowner as required.

Homeowner complains that the HOA's interpretation and application of the Open Meeting Law deprives the Homeowner of the exercise and benefit of rights granted under the statute, to wit:

- The right to attend and speak at HOA Board meetings which are required to be open for members;

- The right to speak before the HOA Board takes formal action or votes; and,

- The right to receive notices and agendas which provide information reasonably necessary to inform the Homeowner of the matters to be discussed or decided by the HOA Board.

The HOA denies that it has misconstrued the law or deprived the Homeowner of the rights granted by the statute.

The Homeowner's attempts at informal resolution were rejected.

Homeowner sought declaratory judgment regarding its rights under the Open Meeting Law. "Any person . . . whose rights, status or other legal relations are affected by a statute . . . may have determined any question of construction or validity arising under the . . . statute . . . and obtain a declaration of rights, status or other legal relations thereunder. A.R.S. § 12-1832.

No coercive relief was sought in Superior Court and none is sought on appeal.

Statement of the Case

Following discovery, the Homeowner sought Summary Judgment by applying the Open Meeting Law to the undisputed facts (IR 44-46). The HOA opposed Summary Judgment based upon their statutory interpretation (IR 39-41).

The Superior Court granted Summary Judgment in part (IR 50):

A. All voting or formal actions by the HOA Board of Directors must be done in open session;

and, denied Summary Judgment in part (IR 50):

B. HOA has satisfied its obligations under A.R.S. § 33-1804(C); and,
C. HOA's descriptions given in meeting notices and agendas are sufficient under A.R.S. § 33-1804(F).

The Superior Court denied Homeowner's motion for reconsideration (IR 51) and, on April 17, 2025, a final Judgment and Order was entered on A, B & C above (IR 56).

Homeowner appeals B & C above (IR 57); HOA cross-appeals A (IR 61).

This Court has appellate jurisdiction pursuant to A.R.S. § 12-2101(A)(1).

Statement of Facts

I. Standard of Review

The applicable statute and relevant facts are not in dispute. (IR 44-46). Mixed questions of law and fact are questions in which: the facts are established; the rule of law is undisputed; and, the issue is whether the facts satisfy the statutory standard. *Pullman-Standard v. Swint*, 456 U.S. 273, 289 n. 19 (1982). 1 *Arizona Appellate Handbook 2.0*, ch. 7 § (3)(C) (Samuel A. Thumma et al, eds., 2020).

In general, appellate courts review mixed questions of law and fact *de novo*. *Leach v. Reagan*, 245 Ariz. 430, 437, ¶ 27 (2018) *citing Wilmot v. Wilmot*, 203 Ariz. 565, 569, ¶ 10 (2002) (Questions of law or statutory construction are reviewed *de novo.*). *Arizona Appellate Handbook 2.0*, *supra*.

II. Facts Relative to Whether HOA has Complied with A.R.S. § 33-1804(C)

The HOA admits (and Homeowner agrees) that § 33-1804(C), expressly provides:

> Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, **the board shall identify** the paragraph under subsection A of this section that authorizes the board to close the meeting.

A.R.S. § 33-1804(C) (IR 44, p.3, ¶ 6) (bold added) (subsection D requires meeting notices and agendas in advance of Board meetings).

The HOA has seven board members and the HOA admits the Board *has not* been identifying the subsection which authorizes a closed session. (IR 44, p.4, ¶¶ 7 & 8). The HOA has admitted that prior to all Board meetings the HOA community manager decides which matters appear on an open meeting or closed meeting agenda, and prepares proposed meeting agendas. (IR 44, p.4, ¶ 8). Thereafter, the Board President meets with the HOA manager to review the proposed meeting agendas to confirm that each item has been placed on the correct agenda. *Id*. At that time, the Board president approves the Board's open and closed meeting agendas. *Id*.

The Homeowner claims:

> The key requirement of Subsection C (*supra*) is "the board shall identify the paragraph under subsection A of this section that authorizes the board to close the meeting." Such Board action does not qualify for a closed meeting under subsection A, 1-5. Therefore, this Board action must be conducted in an open session and comply with all open meeting requirements.

(IR 34, p.7, lines 9-12).

The HOA claims they fully comply with Subsection C as follows:

> Before each closed executive session, the Association posts a notice identifying the applicable subsection(s) of A.R.S. § 33-1804 that permit the Board to conduct a closed meeting.

(IR 44, p.4, ¶ 9). See IR 46 for the above-referenced HOA notices submitted to the Superior Court.

The Superior Court stated:

> As long as a meeting notice identifies the subsection of A.R.S. § 33-1804(A) that authorizes it to meet in a closed session, Defendant has satisfied its obligations under A.R.S. § 33-1804(C).

(IR 50, pp. 3-4).

III. Facts Relative to Whether the HOA's Meeting Notices and Agendas Comply with A.R.S. § 33-1804(F)

A.R.S. 33-1804(F) states, in relevant part:

> It is the policy of this state as reflected in this section that . . . **notices and agendas** be provided in advance [of Board] meetings that **contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided** . . ..

(Bold added.)

HOA Board meeting notices and agendas, as submitted to the Superior Court, are found in IR 46 & IR 35 respectively.

The Homeowner claims:

> The HOA's construction of the statute has deprived Homeowner of the right to receive notices and agendas for Board meetings that contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided. (IR 1, ¶ 21).

The HOA asserts that its notices and agendas fully comply with the statute. (IR 41, p.8, sec. 8).

The Superior Court stated:

> The Court has reviewed the sample meeting notices Plaintiff provided and determined that those meeting notices satisfy the requirements of A.R.S. § 33-1804(F).

(IR 50, p.4).

Issues Presented for Review

I. Whether the HOA has construed and applied A.R.S. § 33-1804(C) in a manner which deprives the Homeowner of the exercise and benefit of statutory, open meeting rights under A.R.S. § 33-1804(A) & (F)?

II. Whether the HOA has construed and applied A.R.S. § 33-1804(F) in a manner which deprives the Homeowner of the statutory right to receive meeting notices and agendas which inform Homeowner of the matters to be discussed or decided?

Argument

I. Whether the HOA has construed and applied A.R.S. § 33-1804(C) in a manner which deprives the Homeowner of the exercise and benefit of statutory, open meeting rights under A.R.S. § 33-1804(A) & (F)?

The legislature has stated:

> It is the policy of this state as reflected in this section that all meetings of a planned community, whether meetings of the members' association or meetings of the board of directors of the association, be conducted openly and that notices and agendas be provided in advance for those meetings that contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided and to ensure that members have the ability to speak after discussion of agenda items, but before a vote of the board of directors or members is taken. Toward this end, any person or entity that is charged with the interpretation of these provisions, including members of the board of directors and any community manager, shall take into account this declaration of policy and shall construe any provision of this section in favor of open meetings.

A.R.S. § 33-1804(F). See § 33-1804(A) requiring open meetings unless a specific exception applies.

A.R.S. § 33-1804(C) requires:

> Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, the **board shall identify** the paragraph under subsection A of this section that authorizes the board to close the meeting. (Bold added.)

A.R.S. § 33-1804(D), as applicable here, requires notice of the date, time and place of a Board meeting and specifies the time frame for such notices.

The key requirement of § 33-1804(C) is that the Board, by formal group action, must identify the applicable paragraph.

The Superior Court correctly found [under § 33-1804(A) & (F)] that "all voting or formal actions by the [HOA] Board of Directors must occur in open meetings." (IR 56, p.1). The Court erred, however, when it found:

> As long as a meeting notice identifies the subsection of A.R.S. § 33-1804(A) that authorizes it to meet in a closed session, [the HOA] has satisfied its obligations under A.R.S. § 33-1804(C).

(IR 50, last sentence of p.3 continued to p.4.).

The Superior Court did not address or analyze the requirement that the Board of Directors must identify the applicable paragraph of § 33-1804(A) to comply with § 33-1804(C).

The Superior Court correctly found that the all provisions of A.R.S. § 33-1804 must be construed in favor of open meetings (IR 50 p.3, first full paragraph) and correctly observed that closed sessions are strictly limited to consideration of matters identified in A.R.S. § 33-1804(A)(1-5). (IR 50, pp.2-3.) The Superior Court also found: "Any matters that do not fall directly under one of the express provisions of A.R.S. § 33-1804(A) must be considered in open meetings." (IR 50, p.4.) The Board's act of identifying the applicable paragraph which allows a closed session is ***not*** among the matters which may be considered in closed session. Thus, the Board's act of identifying the applicable paragraph must be

conducted in open session and comply with all open meeting requirements (i.e., providing Homeowner with notices, agendas and opportunity to speak).

Moreover, neither § 33-1804(A) nor § 33-1804(C) require a Board to consider any matter in a closed session; § 33-1804(C) merely allows the Board to meet in closed session if the Board (by quorum majority) chooses to do so by identifying the applicable open meeting exception.

By failing to meet in open session to identify the statutory paragraph which "authorizes the board to close the meeting," and by allowing the Board President and Community manager to make that identification in a secret meeting, the HOA and its Board have deprived the Homeowner of the exercise and benefit of open meeting rights granted under A.R.S. § 33-1804(A) & (F), to wit:

- The right to attend and speak during deliberations and proceedings at HOA Board meetings which are required to be open for members;
- The right to speak before the HOA Board takes formal action or votes; and,
- The right to receive notices and agendas which provide information reasonably necessary to inform the Homeowner of the matters to be discussed or decided by the HOA Board.

When the Board meets openly to conduct association business, the Homeowner has an opportunity to scrutinize and evaluate the Board's conduct; this is an essential and intended benefit of open Board meetings. When the Board meets openly to consider and decide whether to meet in closed session, the Homeowner

is able to scrutinize, evaluate, and perhaps further investigate, whether, among other things:

- There have been an excessive number of closed sessions or too many on a recurring topic;
- The Board is abusing the closed meeting exceptions;
- The Board is engaged in too many controversies;
- The Board is, seemingly, too frequently utilizing (and paying) an attorney;
- The Board is not giving adequate consideration to whether a closed meeting is appropriate or authorized; and,
- One or more Board members have been frequently absent from meetings.

Furthermore, the Homeowner has a right to speak about these (and other) issues at the Board meeting before the Board votes or takes formal action to identify the applicable paragraph for a closed meeting. A.R.S. § 33-1804(A) & (F).

The legislature has clearly stated that all meetings of the Board must be conducted openly in accordance with rights granted to the Homeowner, unless the Board has identified the applicable paragraph of § 33-1804(A) which authorizes a closed session. See § 33-1804(A), (F) & (C). The Superior Court erred when it made a *de facto* finding that the Board may meet in closed session without first identifying the applicable paragraph of § 33-1804(A).

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II. Whether the HOA has construed and applied A.R.S. § 33-1804(F) in a manner which deprives the Homeowner of the statutory right to receive meeting notices and agendas which inform Homeowner of the matters to be discussed or decided?

A.R.S. § 33-1804(D) requires notices & agendas in advance of Board meetings, and § 33-1804(F) (*supra*) requires:

> that notices and agendas be provided in advance for those meetings that contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided . . ..

A.R.S. § 33-1804(F).

The meeting notices and agendas viewed by the Superior Court (IR 46 & IR 35) exemplify the HOA's meeting notices and agendas which fail to 'inform' the Homeowner as required.

The HOA's Board meeting notices do not <u>inform</u> the Homeowner of the matters to be discussed or decided. Instead, they state, for example:

> Closed to Owners in accordance with
> ARS §33-1804 A.1, A.3, and A.5
> Executive Meetings are posted per law, and not
> open to Owners except by invitation.

(IR 46, Meeting Notice, Feb. 21, 2023).

The HOA's Board agendas are also non-compliant; See, Sept. 9, 2024, for example:

> III. § 33-1804.1 Legal Advice
>
> IV. § 33-1804.2 Pending or Contemplated Litigation

V. § 33-1804.3 Personal/Health/Financial Information About Individual Member or Employee or Contractor

VI. Delinquency Review

VI. Non-Compliance

(IR 35, Sept. 9, 2024, Agenda). The statute does not define '*inform*' and, upon research, nor does any Arizona case.

"Statutory terms must be given effect in accordance with their commonly accepted meanings, unless the legislature has offered its own definition of the words or it appears from the context that a special meaning was intended." *Planned Parenthood Arizona, Inc. v. Mayes*, 257 Ariz. 137, 142, ¶16 (2024) (cites omitted). *See* A.R.S. § 1-213 (requiring same). To determine "commonly accepted meanings," courts use established and widely used dictionaries. *Id.* Courts may also consider a statement of legislative intent, including a construction provision, in discerning the meaning of a statute. *Id*.

'Inform' is defined as **"to communicate knowledge to"** [Inform, Merriam-Webster's Collegiate Dictionary, 11th Edition (2014 Kindle Version)] and **"to tell someone about particular facts"** [Inform, Cambridge Dictionary, https://dictionary.cambridge.org/dictionary/english/inform (last visited July 6, 2025)]. Thus, to comply with § 33-1804(F), the HOA must provide information to the Homeowner which is reasonably necessary to communicate knowledge and particular facts about the matters to be discussed or decided by the Board. This is

especially true in light of the legislature's stated policy that the Board must conduct its meetings openly. *See also* A.R.S. § 1-211(B) ("Statutes shall be liberally construed to effect their objects and to promote justice.").

The HOA's meeting notices and agendas do not comply with § 33-1804(F) and they disfavor the Homeowner's rights. The mere recitation of the statutory paragraph which allows a closed session of a Board meeting does not communicate knowledge and particular facts. Additionally, a single word such as 'non-compliance' or 'delinquency' communicates nothing about what is to be discussed, considered or decided. Consequently, the HOA's construction and application of the statute deprives Homeowner of the right to receive meeting notices and agendas which inform Homeowner of the matters to be discussed or decided.

The HOA's Erroneous Statutory Construction

The Board has discretion to close a portion of their meeting provided they follow a specific procedure (*supra*) to consider a matter falling within five (5) general categories. *See* A.R.S. §§ 33-1804(A)(1-5) and 33-1804(C). Similarly, the HOA is required to make records available for inspection, and the legislature has specified exceptions where the HOA has discretion to withhold a "portion" of HOA records. *See* A.R.S. § 33-1805 (requiring records inspection and identifying five (5) categories of exceptions).

The HOA argues:

> SSV HOA's notices properly identify the subsections of [A.R.S. § 33-1804](A) permitting a closed session and its agendas provide a general overview of as much "reasonably necessary" information it can provide members without divulging confidential information.

IR 41, p.9, lines 11-14.

At the hearing on Summary Judgment, the core of the HOA's argument was that the HOA is allowed to withhold information from meeting notices and agendas based upon the Board's ability to consider a matter in closed session combined with the HOA's ability to withhold portions of HOA records. IR 59, p.13, line 23 et seq.

The HOA's argument ignores the broader statutory scheme and makes the statutory requirements for notices and agendas under § 33-1804(D) & (F) superfluous, void, or insignificant. Statutory interpretations which render other statutory provisions meaningless must be avoided. *State v. Foothills Rsrv. Master Owners Ass'n, Inc.*, 562 P.3d 866, 874 ¶ 27 (Ariz. 2025). *See State v. Serrato*, 568 P.3d 756, 761 ¶ 19 (2025) (disapproving interpretations that render statutory provisions superfluous, void, contradictory or insignificant.). Statutes which address the same subject or general purpose should be read as a whole and harmonized where possible. *Mussi v. Hobbs*, 255 Ariz. 395, 401, ¶ 30 (2023).

When a matter may be subject to a closed session, the agenda should provide more than just a recital of the statutory provisions authorizing a closed session, but the agenda need not disclose information that would defeat the HOA's ability to

protect attorney-client communications or the privacy interests expressed in §§ 33-1804(A)(1-5) & § 33-1805(B)(1-5).

It should be remembered that the legislature has **mandated** the content of meeting notices and agendas under § 33-1804(D) & (F), whereas whether to close a meeting session [§ 33-1804(A) & (C)] or whether to withhold portions of HOA records [§ 33-1805(B)] are discretionary functions. Where these statutes seemingly intersect, the HOA must substantially comply with § 33-1804(D) & (F), and statutory harmony can be achieved without disclosing legal advice or privacy interests.

For example:

i. <u>Legal Advice & Privileged Communications</u>
<u>§§ 33-1804(A)(1) and § 33-1805(B)(1)</u>

For legal advice or attorney-client communications, the agenda can state, '**consultation with HOA attorney on**' followed by the substantive essence of the matter, e.g., HOA duties under the Declaration; personal injury claim; vendor issue; or, unpaid homeowner assessment.

ii. <u>Pending or Contemplated Litigation</u>
<u>§§ 33-1804(A)(2) and § 33-1805(B)(2)</u>

Pending and contemplated litigation are different matters. Pending litigation has begun, but not yet completed. *Lopez v. Food City*, 234

Ariz. 349, 351 ¶ 7 (Div. 2, 2014). An action or suit is 'pending' from its inception until the rendition of final judgment. *Id*. 'Contemplate' means: (1) "to view or consider with continued attention"; or, (2) "to view as contingent or probable or as an end or intention." Merriam-Webster. Merriam-Webster's Collegiate Dictionary, 11th Edition (2014 Kindle Version). Thus, contemplated litigation has not yet begun.

Where the Board shall discuss or decide **pending** litigation, the agenda should specifically identify the existing litigation, e.g., 'Discussion and possible decision on issues related to AZNH Revocable Trust v. SSV, Appeals Case # 1 CA-CV 25-0424.'

Where the Board shall discuss or decide **contemplated** litigation, the agenda should state, for example: 'discussion and possible decision on a legal issue' followed by the nature of the legal issue, *i.e.*, 'with a vendor' or 'delinquent homeowner assessment.'

iii. An Individual's Personal Health or Financial Information/Records §§ 33-1804(A)(3) and § 33-1805(B)(4)

These statutes apply to individuals who are: HOA Members; HOA Employees; and, HOA Contractor Employees. It is highly likely that a vast majority of people do not want their financial or health information publicly broadcast.

The HOA must still provide agendas which contain the information reasonably necessary to inform the Homeowner of the matters to be discussed or decided. In this regard, the agenda should state, for example: 'discussion and possible decision related to the financial information of a (as applicable: homeowner; HOA employee; or, HOA contractor employee)'; or, 'discussion and possible decision related to the health information of a (as applicable: homeowner; HOA employee; or, HOA contractor employee).'

iv. Job Performance, Compensation, Health Information/Records §§ 33-1804(A)(4) and § 33-1805(B)(5)

These statutes apply to individuals who are: employees of the HOA or HOA Contractor. The agenda should state, for example 'discussion and possible decision related to the job performance of a (as applicable: HOA employee or HOA contractor employee)'; or, 'discussion and possible decision related to the compensation of a (as applicable: HOA employee or HOA contractor employee)'; or, 'discussion and possible decision related to the health information of a (as applicable: HOA employee or HOA contractor employee).'

In all the above exemplars (i. – iv.) the HOA would substantially comply with § 33-1804(D) & (F) while simultaneously exercising the Board's discretion to

consider a matter in closed session, or to withhold a portion of HOA books and records – all while keeping attorney-client communications private.

v. Non-Intersecting Closed Meeting Exception § 33-1804(A)(5)

Under § 33-1804(A)(5), the Board may close a portion of their meeting for: "Discussion of a member's appeal of any violation cited or penalty imposed by the association except on request of the affected member that the meeting be held in an open session." This provision does not intersect with § 33-1805 and, therefore, the HOA should strictly comply with the agenda requirements of § 33-1804(D) & (F). Consequently, an agenda should state, for example:

> 'Discussion and possible decision on a member-homeowner's appeal of a cited violation (and, if applicable, identity of the specific penalty)' followed by identification of the specific architectural requirement or Declaration provision or HOA Rule/Regulation which applies.

It should be noted that A.R.S. § 33-1805(C) prohibits disclosure of any HOA records in violation of state or federal law.

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Conclusion & Requested Relief

The legislature has stated that any provision of § 33-1804 must be construed in favor of open meetings. A.R.S. § 33-1804(F). Thus, the exceptions to open meeting requirements should be narrowly construed.

Pursuant to § 33-1804(A) & F), open Board meetings are required unless an exception applies. The Board may conduct a closed session to consider a matter which falls into one of five (5) categories provided the Board follows the procedure set forth in § 33-1804(C). That procedure requires the Board to take formal action to identify the applicable exception appearing in § 33-1805(A)(1-5) prior to the closed session. Therefore, that decision-making procedure must be conducted in open session because no exception applies.

The Board President and HOA manager's secret meeting to establish a closed meeting does not comply with applicable law.

The Board's failure to meet in open session prior to a closed session, has the effect of denying Homeowner the exercise and benefit of rights granted by § 33-1804(A) & (F):

- The right to attend and speak during deliberations and proceedings at HOA Board meetings which are required to be open for members;

- The right to speak before the HOA Board takes formal action or votes;

Pursuant to A.R.S. § 33-1804(D) & (F), Board meeting notices and agendas must be issued prior to a meeting and they must inform the Homeowner of the matters to be discussed or decided. The meeting notices and agendas issued by the HOA do not comply, and the Homeowner is thus denied:

- The right to receive notices and agendas which provide information reasonably necessary to inform the Homeowner of the matters to be discussed or decided by the HOA Board.

The Homeowner respectfully requests the Appeals Court reverse the Superior Court and declare, pursuant to A.R.S. §§ 12-1831 & 12-1832, that:

1. The Homeowner is entitled to the exercise and benefit of rights granted by § 33-1804(A), (D) & (F):

    - The right to attend and speak during deliberations and proceedings at HOA Board meetings which are required to be open for members;

    - The right to speak before the HOA Board takes formal action or votes;

    - The right to receive notices and agendas which provide information reasonably necessary to inform the Homeowner of the matters to be discussed or decided by the HOA Board.

2. A.R.S. § 33-1804(A) & (F) requires the Board of a planned community to meet in open session when exercising the procedure described in § 33-1804(C) and, in so doing, comply with all open meeting requirements under § 33-1804(A), (D) & (F).

3. A.R.S. § 33-1804(D) & (F) requires a planned community Association (as defined by A.R.S. § 33-1802) to provide meeting notices and agendas prior to Board meetings which communicate knowledge and particular facts about the matters to be discussed or decided by the Board.
4. When a matter may be subject to a closed Board session, § 33-1804(A), (D) & (F) require a planned community Association to substantially comply with the notice and agenda requirements. Compliance requires more than just a recital of the statutory provisions allowing a closed session, but the agenda need not disclose information that would defeat the HOA's ability to protect attorney-client communications or the privacy interests expressed in §§ 33-1804(A)(1-5) & § 33-1805(B)(1-5).

The Homeowner respectfully requests its costs as Appellant and Cross-Appellee pursuant to A.R.S. § 12-342.

The Homeowner respectfully requests such other and further relief as justice requires.

Respectfully submitted,

/s/ *John F. Sullivan*
Atty. John F. Sullivan, Bar # 023018
On Behalf of AZNH Revocable Trust and Trustees
Plaintiff/Appellant/Cross-Appellee