

Atty. JOHN SULLIVAN  
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(480) 818-5070  
Bar No. 023018  
Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

**AZNH REVOCABLE TRUST,**  
by and through  
**JOHN and SUSAN SULLIVAN,**  
**TRUSTEES, REAL PARTIES IN**  
**INTEREST**

Plaintiff

v.

**KAY ABRAMSOHN,**  
**ADMINISTRATIVE LAW JUDGE,**  
**ARIZONA OFFICE OF**  
**ADMINISTRATIVE HEARINGS,**

*and*

**TAMMY EIGENHEER,**  
**INTERIM DIRECTOR,**  
**ARIZONA OFFICE OF**  
**ADMINISTRATIVE HEARINGS,**

*and*

**ARIZONA DEPARTMENT OF REAL**  
**ESTATE,**

*and*

**SUNLAND SPRINGS VILLAGE**  
**HOMEOWNERS ASSOCIATION,**

Defendants

No. CV2025-036466

**EXHIBIT A**

to

**PLAINTIFF'S NOTICE OF**  
**DISMISSAL AS TO**  
**SUNLAND SPRINGS VILLAGE**  
**HOMEOWNERS ASSOCIATION**

**OR**

**ALTERNATIVELY, MOTION TO**  
**DISMISS SAME**

(Original Special Action)

Assigned to:  
Hon. Scott Blaney

1 NOW COME PLAINTIFF in the above-captioned matter to add the accompanying **Exhibit A**  
2 to its “*Notice of Dismissal as to Sunland Springs Village Homeowners Association or*  
3 *Alternatively, Motion to Dismiss Same*”, which was filed on December 17, 2025, as form set  
4 #12509293. By oversight, such Exhibit was omitted from the initial filing.  
5

Dated this 19<sup>th</sup> day of December, 2025. /s/ *John F. Sullivan*  
John F. Sullivan, Esq. (Bar # 023018)  
Attorney for Plaintiff  
1909 E. Ray Rd., Suite 9198  
Chandler, AZ. 85225  
480-818-5070  
email: Info@SullivanAppeals.com

#### **CERTIFICATE of SERVICE**

A copy hereof shall be sent electronically this date, via the Court’s electronic filing and distribution system, to:

Asst. Attorney General Deanie Reh (counsel for Az. Dept. of Real Estate) at  
Deanie.Reh@azag.gov;

Asst. Attorney General Raya Gardner (counsel for Az. Dept. of Real Estate) at  
Raya.Gardner@azag.gov;

Asst. Attorney General Kara Karlson (counsel for Defendant’s Eigenheer & Abramsohn)  
at Kara.Karlson@azag.gov; and,

Atty. Chad Gallacher (counsel for Sunland Springs Village Homeowners Assoc.) at  
cgallacher@hoalaw.biz.

/s/ *John F. Sullivan*  
Counsel for AZNH Revocable Trust

# **EXHIBIT A**

**To:**

**PLAINTIFF'S NOTICE OF  
DISMISSAL AS TO  
SUNLAND SPRINGS VILLAGE  
HOMEOWNERS ASSOCIATION**

**OR**

**ALTERNATIVELY, MOTION TO  
DISMISS SAME**

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2  
3 In the Matter of

No. 24F-H047-REL-RHG

4 AZNH Revocable Trust,  
5 Petitioner,  
6 v.  
7 Sunland Springs Village Homeowners  
8 Association,  
9 Respondent.

**ORDER VACATING HEARING**

10 By Order dated July 18, 2025, this matter was scheduled for rehearing to  
11 convene on September 26, 2025 at 9:00 a.m.

12 On August 15, 2025, the undersigned issued a substantive Order addressing the  
13 limited issues for rehearing which necessitated consideration of evidence necessary to  
14 the ultimate decision.<sup>1</sup>

15 On September 26, 2025 at 12:13 a.m., Petitioner filed its motion for Peremptory  
16 Change of Administrative Law Judge ("Motion") which included a contemporaneous  
17 request to change the hearing date. As the reason for the change in a hearing date,  
18 Petitioner wrote:

19 For any future proceedings in the above-captioned matter, undersigned  
20 counsel respectfully requests any such proceedings be set on or after  
21 December 15, 2025. As reasons therefore, the Trustees are traveling on a  
22 pre-planned, pre-paid, non-refundable trip out of Arizona and out of the  
23 U.S.A. beginning Sept. 27, 2025, and returning to Arizona November 3,  
24 2025.

25 At the time set for continued hearing on September 26, 2025 at 9:00 a.m., both  
26 parties' representatives arrived at the Tribunal. The parties informally discussed with  
27 the undersigned (a) Petitioner's Motion and (b) Respondent's written objection to the  
28 Motion and request.<sup>2</sup> The discussion took place off the record.

29 <sup>1</sup> See *Marsin v. Udall*, 78 Ariz. 309, 279 P.2d 721 (1955) (modifying the previously adopted-Barry rule,  
30 finding "if a judge is allowed to receive evidence which of necessity is to be used and weighed in deciding  
the ultimate issues, it is too late to disqualify him on the ground of bias and prejudice.")(citing *Allan v.*  
*Allan*, 21 Ariz. 70, 185 P.2d 539 (1919). See also *Arizona Conference Corp of Seventh Day Adventists v.*  
*Barry*, 72 Ariz. 74, 231 P.2d 426 (1951).

<sup>2</sup> Respondent's objection was filed to the Tribunal at 8:53 a.m. on September 26, 2025.

1 While the parties engaged in informal discussion, the Tribunal's Interim Director  
2 reviewed the Motion and determined the Motion to be untimely.<sup>3</sup>

3 After receiving the Interim Director's decision, the undersigned informed the  
4 parties that the matter would proceed to go on the record. However, before the  
5 undersigned had the opportunity to actually begin an audio administrative recording for  
6 the matter, Petitioner's representative left the hearing room and did not return. As a  
7 result, Petitioner presented no evidence or argument on the record as to the issue for  
8 rehearing, or as to its Motion and request.

9 At the time of the hearing, the undersigned denied the Motion and request as  
10 being untimely filed. Respondent presented its written and oral objections to the Motion  
11 and request on the record and moved to dismiss the matter due to Petitioner's failure to  
12 proceed with the matter. Based on the foregoing,

13 IT IS ORDERED Respondent's motion to dismiss is granted,

14 IT IS FURTHER ORDERED Petitioner's case is dismissed based on the failure to  
15 proceed with the matter.

16 ORDERED this day, October 9, 2025.

17 /s/ Kay A. Abramsohn  
18 Administrative Law Judge  
19

20 Copy mailed/e-mailed/faxed to:

21  
22 Susan Nicolson  
23 Commissioner  
24 Arizona Department of Real Estate  
25 SNicolson@azre.gov  
26 vnunez@azre.gov  
27 djones@azre.gov  
28 labril@azre.gov  
29 mneat@azre.gov  
30 Irecchia@azre.gov  
31 gosborn@azre.gov

<sup>3</sup> See ARIZ. ADMIN. CODE R2-19-106. See *State v. Neil*, 102 Ariz. 110, 113, 425 P.2d 842 (1967), discussing *Arizona Conference Corp of Seventh Day Adventists v. Barry*, 72 Ariz. 74, 231 P.2d 426 (1951) (adopting a rule for timeliness of peremptory affidavit of bias and prejudice).

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By OAH Staff