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11 **IN THE SUPERIOR COURT OF THE**  
12 **COUNTY OF MARICOPA, STATE OF ARIZONA**

13 AZNH REVOCABLE TRUST, by and  
14 through JOHN and SUSAN SULLIVAN,  
15 Trustees, Real Parties In Interest,

16 Plaintiff,

17 vs.

18 SUSAN NICOLSON, COMMISSIONER,  
19 ARIZONA DEPARTMENT OF REAL  
20 ESTATE; and TAMMY EIGENHEER,  
21 INTERIM DIRECTOR, ARIZONA  
22 OFFICE OF ADMINISTRATIVE  
23 HEARINGS; and SUNLAND SPRINGS  
24 VILLAGE HOMEOWNERS  
25 ASSOCIATION,

26 Defendants.

Case No. CV2026-008484

**NOTICE OF PINPOINT CITATION  
FROM DEFENDANT SUNLAND  
SPRINGS VILLAGE HOMEOWNERS  
ASSOCIATION**

Assigned to:  
Hon. Adele Ponce

(Oral Argument Scheduled for  
May 4, 2026, at 9:00 a.m.)

27 Defendant Sunland Springs Village Homeowners Association (“Association”), hereby  
28 submits this notice of the page from the *Miller* case it cited in its Response in opposition to  
Plaintiff’s Motion for Judgment on the Case Filings. The Association cited to the case in  
general but did not provide a page number in the citation as the principle of law expressed  
was only summarized and not quoted. However, because of the lack of a pinpoint citation,  
Plaintiff asserted in his Reply in Support of Motion for Judgment on the Case Filings that the  
principle for which the *Miller* case was cited by the Association does not exist. Consequently,

1 the Association hereby provides the language from the *Miller* case to which the Association  
2 cited in its filings:

3  
4 The touchstone of apparent authority is conduct of a principal that allows a third  
5 party reasonably to conclude that an agent is authorized to make certain  
6 representations or act in a particular way. It is firmly established that if the  
7 principal's conduct creates apparent authority, the principal is subject to liability  
8 for the agent's actions even if the agent was acting for his own purposes. *See*  
9 *Gulf Ins. Co. v. Grisham*, 126 Ariz. 123-126-613 P.2d 283, 286 (1980) ("the  
10 ostensible agent is one where the principal has intentionally or inadvertently  
11 induced third persons to believe that such a person was its agent although no  
12 actual or express authority was conferred") quoting *Canyon State Cannery v.*  
13 *Hooks*, 74 Ariz. 70, 73, 243 P.2d 1023, 1025 (1952).

14 *Miller v. Mason-McDuffie Co.*, 153 Ariz. 585, 589 (1987). This is the language from the  
15 *Miller* case cited to by the Association for its position that an agent acting with apparent  
16 authority can bind a principal.

17 In 2011, the Court of Appeals in *Best Choice Fund, LLC v. Low & Childers, P.C.*, 228  
18 Ariz. 502, 511, P29 (Ct. App. 2011) cited to the *Miller* case and articulated the principal to  
19 which it was citing as follows: "An agent without actual authority can bind its principal to a  
20 contract, nevertheless, if the agent possesses apparent authority to enter in the contract. *Miller*  
21 *v. Mason-McDuffie Co. of S. Cal.*, 153 Ariz. 585, 589, 739 P.2d 806, 810 (1987)." The  
22 Association is not the only entity to cite to the *Miller* case for support of the legal position  
23 that an agent acting with apparent authority can bind a principal.

24 RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of April, 2026.

25 MAXWELL & MORGAN, P.C.

26 By 

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*Attorneys for Defendant*

1 ORIGINAL of the foregoing E-filed  
2 this 13<sup>th</sup> day of April, 2026, to:

3 Maricopa County Superior Court  
4 TurboCourt

5 COPY of the foregoing emailed  
6 this 13<sup>th</sup> day of April, 2026, to:

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