

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-014388

06/01/2026

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
A. Walker
Deputy

SHAWN BLAKLEY

SEAN WOODS

v.

ROOSEVELT GROVER PARKER, et al.

J GARY LINDER

MARK E LINES
JUDGE KREAMER

MINUTE ENTRY

The Court has received and reviewed Defendant Litchfield Vista Views III Homeowner's Association's (the "Association's") Application for Award of Attorneys' Fees and Award of Costs, filed March 9, 2026, Plaintiff's Response in Opposition and Defendant's Reply. The Association's Application included an Affidavit of Mark Lines in Support of Application for Award of Attorney Fees, an exhibit to the Affidavit containing Defendant's attorneys' billing statements, and a Statement of Costs.

After review, the Court agrees with Defendant that CC&R 5.15 does not provide a basis for an award of fees here, because on its face it applies only when the Association brings an offensive enforcement action. However, the Court finds that A.R.S. §12-341.01 does support an award of attorneys' fees because regardless of how the claims were labeled, Plaintiff sued the Association for allegedly failing to fulfill its contractual enforcement duties, not for committing the alleged underlying torts. Further, the Court finds that the recent case of *Burkett v. Dryja*, 570

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P.3d 467 does not support Plaintiff's position here – in that case the court considered only the individual homeowner's fee request, and the issue of the HOA's fees was not the subject of the appeal. The Court further notes that review of the *Burkett* case was accepted by the Arizona Supreme Court.

The Court has applied the tests set forth in *Associated Indem. Corp. v. Warner*, 143 Ariz. 567 (1985) and *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183 (App. 1983) and finds as follows:

- Plaintiff's claims against Defendant arise out of contract and are intertwined such that apportionment of fees is not appropriate;
- The *Associated Indemnity* factors support an award of fees here;
- The materials submitted in support of the fee request are sufficient under *China Doll*;
- The vast majority of fees and all costs sought are reasonable. The Court has subtracted 4 hours of fees associated with Mr. Lines' preparation for Plaintiff's deposition, and 1 hour associated with reviewing the Roosevelt Parker deposition and review of correspondence from the Parkers' counsel re claims against Plaintiff (\$1,125).

Accordingly,

IT IS ORDERED granting the Association's Application for Award of Attorneys' Fees, subject to the reduction set forth above.

IT IS FURTHER ORDERED granting the Association's Application for Award of Costs. The Court has signed the Association's proposed Judgment with the modification set forth above all in accordance with the formal written Judgment signed by the Court on June 1, 2026, and filed (entered) by the Clerk on June 1, 2026.

Please note: The court has signed a paper copy of the order which was originally provided electronically. After the order has been scanned and docketed by the Clerk of Court, copies of this order will be available through the ECR online at www.clerkofcourt.maricopa.gov or through www.AZTurboCourt.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.