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FOUNTSHAD.0025.1

5 *Attorneys for Defendant Fountain Shadows Homeowners  
Association*

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

8  
9 PATRICIA BOCCHINO,  
10 Plaintiff,

Case No. CV2015-012434

11 v.

**ANSWER**

12 FOUNTAIN SHADOWS HOMEOWNERS  
ASSOCIATION,  
13 Defendant.  
14

15 Defendant, Fountain Shadows Homeowners Association (“**Association**”), by and  
16 through its attorneys undersigned, for its answer to Plaintiff’s Complaint (the  
17 “**Complaint**”) states the following:

18 **“PARTIES AND JURISDICTION”**

19 1. Association lacks sufficient information to admit or deny the allegations set  
20 forth in paragraph 1 of the Complaint and, therefore, denies the same.

21 2. Paragraph 2 of the Complaint is admitted.  
22



1 the account. To the extent the allegations in paragraph 10 of the Complaint are  
2 inconsistent with the entries reflected in Exhibit "A", the Association denies those  
3 allegations.

4 11. A true and correct copy of the Association's accounting ledger for Plaintiff's  
5 association account is attached hereto as Exhibit "A" and accurately reflects all charges to  
6 the account. To the extent the allegations in paragraph 11 of the Complaint are  
7 inconsistent with the entries reflected in Exhibit "A", the Association denies those  
8 allegations.

9 12. A true and correct copy of the Association's accounting ledger for Plaintiff's  
10 association account is attached hereto as Exhibit "A" and accurately reflects all charges to  
11 the account. To the extent the allegations in paragraph 12 of the Complaint are  
12 inconsistent with the entries reflected in Exhibit "A", the Association denies those  
13 allegations.

14 13. Paragraph 13 of the Complaint is admitted.

15 14. The Association admits the statements contained within the transaction  
16 listing report that is attached to Plaintiff's Complaint as Exhibit 3. To the extent the  
17 allegations in paragraph 14 of the Complaint are inconsistent with the statements reflected  
18 in Exhibit 3 of the Complaint, the Association denies those allegations.

19 15. Paragraph 15 of the Complaint is admitted.

20 16. The Declaration is a matter of public record as it is a recorded document. To  
21 the extent the allegations contained in paragraph 16 of the Complaint are inconsistent with  
22

1 the public record, the Association denies same. The Association denies the remaining  
2 allegations of paragraph 16 of the Complaint.

3 17. The Declaration is a matter of public record as it is a recorded document. To  
4 the extent the allegations contained in paragraph 17 of the Complaint are inconsistent with  
5 the public record, or asserts a legal conclusion requiring no response, the Association  
6 denies same. The Association denies the remaining allegations of paragraph 17 of the  
7 Complaint.

8 18. Paragraph 18 of the Complaint is denied.

9 19. Paragraph 19 of the Complaint is denied.

10 20. Paragraph 20 of the Complaint is denied.

11 21. Paragraph 21 of the Complaint is denied.

12 22. Paragraph 22 of the Complaint is denied.

13 23. Paragraph 23 of the Complaint is denied.

14 24. Paragraph 24 of the Complaint is denied.

15 25. Association lacks sufficient information to admit or deny the allegations set  
16 forth in paragraph 25 of the Complaint and, therefore, denies the same.

17 26. Association lacks sufficient information to admit or deny the allegations set  
18 forth in paragraph 26 of the Complaint and, therefore, denies the same.

19 27. Association lacks sufficient information to admit or deny the allegations set  
20 forth in paragraph 27 of the Complaint and, therefore, denies the same.

21 **COUNT I**  
22 **(BREACH OF CONTRACT)**





**GENERAL DENIALS AND DEFENSES**

1           55. Association denies every allegation of the Complaint not specifically  
2 admitted or otherwise pled in this answer.

3           56. Association denies that Plaintiff is entitled to damages or other relief sought  
4 in Plaintiff's prayer for relief.

5           57. Plaintiff has failed to state a claim upon which relief can be granted.

6           58. All affirmative defenses set forth in Ariz. R. Civ. P. 8 and 12 are alleged at  
7 this time in order to preserve these defenses, although Association is not certain which, if  
8 any, of the remaining affirmative defenses apply, as discovery has not yet been conducted.  
9 Association reserves the right to amend this answer to assert additional affirmative  
10 defenses after discovery.

11           59. Association is entitled to recover its attorneys' fees and costs incurred in this  
12 action.

13  
14           WHEREFORE, having fully answered the Complaint, Fountain Shadows  
15 Homeowners Association prays for judgment against Plaintiff as follows:

- 16           a. For a judgment of dismissal of Plaintiff's Complaint with prejudice;  
17           a. That the Complaint be dismissed with prejudice and Plaintiff be awarded  
18 nothing.  
19           b. For Association's court costs and attorneys' fees incurred herein; and  
20           c. For such other and further relief as the Court deems just and proper.

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RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of November, 2015.

**CARPENTER HAZLEWOOD DELGADO & BOLEN, PLC**

By: /s/ Chad P. Miesen  
Chad P. Miesen  
Andrew R. Grant  
1400 E. Southern Avenue, Suite 400  
Tempe, Arizona 85282  
*Attorneys for Fountain Shadows Homeowners Association*

**CERTIFICATE OF SERVICE:**

ORIGINAL of the foregoing  
electronically filed this 23<sup>rd</sup> day  
of November, 2015, with:

The Clerk of the Superior Court  
of Maricopa County

Copy of the foregoing mailed  
and emailed this 24<sup>th</sup> day of  
November, 2015, to:

Jonathan A. Dessaulles  
DESSAULES LAW GROUP  
25353 North 16<sup>th</sup> Street, Suite 110  
Phoenix, Arizona 85016  
Email: [jdessaules@dessauleslaw.com](mailto:jdessaules@dessauleslaw.com)  
*Attorneys for Plaintiff*

By: /s/ Vicki J. Goslin

FOUNTAIN SHADOWS HOA  
FINANCIAL TRANSACTIONS - 11/23/15

8736 N 67TH LN  
PATRICIA BOCCHINO

Unit ID: 012

STATUS:

PREPAID BAL: 0.00

TXN	PAYMENTS/TRXN DESCR				CHARGES/PAYMENT DISTR		BALANCE		
DATE	PAYMT	AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	DUE
011914	Address on deed is property, Alt address on disc								
011914	is 8916 N 94th Ave Peoria, AZ 85345								
011914	350.00		10020707	011914	PP-A1		Credit-Prepaid	(350.00)	(350.00)
012014	Welcome Letter sent eb								
012214	e/m h/o pool key form-clc								
012814						16	POOL KEY	25.00	(325.00)
012814	(1) Pool key purchased-skm								
012814	25.00		2164892913	012814	16		POOL KEY	(25.00)	(350.00)
020114						A1	ASSESSMENT	175.00	(175.00)
020114						A1	ASSESSMENT	(175.00)	(175.00)
021814	175.00		9900276	021814	PP		Credit-Prepaid	(175.00)	(350.00)
030114						A1	ASSESSMENT	175.00	(175.00)
030114						A1	ASSESSMENT	(175.00)	(175.00)
031914	H/o called to complain about the pool								
031914	area being shut down for spa repairs. VC								
031914	She is a realtor. Spa tiles removed. VC								
040114						A1	ASSESSMENT	175.00	0.00
040114						A1	ASSESSMENT	(175.00)	0.00
040414	175.00		1208315	040414	PP		Credit-Prepaid	(175.00)	(175.00)
050114						A1	ASSESSMENT	175.00	0.00
050114						A1	ASSESSMENT	(175.00)	0.00
050714	175.00		1229701	050714	PP		Credit-Prepaid	(175.00)	(175.00)
052814	175.00		9900446	052814	PP		Credit-Prepaid	(175.00)	(350.00)
060114						A1	ASSESSMENT	175.00	(175.00)
060114						A1	ASSESSMENT	(175.00)	(175.00)
061014	175.00		9900314	061014	PP		Credit-Prepaid	(175.00)	(350.00)
062414	175.00		9900332	062414	PP		Credit-Prepaid	(175.00)	(525.00)
070114						A1	ASSESSMENT	175.00	(350.00)
070114						A1	ASSESSMENT	(175.00)	(350.00)
072214	175.00		990093	072214	PP		Credit-Prepaid	(175.00)	(525.00)
080114						A1	ASSESSMENT	175.00	(350.00)
080114						A1	ASSESSMENT	(175.00)	(350.00)
090114						A1	ASSESSMENT	175.00	(175.00)
090114						A1	ASSESSMENT	(175.00)	(175.00)
091714	cert vio ltr #101658 rtnc unclaimed bc								



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8736 N 67TH LN  
PATRICIA BOCCHINO

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TXN	PAYMENTS/TRXN DESCR				CHARGES/PAYMENT DISTR		BALANCE	
DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	DUE
100114		APPLY CHARGES		A1		ASSESSMENT	175.00	0.00
100114		APPLY PREPAYMNT		A1		ASSESSMENT	(175.00)	0.00
103114	175.00	346725764	103114	PP		Credit-Prepaid	(175.00)	(175.00)
110114		APPLY CHARGES		A1		ASSESSMENT	175.00	0.00
110114		APPLY PREPAYMNT		A1		ASSESSMENT	(175.00)	0.00
120114		APPLY CHARGES		A1		ASSESSMENT	175.00	175.00
121214	175.00	354192669	121214	A1		ASSESSMENT	(175.00)	0.00
010115		APPLY CHARGES		A1		ASSESSMENT	175.00	175.00
010715	cert vio ltr #134977 rtnd unclaimed bc							
011615		APPLY LATE FEE		01		Late Fees	10.00	185.00
011615	Action taken: 01 - REMINDER							
011615		APPLY ADMIN FEE		03		Admin. Fees	15.00	200.00
012015	175.00	1426114	012015	A1		ASSESSMENT	(175.00)	25.00
013015	25.00	9151583	013015	01		Late Fees	(10.00)	0.00
013015				03		Admin. Fees	(15.00)	
020115		APPLY CHARGES		A1		ASSESSMENT	175.00	175.00
021715	175.00	1465632	021715	A1		ASSESSMENT	(175.00)	0.00
030115		APPLY CHARGES		A1		ASSESSMENT	175.00	175.00
031015	H/o served with harassment injunction. VC							
031315	175.00	9200777	031315	A1		ASSESSMENT	(175.00)	0.00
040115		APPLY CHARGES		A1		ASSESSMENT	175.00	175.00
041515	175.00	375472844	041515	A1		ASSESSMENT	(175.00)	0.00
042715	25.00	377041914	042715	PP		Credit-Prepaid	(25.00)	(25.00)
050115		APPLY CHARGES		A1		ASSESSMENT	175.00	150.00
050115		APPLY PREPAYMNT		A1		ASSESSMENT	(25.00)	150.00
051215		EXPENSE ADJ		05		Attorney Fees	1832.28	1982.28
051215	Attorney fees per inv#138684 eb							
060115		APPLY CHARGES		A1		ASSESSMENT	175.00	2157.28
060215	175.00	1586701	060215	A1		ASSESSMENT	(175.00)	1982.28
060915	100.00	9299704	060915	A1		ASSESSMENT	(100.00)	1882.28
061115	75.00	1603006	061115	A1		ASSESSMENT	(50.00)	1807.28
061115				05		Attorney Fees	(25.00)	
061415		EXPENSE ADJ		05		Attorney Fees	1126.50	2933.78
061415	add additional attorney fees per CHDW report in							
061415	June eb							

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FINANCIAL TRANSACTIONS - 11/23/15

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PATRICIA BOCCHINO

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STATUS:

PREPAID BAL: 0.00

TXN	PAYMENTS/TRXN DESCR				CHARGES/PAYMENT DISTR		BALANCE	
DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	DUE
070115		APPLY CHARGES		A1		ASSESSMENT	175.00	3108.78
070115	175.00	388733416	070115	A1		ASSESSMENT	(175.00)	2933.78
071715		EXPENSE ADJ		05		Attorney Fees	120.00	3053.78
071715		CHDB, Inv#142153, June legal work eb						
072315		Emailed acct history to Vicki Goslin CHDB. VC						
072815		pmt returned-ld						
073115	(25.00)	1603006		PA-ADJ	05	Attorney Fees	25.00	3078.78
073115		Owner contested partial payment, bank removed amt						
073115		contested eb						
073115		EXPENSE ADJ		02		NSF charges	10.00	3088.78
073115		Bank charged fee for partial item being returned						
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080115		APPLY CHARGES		A1		ASSESSMENT	175.00	3263.78
080615		EXPENSE ADJ		05		Attorney Fees	573.50	3837.28
080615		CHDW Inv#143657, July legal work eb						
082015		APPLY LATE FEE		01		Late Fees	10.00	3847.28
082115	200.00	397642444	082115	A1		ASSESSMENT	(175.00)	3647.28
082115				01		Late Fees	(10.00)	
082115				02		NSF charges	(10.00)	
082115				05		Attorney Fees	(5.00)	
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090115		APPLY CHARGES		A1		ASSESSMENT	175.00	3822.28
090115		IN ESCROW, COE 9/24/15 TO PAYNE-CLC						
090515		EXPENSE ADJ		05		Attorney Fees	168.00	3990.28
090515		CHDB inv#144998, August legal work eb						
090815		EXPENSE ADJ		05		Attorney Fees	72.00	4062.28
090815		added per C&H payoff-clc						
090815		DISCLOSURE COMPLETED-CLC						
091815		UPDATE COMPLETED-CLC						
092115		escrow closed in accounting.hf						
092215	4062.28	123585	092215	A1		ASSESSMENT	(175.00)	0.00
092215				05		Attorney Fees	(3887.28)	

-- End of report --