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5 *Attorneys for Defendant*

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

8 PATRICIA BOCCHINO,

9 Plaintiff,

10 v.

11 FOUNTAIN SHADOWS
12 HOMEOWNERS ASSOCIATION,

13 Defendant.

Case No.: CV2015-012434

**DECLARATION OF VERN
CARRILLO**

*(Assigned to the Honorable
Douglas Gerlach)*

14
15 Vern Carrillo, declares and states that:

16 1. He is an employee of Planned Development Services, Inc. (“Manager”), the
17 managing agent for Fountain Shadows Homeowners Association (“Association”).

18 2. He is the community manager of the Association and makes this declaration in
19 support of the Association’s Motion for Summary Judgment (“MSJ”) and the Association’s
20 Statement of Facts in Support of Its Motion for Summary Judgment (“SOF”). All
21 capitalized terms not defined herein have the same meaning as defined in the SOF.
22

1 3. Manager currently maintains the business and accounting records of the
2 Association as its managing agent.

3 4. The Association is a planned community association and nonprofit
4 corporation located in Glendale, Arizona, whose members are owners of lots within the
5 planned community.

6 5. Plaintiff violated the Declaration and other Governing Documents by acting
7 in a harassing manner constituting offensive behavior.

8 6. The Association sought and obtained an *Injunction against Workplace*
9 *Harassment* on March 5, 2015 from the Manistee Justice Court.

10 7. As a result of Plaintiff's actions, the Association incurred attorneys' fees,
11 costs and expenses to enforce Plaintiff's compliance with the terms and conditions of the
12 contractual Declaration, including but limited to filing and obtaining an Injunction Against
13 Workplace Harassment.

14 8. In or around September of 2015, the Association was contacted by a
15 title/escrow company to provide a payoff of amounts due to the Association.

16 9. Pursuant to the Declaration, including Article IV, Section 1 and Article XVII,
17 Section 1, the Association included in its payoff disclosure all attorneys' fees and costs
18 incurred as a result of Plaintiff's violations of the Governing Documents.


19 10. In connection with the sale of her lot, the Plaintiff paid what the Association
20 had disclosed as due in its payoff disclosure to the title/escrow company.

21 11. Plaintiff did not contest or challenge the payoff disclosure prior to payment.
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12. Pursuant to Rule 80(i), Ariz. R. Civ. P., the undersigned hereby declares under penalty of perjury that the foregoing is true and correct.

EXECUTED this 28th day of March, 2016.



Vern Carrillo

ORIGINAL of the foregoing **EFILED** this 28th day of March, 2016 with:

Clerk of the Court
Maricopa County Superior Court

COPY of the foregoing delivered **EFILED** service this 28th day of March, 2016 to:

Honorable Douglas Gerlach

Copy of the foregoing email and mailed this 28th day of March, 2016, to:

Jonathan A. Dessales
Dessaules Law Group
5353 North 16th Street, Suite 110
Phoenix, Arizona 85016