

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-095878

09/16/2014

HON. DAVID K. UDALL

CLERK OF THE COURT  
L. Mooney  
Deputy

CAMELBACK HOUSE HOMEOWNERS  
ASSOCIATION INC

MARK W WALDRON

v.

MARC SECTER

J ROGER WOOD

**UNDER ADVISEMENT RULING**

The Court took under advisement the Defendant's Rule 12 (b) (6) Motion to Dismiss for Failure to State a Claim after Oral Arguments were held on September 11, 2014. The Court having considered the arguments of the parties and the pleadings makes the following findings and enters the following orders.

The Defendant brings this Motion to Dismiss pursuant to Rule 12(b) (6).

THE COURT NOTES that Motions to Dismiss are not favored in Arizona. The Court will also accept all well -pled allegations and makes consideration of the merits of this motion.

THE COURT FINDS that Defendant has had a history of non-payment of fees which has stretched over the course of several years.

THE COURT FURTHER FINDS that the Defendant has recently paid some of his back obligations.

THE COURT FURTHER NOTES that A.R.S. § 33-1256(A) states that a Homeowner's Association can exercise the right of foreclosure of the Defendant who has been delinquent in the payment of its obligations.

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THE COURT FINDS that the Defendant has been delinquent in his assessment fees for over a period of over one year in an amount greater than \$1,200.00.

THE COURT FURTHER FINDS the Plaintiffs have stated their claim on which they may proceed.

IT IS ORDERED denying Defendant's Rule 12(b) (6) Motion to Dismiss for Failure to State a Claim.

IT IS FURTHER ORDERED denying Plaintiff's Oral Motion for Judgment on the Pleadings.