

IN THE
Court of Appeals
STATE OF ARIZONA
DIVISION ONE

COLLEGE BOOK CENTERS, INC. 401) Court of Appeals
PROFIT SHARING PLAN AND TRUSTEE,) Division One
a Trust dated October 14, 1994) No. 1 CA-CV 08-0450
with Trustee DAVID B. VANYO,)
) Maricopa County
Plaintiffs/Appellees,) Superior Court
) No. CV2006-011927
v.)
)
CAREFREE FOOTHILLS HOMEOWNERS')
ASSOCIATION; JOHN P. DWYER, JR.)
and JANET G. DWYER, husband and)
wife,)
)
Defendants/Appellants.)
_____)

MANDATE

TO: The Maricopa County Superior Court and the Honorable John A Buttrick, Judge, in relation to Cause No. CV2006-011927.

This cause was brought before Division One of the Arizona Court of Appeals in the manner prescribed by law. This Court rendered its OPINION and it was filed on October 26, 2010.

The time for the filing of a motion for reconsideration has expired and no motion was filed. A petition for review was filed. The record was forwarded to the Arizona Supreme Court. By order, dated May 24, 2011, the Arizona Supreme Court denied the petition for review. Arizona Supreme Court No. CV-11-0003-PR.

NOW, THEREFORE, YOU ARE COMMANDED to conduct such proceedings as required to comply with the OPINION of this court; a copy of which is attached hereto.

COSTS: \$15,174.01 (appellant) ATTORNEY'S FEES: \$35,094.00 (appellant)

I, Ruth A. Willingham, Clerk of the Court of Appeals, Division One, hereby certify the attachment to be a full and accurate copy of the OPINION filed in this cause on October 26, 2010.

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the Arizona Court of Appeals, Division One, on June 15, 2011.

(SEAL)

RUTH WILLINGHAM, CLERK

By _____
Deputy Clerk

June 15, 2011

Michael K Jeanes, Clerk
Maricopa County Superior Court
201 West Jefferson Street
Phoenix, Arizona 85003

Dear Mr. Jeanes:

RE: 1 CA-CV 08-0450
COLLEGE v. CAREFREE
Maricopa County Superior Court
CV2006-011927

The following are enclosed in the above entitled and numbered cause:

Original MANDATE
Copy of OPINION

Instruments/Minute Entries: 8 parts
Depositions: FD 11/14/2007 David Vanyo, FD 11/14/2007 James
Farris Murphy, FD 11/14/2007 Whitney Smelser R.L.S., FD
11/14/2007 Jefferrey Rybarszyk, P.E.
Exhibits: HD 11/14/2008 - List and Exhibit #1, 2 5, 6, 7, 8, 9,
10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27,
28, 29, 30, 33, 37, 38, 41, 42, 43, 44, 45, 47, 53, 54, 56, 57,
58, 60, in manilla envelope
Transcripts: November 13, 2007; November 14, 2007; November 14,
2007; November 14, 2007; November 14, 2007; November 15, 2007;
November 15, 2007; November 20, 2007; November 20, 2007; May 20,
2008; November 14, 2008

RUTH WILLINGHAM, CLERK

By _____
Deputy Clerk

Enclosures (as noted)

C:

Timothy Berg

Jeffrey D Gross

Kurt M Zitzer

Thomas H Crouch

Kevin T Minchey

Hon John A Buttrick, Judge