

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-015763

10/22/2015

COMMISSIONER JAMES R. MORROW

CLERK OF THE COURT

S. Stulz

Deputy

COTTONFLOWER GOODYEAR
COMMUNITY ASSOCIATION INC

BETH MULCAHY

v.

MALIK BEY, et al.

MALIK BEY

2267 S 173RD DR

GOODYEAR AZ 85338

RULING

Defendant filed a Motion to Vacate Default Judgment on September 22, 2015, along with an Affidavit in support of Motion to Vacate Default Judgment. As this is an eviction action and a ruling on the Motion could impact possession, the Court considers the Motion without awaiting a written response.¹

Defendant asserts in his Motion that "Plaintiff failed to attach necessary documents to the Complaint to Foreclose a Lien showing that Plaintiff is the holder or agent of the holder of the contract under which Plaintiff brought this action." Motion, ¶ 5. Plaintiff then asserts that this alleged omission renders the judgment void based on his argument that Plaintiff lacked standing to sue.

¹ There is no mailing certificate accompanying the motion, although a certificate of service accompanying the affidavit indicates that it was mailed to the attorney for Plaintiff.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-015763

10/22/2015

The record in this matter does not support Defendant's assertions. Plaintiff attached as Exhibit B to the Complaint a Declaration of Covenants, Conditions and Restrictions for Cottonflower - Goodyear.

IT IS ORDERED denying the Motion to Vacate Default Judgment filed on September 22, 2015.

/s/ COMMISSIONER JAMES R. MORROW

JUDICIAL OFFICER OF THE SUPERIOR COURT