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14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
15 **IN AND FOR THE COUNTY OF MARICOPA**

16 GALLERY COMMUNITY ASSOCIATION,
17 an Arizona non-profit corporation,

18 Plaintiff,

19 v.

20 K. HOVNANIAN AT GALLERY, LLC, an
21 Arizona limited liability company; K.
22 HOVNANIAN ARIZONA OPERATIONS,
23 LLC, an Arizona limited liability company; K.
24 HOVNANIAN DEVELOPMENTS OF
25 ARIZONA, INC., an Arizona corporation; K.
26 HOVNANIAN COMPANIES OF ARIZONA,
27 LLC, an Arizona limited liability company;
28 JOHN DOES I-X AND JANE DOES I-X,
 WHITE CORPORATIONS I-X; BLACK
 PARTNERSHIPS I-X; AND GRAY LIMITED
 LIABILITY COMPANIES I-X,

 Defendants.

 K. HOVNANIAN AT GALLERY, LLC, an
 Arizona limited liability company; K.
 HOVNANIAN ARIZONA OPERATIONS,
 LLC, an Arizona limited liability company; K.
 HOVNANIAN DEVELOPMENTS OF

Case No. CV2020-008714

Assigned to Hon. Katherine Cooper

**NOTICE OF DEPOSIT IN LIEU
OF SUPERSEDEAS BOND**

1 ARIZONA, INC., an Arizona corporation; K.
2 HOVNANIAN COMPANIES OF ARIZONA,
3 LLC, an Arizona limited liability company;

4 Third-Party Plaintiffs,

5 v.

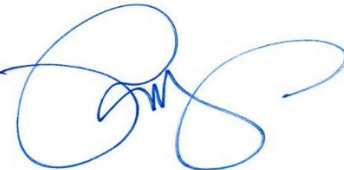
6 CHAS ROBERTS AIR CONDITIONING,
7 INC., an Arizona corporation; DESERT
8 VISTA, INC., an Arizona corporation;
9 GOTHIC LANDSCAPING, INC., a California
10 corporation; HOME BUILDERS SITE
11 SERVICES OF ARIZONA, LLC, an Arizona
12 limited liability company; LEBLANC
13 BUILDING CO., INC., an Arizona corporation;
14 LIBERTY CONSTRUCTORS, LLC, an
15 Arizona limited liability company, dba
16 LIBERTY ARIZONA; RENCO LLC, an
17 Arizona limited liability company, dba RENCO
18 ROOFING; R/S SERVICE & SUPPLY, INC.,
19 an Arizona corporation; SARGON MASONRY
20 CONSTRUCTION, LLC, an Arizona limited
21 liability company; and DOES 1-50.

22 Third-Party Defendants.

23 Pursuant to the Court's June 6, 2023 order (Exhibit A) and A.R.S. § 7-106(A),
24 Appealing Plaintiff Gallery Community Association have deposited \$379,208.86 with the
25 Court in lieu of supersedeas bond (Exhibit B) on June 7, 2023.

26 RESPECTFULLY SUBMITTED this 8th day of June, 2023.

27 BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC

28
By: 

Craig S. Nuss, Esq.
Penny J. Manship, Esq.
Grace M. Osberg, Esq.

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1 Certificate of Service

2 A copy of the foregoing E-FILED and E-
3 MAILED via Turbo court electronic mailing
4 system this 8th day of June 2023 to:

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16 *Developments of Arizona, Inc.; K. Hovnanian*
17 *Companies of Arizona, LLC*

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27 *Companies of Arizona, LLC*

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26 *MASONRY CONSTRUCTION, LLC*

27 /s/ Laura Sherman _____
28 Laura Sherman

Exhibit A

See eSignature page

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

GALLERY COMMUNITY ASSOCIATION,
an Arizona non-profit corporation,

Plaintiff,

v.

K. HOVNANIAN AT GALLERY, LLC, an
Arizona limited liability company; K.
HOVNANIAN ARIZONA OPERATIONS,
LLC, an Arizona limited liability company; K.
HOVNANIAN DEVELOPMENTS OF
ARIZONA, INC., an Arizona corporation; K.
HOVNANIAN COMPANIES OF ARIZONA,
LLC, an Arizona limited liability company;
JOHN DOES I-X AND JANE DOES I-X,
WHITE CORPORATIONS I-X; BLACK
PARTNERSHIPS I-X; AND GRAY LIMITED
LIABILITY COMPANIES I-X,

Defendants.

K. HOVNANIAN AT GALLERY, LLC, an
Arizona limited liability company; K.
HOVNANIAN ARIZONA OPERATIONS,
LLC, an Arizona limited liability company; K.
HOVNANIAN DEVELOPMENTS OF
ARIZONA, INC., an Arizona corporation; K.

Case No. CV2020-008714

Assigned to Hon. Katherine Cooper

**ORDER RE PLAINTIFF'S
MOTION ON SUPERSEDEAS
BOND AND STAYING EXECUTION
ON JUDGMENT**

1 HOVNANIAN COMPANIES OF ARIZONA,
2 LLC, an Arizona limited liability company;

3 Third-Party Plaintiffs,

4 v.

5 CHAS ROBERTS AIR CONDITIONING,
6 INC., an Arizona corporation; DESERT
7 VISTA, INC., an Arizona corporation;
8 GOTHIC LANDSCAPING, INC., a California
9 corporation; HOME BUILDERS SITE
10 SERVICES OF ARIZONA, LLC, an Arizona
11 limited liability company; LEBLANC
12 BUILDING CO., INC., an Arizona corporation;
13 LIBERTY CONSTRUCTORS, LLC, an
14 Arizona limited liability company, dba
15 LIBERTY ARIZONA; RENCO LLC, an
16 Arizona limited liability company, dba RENCO
17 ROOFING; R/S SERVICE & SUPPLY, INC.,
18 an Arizona corporation; SARGON MASONRY
19 CONSTRUCTION, LLC, an Arizona limited
20 liability company; and DOES 1-50.

21 Third-Party Defendants.

22 Pursuant to Plaintiff Gallery Community Association’s (“Plaintiff” or “Association”) Motion
23 for Stay of Execution on the Judgment and Approval of Supersedeas Bond and good cause appearing
24 therefor:

25 IT IS ORDERED as follows:

- 26 1. The Judgment Pursuant to Rule 54(c) which was entered in this matter on April 27, 2023
27 (“Judgment”), is hereby stayed while an appeal is pending, provided that Plaintiff deposits
28 with the Clerk of the Court the amount set forth below as ordered.
2. Plaintiff shall deposit \$379,208.86 in cash with the Clerk of the Court within the next
30 days after entry of this Order in lieu of a supersedeas bond with respect to Plaintiff’s
appeal from the Judgment.

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3. The Clerk of the Court is directed to place the cash into an interest-bearing certificate of deposit. Interest accrued at the end of the appeal will either be used to pay the Judgment amount plus accrued interest on the Judgment (if the Judgment is affirmed) or will be returned to the Plaintiff (if the Judgment is reversed).
4. Upon deposit by Plaintiff as stated above, enforcement of, and execution on, the Judgment and all proceedings related to the execution on the Judgment shall be stayed from the time of this Order until issuance of the appellate court's mandate or upon dismissal of the appeal.

ELECTRONICALLY SIGNED AND DATED

eSignature Page 1 of 1

Filing ID: 16091401 Case Number: CV2020-008714
Original Filing ID: 15976481

Granted with Modifications



/S/ Katherine Cooper Date: 6/6/2023
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2020-008714

SIGNATURE DATE: 6/6/2023

E-FILING ID #: 16091401

FILED DATE: 6/7/2023 8:00:00 AM

AMY WILKENS

JASON J BOBLICK

LEONARD T FINK

LOUIS W HOROWITZ

MICHAEL A LUDWIG

PENNY JANE MANSHIP

RINA K RAI

SHANNON G HUFF

Exhibit B

VIEW TRANSACTION

Transaction Date	06/07/2023
Account	6971815438 - Burg Simpson Operating Account
Transaction Type	Outgoing Money Transfer
Credit/Debit	Debit
Amount	379,208.86 USD
Bank Reference	001416
Customer Reference	230607009897
Description	15:03SND= 101000695 UMB BANK NASBR= 230607009897RCV= 021000021 JP MORGAN CHASE TYP= FED*BBK= 021000021*JP MORGAN CHASE*NEW YORK NEW YORK*BNF= D982585499*CENTRAL DEPOSITORY ACCOUNT*OBI= CASE NO: CV2020- 008714GALLERY COMMUNITY ASSOCIATION