

# **EXHIBIT A**

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17 Attorneys for Plaintiffs

18 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
19 **IN AND FOR THE COUNTY OF NAVAJO**

20 GORDON GROSS and LILIANA  
21 GROSS, husband and wife; 854 PINE  
22 CREEK, LLC, an Arizona limited liability  
23 company; BALD EAGLE RETREAT,  
24 LLC, an Arizona limited liability company;  
25 1501 RAINBOW VIEW, LLC, an Arizona  
26 limited liability company; LAKESIDE  
27 FAMILY INVESTMENTS, LLC, an  
28 Arizona limited liability company,  
29 STEVEN A. KERNAGIS AND SANDRA  
30 K. KERNAGIS, trustees of THE STEVEN  
31 AND SANDRA KERNAGIS TRUST  
32 DATED MARCH 17, 2014; THOMAS P.  
33 ZEHRING AND JEANNETTE ROSE  
34 ZEHRING, trustees of THE ZEHRING  
35 LIVING TRUST DATED MARCH 1,  
36 2001; JEANNETTE ZEHRING;  
37 RONALD D. KYER, JR. and DESIREE  
38 KYER, husband and wife,

Plaintiffs,

v.

THE SHORES AT RAINBOW LAKE  
COMMUNITY ASSOCIATION, an  
Arizona nonprofit corporation,

Defendant.

No.: S0900CV202200042

[PROPOSED] FINAL JUDGMENT

1           **THIS MATTER** having come before the Court on the parties' Motion and Cross-Motion  
2 for Summary Judgment, and Plaintiffs' Application for Attorneys' Fees and Costs (and supporting  
3 materials); the Court having considered and made findings reflected in the record, including the  
4 findings contained in the Court's September 14, 2022 Ruling on Motion and Cross Motion for  
5 Summary Judgment; Plaintiffs being entitled to the relief requested; and there being no just cause  
6 for delay in the entry of judgment pursuant to Rule 54(c) of the Arizona Rules of Civil Procedure:

7           **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
8 that the First Amendment to the Amended and Restated Declaration of Covenants, Conditions, and  
9 Restrictions for The Shores at Rainbow Lake, recorded with the Recorder of Navajo County,  
10 Arizona at Reception No. 2021-04383 (the "First Amendment") on March 3, 2021, is invalid and  
11 unenforceable. Therefore, no right, title, or interest is created, nor is any conveyance or  
12 encumbrance granted, by the First Amendment to any party. Should Defendant choose to record a  
13 new restrictive covenant concerning the matters in the First Amendment, such recording must be  
14 consistent with the Court's September 14, 2022 Ruling on Motion and Cross Motion for Summary  
15 Judgment.

16           **IT IS FURTHER ORDERED** that Plaintiffs have Judgment against Defendant, The  
17 Shores at Rainbow Lake Community Association, for Plaintiffs' attorneys' fees incurred in the  
18 principal sum of \$ \_\_\_\_\_, and for Plaintiffs' costs of suit incurred in  
19 the principal sum of \$ \_\_\_\_\_, with interest on each at the rate of seven and  
20 one quarter percent (7.25%) per annum from the date of Judgment until paid.

21           No further matters remain pending, and this Final Judgment is entered under Rule 54(c).

22           **DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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\_\_\_\_\_  
The Honorable Michala M. Ruechel

# **EXHIBIT B**

## Matt Klopp

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**From:** Matt Klopp  
**Sent:** Friday, September 16, 2022 4:42 PM  
**To:** Jim L. Csontos  
**Subject:** Re: Gross v. The Shores

Given the circumstances, I do not believe I can agree to anything unilaterally and will need to see if I can get consent from my clients for an extension, which I can try to do as soon as you identify how long of an extension you would need.

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**From:** Jim L. Csontos <jlc@jhkmlaw.com>  
**Sent:** Friday, September 16, 2022 4:17 PM  
**To:** Matt Klopp <mklopp@wongandcarter.com>  
**Subject:** RE: Gross v. The Shores

The earliest I may meet with the Board is Oct. 6. A few of the Board members are out of state and out of the country at various times between now and then.

If you do not mind waiting and if you allow me to ask the Court for a short extension of the 20 days to lodge a form of judgment, I can meet with the Board on Oct. 6 and find out if I have some options to discuss.

**Jim Csontos**  
**Jennings Haug Keleher McLeod LLP**  
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[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](http://JHKMLAW.com)

**JHKM** | JENNINGS HAUG  
KELEHER MCLEOD

**From:** Matt Klopp [<mailto:mklopp@wongandcarter.com>]  
**Sent:** Friday, September 16, 2022 3:01 PM  
**To:** Jim L. Csontos <[JLC@jhc.law](mailto:JLC@jhc.law)>  
**Subject:** Gross v. The Shores

Jim:

Given the recent ruling from the Navajo County Superior Court, I thought that I would ask if you and your client want to discuss how to resolve what remains of this case before you incur more costs. If you prefer to simply proceed consistent with the Court's ruling, that is certainly within your client's right. I just figured that I would ask the question to see if there was any common ground before you submitted a form of Judgment that may lead to additional fighting.

If you could let me know one way or the other before the end of next week, that would be really helpful.

Thank you.

Sincerely,

*Matthew A. Klopp*

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