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DEC 06 2022

SUPERIOR COURT

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10 Attorneys for Plaintiffs

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF NAVAJO**

13 GORDON GROSS and LILIANA
14 GROSS, husband and wife; 854 PINE
15 CREEK, LLC, an Arizona limited liability
company; BALD EAGLE RETREAT,
16 LLC, an Arizona limited liability company;
1501 RAINBOW VIEW, LLC, an Arizona
17 limited liability company; LAKESIDE
FAMILY INVESTMENTS, LLC, an
18 Arizona limited liability company,
STEVEN A. KERNAGIS AND SANDRA
19 K. KERNAGIS, trustees of THE STEVEN
AND SANDRA KERNAGIS TRUST
20 DATED MARCH 17, 2014; THOMAS P.
ZEHRING AND JEANNETTE ROSE
21 ZEHRING, trustees of THE ZEHRING
LIVING TRUST DATED MARCH 1,
22 2001; JEANNETTE ZEHRING;
RONALD D. KYER, JR. and DESIREE
23 KYER, husband and wife,

24 Plaintiffs,

25 v.

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

27 Defendant.
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No.: S0900CV202200042

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 \$ 0/100, and for Plaintiffs' costs of suit incurred in
19 the principal sum of \$ 0/10, 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 1st day of December, 2022.

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The Honorable Michala M. Ruechel

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