IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

EVERETT HUFFMAN,
Plaintiff/Appellant,

v.

MAGIC RANCH ESTATES HOMEOWNERS' ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION,
Defendant/Appellee.

No. 2 CA-CV 2025-0008
Filed April 21, 2026

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pinal County
No. S1100CV202100976
The Honorable Robert Carter Olson, Judge

AFFIRMED

COUNSEL

Everett Huffman, Florence
In Propria Persona

Hill, Hall, Stark, & Ferraro PLC, Scottsdale
By R. Corey Hill and Christopher Robbins
Counsel for Defendant/Appellee

MEMORANDUM DECISION

Presiding Judge Kelly authored the decision of the Court, in which Judge Sklar and Judge Gard concurred.

K E L L Y, Presiding Judge:

¶1 Everett Huffman appeals from the superior court's grant of summary judgment in favor of Magic Ranch Estates Homeowners' Association ("Magic Ranch") on his claims for nuisance and punitive damages related to the proximity of community mailboxes, benches, and a bulletin board to his house. For the following reasons, we affirm.

Factual and Procedural Background

¶2 In 2015, in a separate proceeding, Magic Ranch asserted a breach-of-contract claim against Huffman, requesting injunctive relief for alleged violations of Magic Ranch's declaration of covenants, conditions, and restrictions. Huffman counterclaimed and alleged intentional infliction of emotional distress. The superior court granted Magic Ranch's motion to dismiss Huffman's counterclaim, finding that it "fail[ed] to state an actionable claim." On appeal, we agreed that Huffman had failed to state any claim upon which relief could be granted. *Magic Ranch Ests. Homeowners Ass'n v. Huffman*, No. 2 CA-CV 2018-0142, ¶ 34 (Ariz. App. Nov. 22, 2019) (mem. decision).

¶3 In 2016, Huffman filed an action against Magic Ranch and other parties, alleging claims of nuisance and breach of quiet enjoyment related to the relocation of mailboxes within the community, intentional infliction of emotional distress, fraud and misrepresentation, negligent infliction of emotional distress, violations of the Fair Debt Collect Practices Act, and "derivative action" claims. He then amended his complaint and removed his claim of nuisance. Huffman later asserted he had omitted his nuisance claim by mistake, but he did not request leave to again amend his complaint. Ultimately, the amended complaint was involuntarily dismissed with prejudice in a final judgment. We affirmed. *Huffman v. Jackson*, No. 2 CA-CV 2018-0181, ¶ 21 (Ariz. App. Oct. 17, 2019) (mem. decision).

¶4 In 2021, Huffman initiated another action against Magic Ranch alleging claims of nuisance and breach of quiet enjoyment,

negligence, and wrongful initiation of civil proceedings. Magic Ranch moved to dismiss under Rule 12(b)(6), Ariz. R. Civ. P., for failure to state a claim, arguing that Huffman could have asserted his claims in the earlier suits and that, because the current claims arose from the "same nucleus of facts" as the 2015 and 2016 litigations, the action was barred by the doctrine of claim preclusion. Magic Ranch also asserted that Huffman's tort claims were barred by a two-year statute of limitations and that his statutory causes of action were barred by a one-year statute of limitations. The superior court determined that Huffman was precluded from asserting his nuisance claim and that he had failed to state a claim for either negligence or wrongful initiation of civil proceedings. The court thus dismissed his complaint with prejudice. On appeal, we affirmed the superior court's dismissal of Huffman's claims for negligence and wrongful initiation of civil proceedings, but we vacated the dismissal of his nuisance claim, holding that the 2016 judgment did not have preclusive effect as to that claim. *Huffman v. Magic Ranch Est. Homeowners Ass'n*, No. 2 CA-CV 2022-0055, ¶¶ 16, 29 (Ariz. App. Apr. 19, 2023) (mem. decision).

¶5 In 2023, after our mandate issued, Huffman filed his second amended complaint with leave from the superior court, alleging that Magic Ranch's placement of community mailboxes, benches, and a bulletin board to "beneath his master bedroom window" in 2014 and 2015 had constituted a nuisance and interfered with his quiet enjoyment of his property. He also made a claim for punitive damages, alleging that Magic Ranch's actions were "malicious, [i]ntentional, and/or grossly negligent." Magic Ranch moved for summary judgment, asserting that Huffman's allegations failed to establish a legal cause of action for nuisance and that his claims were barred by the applicable statutes of limitations.

¶6 The superior court concluded that the "statute of limitations time period is limited to two years prior to the filing of the complaint," which occurred on May 7, 2021, and "therefore, the earliest damages available are May 7, 2019." The court determined that "approval by [Magic Ranch] and the construction of the mailboxes is outside of the statute of the limitations and is not part of a continuing tort." It further found that Huffman's "claim of nuisance rests primarily on arguments of mischief in the original decision to relocate the mailboxes, but he has shown no substantial, intentional and unreasonable interference under the circumstances in the continuing presence of the mailboxes in its current location or design." The court thus concluded, "viewing the evidence in the light most favorable to [Huffman], he has not shown specific evidence necessary to support his claim and has not demonstrated a genuine dispute

as to any material fact." It therefore granted summary judgment in favor of Magic Ranch as to all claims. Huffman timely appealed. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1) and 12-2101(A)(1).

Discussion

¶7 On appeal, Huffman asserts that the superior court "erred in its statement that [he] has not shown specific evidence necessary to support his claim" for "nuisance/quiet enjoyment."[1] He further contends the nuisance "started in 2014 is continuing and has not been abated." Magic Ranch counters that Huffman's nuisance claim is barred by the applicable statute of limitations, that its action in moving the mailboxes did not substantially or unreasonably interfere with Huffman's use and enjoyment of his property, and that his claim for punitive damages fails "as a matter of law and undisputed fact." We review "a grant of summary judgment *de novo*, viewing the facts and reasonable inferences in the light most favorable to the party opposing the motion and will affirm for any reason supported by the record, even if not explicitly considered by the superior court." *CK Fam. Irrevocable Tr. No. 1 v. My Home Grp. Real Est. LLC*, 249 Ariz. 506, ¶ 6 (App. 2020).

¶8 A private nuisance is the "nontrespassory invasion of another's interest in the private use and enjoyment of land." *Armory Park Neighborhood Ass'n v. Episcopal Cmty. Servs. in Ariz.*, 148 Ariz. 1, 4 (1985) (quoting Restatement (Second) of Torts § 821D (1979)); *see also Graber v. City of Peoria*, 156 Ariz. 553, 555 (App. 1988) ("[A] nuisance is a condition which represents an unreasonable interference with another person's use and enjoyment of his property and causes damage."). While the "rules of a civilized society require us to tolerate our neighbors," the "law requires our neighbors to keep their activities within the limits of what is tolerable by a reasonable person." *Armory Park Neighborhood Ass'n*, 148 Ariz. at 7.

¶9 However, "what is reasonably tolerable must be tolerated," and not all inconveniences, annoyances, interferences, or obstructions are nuisances. *See id.* "[T]he law does not concern itself with trifles, or seek to remedy all of the petty annoyances and disturbances of everyday life in a civilized community even from conduct committed with knowledge that

[1]Throughout his opening brief, Huffman describes his claim as one for "nuisance/quiet enjoyment" and does not articulate more than one claim related to the location of the mailboxes, benches, and bulletin board. Accordingly, we treat his claim as one for private nuisance.

annoyance and inconvenience will result." *Id.* (quoting W. Page Keeton et al., *Prosser and Keeton on the Law of Torts*, § 88, at 643 (5th ed. 1984)). As such, to establish a claim of private nuisance, a plaintiff must show that a defendant's conduct substantially, intentionally, and unreasonably under the circumstances, interfered with the use and enjoyment of his property, causing significant harm. *See Nolan v. Starlight Pines Homeowners Ass'n*, 216 Ariz. 482, ¶ 32 (App. 2007).

¶10 Huffman's opening brief restates the evidence as to the location of the mailboxes, two park benches, and a bulletin board, and reiterates his complaints of "slamming mailbox doors, blaring vehicle stereos, vehicle doors being slammed shut, vehicles idling, vehicle smells, headlights shining into his bedroom window, people yelling, talking, meeting and smoking, trash and garbage from unwanted mail," with "these activities occurring at all hours of the night making it impossible to enjoy his master bedroom." Viewing the facts in the light most favorable to Huffman, these allegations of behaviors by his fellow homeowners do not rise to the level of a tortious nuisance, as the superior court correctly concluded. While any or all of these activities might certainly be annoying or inconvenient, they are not illegal, and they represent the activities and consequences of daily life amongst people living together in a neighborhood. Accordingly, they do not rise to the level of conduct that would substantially, intentionally, and unreasonably interfere with a homeowner's use and enjoyment of his property, or cause "significant harm." *See Nolan*, 216 Ariz. 482, ¶ 32. Thus, the court did not err in granting summary judgment in favor of Magic Ranch on Huffman's nuisance claim.

¶11 Given our conclusion that Huffman has failed to allege facts necessary to establish a claim for nuisance against Magic Ranch, and that summary judgment was properly granted on that basis, we need not reach whether the alleged nuisance was permanent or continuous in nature, or whether it was barred by the applicable statute of limitations. Additionally, a claim for punitive damages requires proof of an underlying tort. *See Swift Transp. Co. of Ariz. L.L.C. v. Carman ex rel Yavapai*, 253 Ariz. 499, ¶ 11 (2022) ("something more than the mere commission of a tort is always required for punitive damages"); *see also Saucedo ex rel. Sinaloa v. Salvation Army*, 200 Ariz. 179, ¶ 21 (App. 2001) (plaintiff must suffer actual damages as a result of underlying tort before punitive damages may be entertained). Because the superior court properly granted summary judgment dismissing Huffman's tort claim for nuisance, his claim for punitive damages must also fail as a matter of law.

Disposition

¶12 We affirm the superior court's grant of summary judgment and dismissal of Huffman's second amended complaint. As the prevailing party, Magic Ranch is entitled to recover its costs on appeal upon compliance with Rule 21, Ariz. R. Civ. App. P. *See* A.R.S. § 12-341.