

# **EXHIBIT 1**

1 Jonathan A. Dessaulles, State Bar No. 019439  
Jacob A. Kubert, State Bar No. 027445  
2 **DESSAULES LAW GROUP**  
5353 North 16<sup>th</sup> Street, Suite 110  
3 Phoenix, Arizona 85016  
602.274.5400 tel.  
4 602.274.5401 fax  
[jdessaulles@dessauleslaw.com](mailto:jdessaulles@dessauleslaw.com)  
5 [jkubert@dessauleslaw.com](mailto:jkubert@dessauleslaw.com)

6 *Attorneys for Defendant*

7  
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
9 IN AND FOR THE COUNTY OF MARICOPA

10 LAVEEN MEADOWS HOMEOWNERS'  
ASSOCIATION, INC., an Arizona nonprofit  
corporation,  
11  
12 Plaintiff,  
13  
14 vs.  
15 CARLOS MEJIA, a married man, as his sole  
and separate property; et al.,  
Defendants.

No. CV2016-094391

**AFFIDAVIT OF CARLOS MEJIA**

16  
17 STATE OF ARIZONA )  
County of Maricopa ) ss.  
18 )

19 I, Carlos Mejia, being first duly sworn under oath, depose and say:

- 20 1. I am the defendant in this action. I make the statements in this declaration based  
21 on my personal knowledge.
- 22 2. Spanish is my primary language.
- 23 3. I am not fluent in English and have limited proficiency in speaking English.
- 24 4. I cannot read English.
- 25 5. I cannot write English.
- 26

1           6.       Based on my limited English language abilities, I did not understand fully the  
2 nature of the lawsuit currently filed against me and did not grasp the legal effect of this lawsuit  
3 or what Plaintiff is seeking.

4           7.       This Affidavit was interpreted for me before I signed below.  
5 Further Affiant Sayeth Naught.

6           DATED this 13 day of April 2017.


7  
8   
CARLOS MEJIA

9           SUBSCRIBED AND SWORN TO before me this 13 day of April 2017, by  
10 Carlos Mejia.

11  
12   
13 Notary Public

14 My Commission Expires:

15 3/31/2019

16  HILARY PETERS  
Notary Public - Arizona  
Maricopa County  
Expires 03/31/2019

# **EXHIBIT 2**

RECEIVED RECEIVED

13 OCT -2 AM 9:49:38 AM OCT 22 AM 10:25

SOUTH PHOENIX JUSTICE COURT

1 **MAXWELL & MORGAN, P.C.**  
2 PIERPONT COMMERCE CENTER  
3 4854 EAST BASELINE ROAD, SUITE 104  
4 MESA, ARIZONA 85206  
5 TELEPHONE: (480) 833-1001  
6 FAX: (480) 969-8267  
7 EMAIL: MAIL@HOALAW.BIZ  
8 FILE NO.: 4107.054

9 BRIAN W. MORGAN - STATE BAR NO. 019913  
10 *Attorneys for Plaintiff*

11  
12 **IN THE JUSTICE COURT, SOUTH MOUNTAIN PRECINCT**  
13 **COUNTY OF MARICOPA, STATE OF ARIZONA**  
14 **620 West Jackson Street, Phoenix, Arizona 85003, (602) 372-6300**

15 LAVEEN MEADOWS HOMEOWNERS  
16 ASSOCIATION, INC. , an Arizona nonprofit  
17 corporation,

18 Plaintiff,

19 vs.

20 CARLOS MEJIA and MAYRA PARTIDA-  
21 MUNOZ, husband and wife,

22 Defendants.

No. CC2013-089601

NOTICE OF AFFIDAVIT AND PROOF OF  
DEBT PER JCRCP 140

23 Plaintiff, Laveen Meadows Homeowners Association, Inc., by and through counsel, hereby  
24 submits the attached accounting ledger as proof of the debt as required by JCRCP 140. (*See Accounting  
25 Ledger attached hereto as Exhibit "C."*)

26 The Court may not raise a defense *sua sponte* on behalf of the defendants, especially when the  
27 defendants themselves would be precluded from raising the defense in light of the default. A default  
28 is an admission of all the facts as pled in the Complaint.

A verified Complaint alleging breach of contract was filed on May 22, 2013. A verified  
complaint is evidence and testimony and satisfies the requirements of JCRCP 140. The Court is  
required to consider the verified Complaint as sworn testimony. Paragraph II of the verified Complaint  
alleged Defendants are or were residents/owners at Laveen Meadows Homeowners Association, Inc.

1 No answer or other responsive pleading was filed to dispute the allegations in the verified Complaint.  
2 Therefore, the Court is required to consider the allegations in the verified Complaint as true and correct.  
3 Despite the clear legal authority requiring the Court to take the verified Complaint as true and correct,  
4 Plaintiff submits the attached accounting ledger in support of the principal amount requested in the  
5 Complaint and in the Judgment. (See Exhibit "C.") The principal in the Judgment was calculated as  
6 follows: \$2,775.26 Complaint principal balance, plus accruing monthly installments of the 2013  
7 assessments of \$183.00 (\$61.00 per month for June through August) incurred since the filing of the  
8 Complaint; plus an interim fine of \$25.00 incurred since the filing of the Complaint; therefore, reaching  
9 the Judgment principal amount of \$2,983.26.

10 The Complaint alleges a contract pursuant to the Declaration of Covenants, Conditions, and  
11 Restrictions ("Declaration"), recorded in the office of the Maricopa County Recorder. The Defendants  
12 took the property subject to the Declaration when they took title to the property.

13 The Declaration is a contract between Plaintiff and Defendants. Arizona law specifically  
14 provides that a contractual obligation exists with respect to the Declaration, irrespective of whether  
15 Defendants were aware of the same or executed a document acknowledging their obligation to be bound  
16 by the Declaration. See *Lacer v. Navajo County*, 141 Ariz. 392, 394, 687 P.2d 400, 402 (App. 1984).


17 The Court in *Lacer* specifically held: "When a grantee accepts a deed containing restrictions,  
18 he assents to those restrictions and is bound to their performance as effectively as if he had executed  
19 an instrument containing them." *Id.* Similarly, the court in *Pinetop Lakes Association v. Hatch*, 135  
20 Ariz. 196, 659 P.2d 1341 (App. 1983), stated: "Thus, the grantee who accepts a deed containing  
21 restrictive covenants has entered into a contractual relationship." *Id.*, 135 Ariz. at 198, 659 P.2d at  
22 1343.

23 In addition to the foregoing, Plaintiff is entitled to interest at the rate of 10% per annum pursuant  
24 to Section 8.2 of the CC&Rs, the contract between the parties. (See the CC&Rs attached to the China  
25 Doll Affidavit as Exhibit "B".)

1 WHEREFORE, Plaintiff prays the Court enter Judgment in favor of Plaintiff against Defendants,  
2 and for such other and further relief as the Court deems just and equitable.

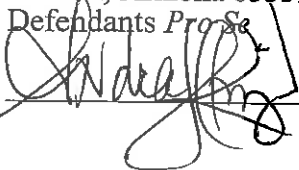
3 DATED this 19<sup>th</sup> day of August, 2013.

4 MAXWELL & MORGAN, P.C.

5  
6 By   
7 Brian W. Morgan  
8 4854 East Baseline Road, Ste. 104  
9 Mesa, Arizona 85206  
10 Attorneys for Plaintiff

11 COPY of the foregoing  
12 mailed this 25 day of  
13 August, 2013, to:

14 Carlos Mejia and Myra Partida-Munoz  
15 7824 South 73<sup>rd</sup> Lane  
16 Laveen, Arizona 85339  
17 Defendants *Pro Se*



# **Exhibit C**

FINANCIAL TRANSACTIONS - 05/07/13

7824 S 73RD LANE  
 CARLOS MEJIA  
 Unit ID: 2063  
 STATUS: 10 - ATTORNEY

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
030113				A1		ASSESSMENT	46.00	2179.50
032613				01		LATE FEES	15.00	2194.50
040113				A1		ASSESSMENT	46.00	2240.50
042913				01		LATE FEES	15.00	2255.50
050113				A1		ASSESSMENT	46.00	2301.50
050713				06		FINES	110.00	2411.50
050713						RENTAL REGISTRATION		

Late charges x 1.2 = 15.00  
 Fees = 348.76  


---

 \$ 2,775.26  
 Assessments June - August 183.00  


---

 \$2,958.26  
 FINE 25.00  


---

 \$2,983.26

\$510

110+

## FINANCIAL TRANSACTIONS - 05/07/13

7824 S 73RD LANE  
 CARLOS MEJIA  
 Unit ID: 2063  
 STATUS: 10 - ATTORNEY

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
090412						waiting on judgment from court - hny		
091112				21		EXPENSE ADJ NET CERT FEE	10.00	1508.50
091112				06		EXPENSE ADJ FINES	(10.00)	1498.50
091112						NET CERT FEE-DG		
091812				01		APPLY LATE FEE LATE FEES	15.00	1513.50
092612						rec'd judgment ltr \$1144.50 - hny		
100112				03		EXPENSE ADJ ADMIN FEES	15.00	1528.50
100112						post judgment ltr sent - hny		
100112				A1		APPLY CHARGES ASSESSMENT	46.00	1574.50
102212				01		APPLY LATE FEE LATE FEES	15.00	1589.50
103012				06		APPLY CGR FEE FINES	110.00	1699.50
103012						RENTAL REGISTRATION		
110112				A1		APPLY CHARGES ASSESSMENT	46.00	1745.50
110512				21		EXPENSE ADJ NET CERT FEE	10.00	1755.50
110512				06		EXPENSE ADJ FINES	(10.00)	1745.50
111912				01		APPLY LATE FEE LATE FEES	15.00	1760.50
112812				03		EXPENSE ADJ ADMIN FEES	15.00	1775.50
112812						post judgment ltr sent waiting on board approval		
112812						to send to attorney - hny		
120112				A1		APPLY CHARGES ASSESSMENT	46.00	1821.50
122612				01		APPLY LATE FEE LATE FEES	15.00	1836.50
010113				A1		APPLY CHARGES ASSESSMENT	46.00	1882.50
012213				01		APPLY LATE FEE LATE FEES	15.00	1897.50
013113				03		EXPENSE ADJ ADMIN FEES	15.00	1912.50
013113						post judgment letter. la		
020113				A1		APPLY CHARGES ASSESSMENT	46.00	1958.50
021913				03		EXPENSE ADJ ADMIN FEES	50.00	2008.50
021913						sent to atty M&M contingency - hny		
022513				06		APPLY CGR FEE FINES	110.00	2118.50
022513						RENTAL REGISTRATION		
022813				21		EXPENSE ADJ NET CERT FEE	10.00	2128.50
022813				06		EXPENSE ADJ FINES	(10.00)	2118.50
022813				01		APPLY LATE FEE LATE FEES	15.00	2133.50

1904

FINANCIAL TRANSACTIONS - 05/07/13

7824 S 73RD LANE  
 CARLOS MEJIA  
 Unit ID: 2063  
 STATUS: 10 - ATTORNEY

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
022712				01		LATE FEES	15.00	550.50
030112				A1		ASSESSMENT	46.00	596.50
031912				01		LATE FEES	15.00	611.50
040112				A1		ASSESSMENT	46.00	657.50
040412				03		ADMIN FEES	15.00	672.50
040412						collection ltr-ao		
040412				06		FINES	110.00	782.50
040412						RENTAL REGISTRATION		
040612				06		FINES	(10.00)	772.50
040612				21		NET CERT FEE	10.00	782.50
041812				01		LATE FEES	15.00	797.50
050112				A1		ASSESSMENT	46.00	843.50
050312				03		ADMIN FEES	200.00	1043.50
050312						small claim filed, no t-sales or bks found - hny		
050312				18		LEGAL/FILING FE	51.00	1094.50
050312						court filing fee for small claim - hny		
051712						rec'd filed small claim back from court, sent for		
051712						service - hny		
052212				01		LATE FEES	15.00	1109.50
060112				A1		ASSESSMENT	46.00	1155.50
060412				14		PROCESS SERVER	50.00	1205.50
060412						process service fee - hny		
060412						rec'd service in person at prop 5/24/12 - hny		
062012						default judgment filed - hny		
062612				01		LATE FEES	15.00	1220.50
070112				A1		ASSESSMENT	46.00	1266.50
072512				01		LATE FEES	15.00	1281.50
080112				A1		ASSESSMENT	46.00	1327.50
082112				01		LATE FEES	15.00	1342.50
082812				06		FINES	110.00	1452.50
082812						RENTAL REGISTRATION		
090112				A1		ASSESSMENT	46.00	1498.50

210+

## FINANCIAL TRANSACTIONS - 05/07/13

7824 S 73RD LANE  
 CARLOS MEJIA  
 Unit ID: 2063  
 STATUS: 10 - ATTORNEY

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
081611				09		WORKING CAPITAL	138.00	138.00
081611				09		WORKING CAPITAL	425.00	563.00
081611	609.00	0013695	081611	09		WORKING CAPITAL	(563.00)	(46.00)
081611				PP		Credit-Prepaid	(46.00)	
081611						cpn book on order nt		
081811						sent wlc ltr-hf		
090111				A1		ASSESSMENT	46.00	0.00
090111				A1		ASSESSMENT	(46.00)	0.00
100111				A1		ASSESSMENT	46.00	46.00
102511				01		LATE FEES	15.00	61.00
102511						Action taken: 01 - REMINDER		
102511				03		ADMIN FEES	15.00	76.00
110111				A1		ASSESSMENT	46.00	122.00
111811				01		LATE FEES	15.00	137.00
111811						Action taken: 02 - DEMAND		
111811				03		ADMIN FEES	25.00	162.00
120111				A1		ASSESSMENT	46.00	208.00
122011				01		LATE FEES	15.00	223.00
122111				03		ADMIN FEES	190.50	413.50
122111						title search, lien filed, lien record and release.		
122111						cert mail fee, not-sales or bks found - hny		
010112				A1		ASSESSMENT	46.00	459.50
011812						demand letter rtnd from '7429 W FAWN DR LAVEEN		
011812						AZ 85339 with a p/o fwd adrs: updated new alt. cs		
012312				01		LATE FEES	15.00	474.50
012612						cert demand letter #1531.22 rtnd from old alt		
012612						unclaimed. cs		
020112				A1		ASSESSMENT	46.00	520.50
020612				03		ADMIN FEES	15.00	535.50
020612						collection ltr-ao		
022112						cert lien letter #1655.75 rtnd from old alt with		
022112						the current alt as the p/o fwd adrs. cs		

# **EXHIBIT 3**

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



Jonathan A. Dessaules, PC  
IOLTA TRUST ACCOUNT  
5353 North 16th Street, Suite 110  
Phoenix, Arizona 85016  
602.274.5400

JPMORGAN CHASE BANK, NA  
91-002/1221

0885

04/14/2017

PAY TO THE ORDER OF Maxwell & Morgan

\$ \*\*5,000.00

Five thousand and 00/100\*\*\*\*\* DOLLARS

PROTECTED AGAINST FRAUD

Maxwell & Morgan



MEMO

Carlos Mejia

*[Handwritten Signature]*

⑈000885⑈ ⑆122100024⑆ 988768222⑈

Details on Back Intuit® CheckLock™ Secure Check