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6 *Attorneys for Defendant*

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9
10 IN AND FOR THE COUNTY OF MARICOPA

11 LAVEEN MEADOWS HOMEOWNERS'
12 ASSOCIATION, INC., an Arizona nonprofit
13 corporation,

14 Plaintiff,

15 vs.

16 CARLOS MEJIA, a married man, as his sole
17 and separate property; et al.,

18 Defendants.

No. CV2016-094391

**OBJECTION TO PLAINTIFF'S
STATEMENT OF COSTS AND NOTICE
OF TAXATION**

19 Plaintiff has requested \$1,314.16 in costs in its Statement of Costs and Notice of
20 Taxation filed April 3, 2017, and an additional \$37.35 in its Supplemental Statement of Costs
21 and Notice of Taxation filed June 19, 2017. Although it cites the taxable cost statute, A.R.S. §
22 12-346, most of the costs that it includes in its Statement are not taxable costs. Citation to
23 A.R.S. § 33-1807(H) and unspecific references to the CC&Rs do not allow Plaintiff to demand
24 non-taxable costs. The CC&Rs in this case merely entitle the Association to recover "costs."
25 Therefore, costs should be limited to taxable costs. Plaintiff also does not provide receipts for
26 any of the costs it seeks.

Of the \$1,314.16 in costs that Plaintiff seeks, \$306 is for *future* costs, including fees for
obtaining the Writ of Execution, the Sheriff's Fee for the Writ, and estimated costs for obtaining a

1 certified judgment. Neither of the statutes nor the CC&Rs permit Plaintiff to recover costs that it
2 has not incurred and may never incurred. Because portions of an additional \$68.10 that Plaintiff
3 seeks for electronic filing fees and recording fees also includes future costs, this amount must be
4 reduced accordingly. This is especially true since Plaintiff seeks filing fees for the future judgment
5 in both the first and second statements of cost.

6 Plaintiff also seeks \$609.65 for Service of Process. Plaintiff's costs to serve Mr. Mejia,
7 however, were just \$98.00 according to the Certificate of Service filed on May 12, 2016 and
8 Plaintiff's History Bill attached as Exhibit A to its April 3 *China Doll* Affidavit. It appears that
9 Plaintiff included costs of serving other defendants in this statement of costs. There is no basis for
10 charging such costs to Mr. Mejia.

11 Finally, Photocopies, Postage, etc. are not taxable costs under A.R.S. § 12-332. The
12 \$11.41 requested in the first Statement of Costs and \$3.85 requested in the second must be
13 stricken.

14 DATED this 3rd day of July 2017.

15 DESSAULES LAW GROUP

16 By: /s/ Jonathan A. Dessales
17 Jonathan A. Dessales
18 Jacob A. Kubert
19 *Attorneys for Defendant*
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1 COPY filed electronically with
the Clerk of the Court
2 this 3rd day of July, 2017

3 COURTESY COPY hand-delivered
4 this 3rd day of July, 2017 to:

5 Honorable Commissioner Margaret Benny
6 Southeast Facility-3C
222 E. Javelina Ave.
7 Mesa, AZ. 85210-6234

8 COPY of the foregoing mailed and e-mailed
9 this 3rd day of July 2017, to:

10 Brian W. Morgan, Esq.
11 W. William Nikolaus, Esq.
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15 *Attorneys for Plaintiff*

16 /s/ Hilary Narveson
17 _____
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