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10 *Attorneys for Plaintiff*

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

13 LAVEEN MEADOWS HOMEOWNERS’
14 ASSOCIATION, INC., an Arizona nonprofit
15 corporation,

16 Plaintiff,

17 vs.

18 CARLOS MEJIA a married man as his sole and
19 separate property; *et al.*,

20 Defendants.

Case No. CV2016-094391

REPLY IN SUPPORT OF PLAINTIFF’S
STATEMENT OF COSTS AND NOTICE OF
TAXATION

(Oral Argument Requested)

21 Plaintiff, Laveen Meadows Homeowners’ Association, Inc. (the "Association"), by and
22 through undersigned counsel, hereby submits its Reply in Support of its Statement and
23 Supplemental Statement of Costs and Notice of Taxation.

24 Association requests both taxable and nontaxable costs, identifying each separately in its
25 Statement of Costs, including anticipated costs to be incurred in recording the judgment and
26 obtaining a writ of execution. Defendant concedes, as Defendant must, that the Association is
entitled to its taxable costs. Defendant objects to three categories of costs, anticipated costs,
service of process costs, and non-taxable costs. Plaintiff addresses its entitlement to each.

Under the Declaration, the lien secures payment “of all present and future Assessments
assessed or levied against such Lot or the Owner thereof (together with any present or future
charges, fines penalties or other amounts levied against such Lot or the Owner thereof pursuant
to this Declaration . . .” Declaration, Section 8.3. Furthermore, A.R.S. § 33-1807(H) states, “A
judgment or decree in any action brought under this section shall include costs and reasonable

1 attorney fees for the prevailing party.” Finally, A.R.S. § 12-341 states, “The successful party to a
2 civil action shall recover from his adversary all costs expended or incurred therein unless
3 otherwise provided by law.” In short, all costs included in Plaintiff’s Statement and
4 Supplemental Statement of Costs and Notice of Taxation, are provided for by contract and
5 Arizona law. Defendant offers no legal support for his position as far as estimated or future
6 costs to be incurred in recording the judgment or obtaining a writ. Arizona law clearly indicates
7 that Plaintiff is entitled to recover these costs.

8 As for process service costs to other defendants, the judgment is against all defendants, so
9 the costs for process service on all defendants should be included. Also, the only remedy being
10 sought is against the subject Property, not Defendant, Carlos Mejia, personally, so all amounts
11 secured by the lien must be included in the judgment.

12 Finally, it is undisputed that the Declaration is a contract between the parties. As noted
13 above, the Defendants are deemed to covenant and agree to be personally obligated for the costs
14 incurred by the Association as a result of their delinquency and those costs of suit incurred due to
15 suit or action brought by the Association against the delinquent Defendant. *See* Declaration,
16 Section 8.3. Therefore, because the effective contract between the parties (the CC&R’s) provide
17 for the recovery of costs – including those nontaxable costs requested in the Statement of Costs
18 and Notice of Taxation – the Plaintiff respectfully requests the Court enter judgment in favor of
19 the Plaintiff for both the taxable and nontaxable costs incurred.

20 RESPECTFULLY SUBMITTED this 14th day of July, 2017.

21 MAXWELL & MORGAN, P.C.

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23 Samuel C. Richardson, Esq.
24 4854 E. Baseline Road, Suite 104
25 Mesa, AZ 85206
26 *Attorneys for Plaintiff*

1 ORIGINAL of the foregoing submitted
for filing this 14 day of July, 2017, to:

2 The Clerk of the Court

3 COPY of the foregoing delivered
4 this 14 day of July, 2017, to:

5 Hon. Margaret Benny
6 Southeast Facility 3C
7 222 E. Javelina Ave.
Mesa, AZ 85210

8 COPY of the foregoing mailed
9 this 14 day of July, 2017 to:

10 Jonathan Dessauls, Esq.
11 5353 N. 16th Street, Suite 110
Phoenix, AZ 85016
Attorney for Defendant Carlos Mejia

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