

ARIZONA COURT OF APPEALS

DIVISION ONE

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

Plaintiff/Appellee,

vs.

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

Defendant/Appellant.

1 CA-CV 18-0276

Maricopa County Superior Court
No. CV2016-094391

**REPLY IN SUPPORT OF APPELLANT'S MOTION FOR
RECONSIDERATION OF ORDER DISMISSING APPEAL AND TO
REINSTATE APPEAL**

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It is not disputed that none of the parties, nor this Court, received or knew of the Superior Court's April 20, 2018 order on Plaintiff/Appellee's claim for attorneys' fees. It also cannot be disputed that on June 12, 2018, this Court dismissed this appeal because it, along with the parties, believed the attorneys' fee issue was still pending in the Superior Court. This Court even stated the following in that order of dismissal: "Nothing in this order precludes appellant from filing a timely notice of appeal after the attorneys' fees issue is resolved in a signed order."

Since that order on the attorneys' fees issue was signed, filed, and docketed, there are no issues remaining for the Superior Court to rule on and this Court should hear the appeal. Regarding Rule 54(c) language, the default Judgment of Foreclosure, which Appellant sought to set aside, contains such language. There is no prejudice to Appellee in letting this appeal go forward. Appellant is entitled to appeal the denial of her Motion to Set Aside Default Judgment. The appeal can proceed by reinstating this case or under a new case generated from the Notice of Appeal filed on June 14, 2018.

DATED this 10th day of July 2018.

By: /s/ Jonathan A. Dessaules
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