

JEFF FINE
 Clerk of the Superior Court
 By Shantel Tavares, Deputy
 Date 03/22/2021 Time 14:29:06

Description	Amount
CASE# CV2021-050888	
CIVIL NEW COMPLAINT	333.00
TOTAL AMOUNT	333.00
Receipt# 28178882	

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R. L. Whitmer
 6333 N. Scottsdale Rd.
 Casita 21
 Scottsdale, Arizona 85250
 602.531.2615
 Pro Per

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

R. L. WHITMER,

 Plaintiff.

 v.

 HILTON CASITAS HOMEOWNERS
 ASSOCIATION, also known as
 HILTON CASITAS COUNCIL OF
 HOMEOWNERS, also known as
 COUNCIL OF CO-OWNERS, also
 known as HILTON CASITAS
 COUNCIL OF CO-OWNERS;

 Defendant.

CV2021-050888

**VERIFIED COMPLAINT
 FOR ENFORCEMENT OF AN
 ADMINISTRATIVE LAW ORDER
 No. 14F-H1415004-BFS,
 AND INJUNCTIVE RELIEF**

Plaintiff for his cause of action against the Defendant, the Hilton Casitas Homeowners Association ("Association"), alleges the following:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of Maricopa County, Arizona and co-owns a condominium unit in the Hilton Casitas Condominium.
2. The Defendant is a condominium unit owners association with its principal place of business in Maricopa County, Arizona.

1 **24.** The Association financial spreadsheets are laced with inaccuracies
2 and misstatements such as:

3 a. The 2019 financial spreadsheet failed to show a current
4 liability of \$10,000 of attorney fees awarded against the Association to the
5 Plaintiff and his spouse in the Association's appeal of CC2016-164084SC
6 (LC2017-000273).

7 b. The Association's 2017 financial spreadsheet shows a total
8 2017 legal expenses of \$27,112.50 versus the actual total of \$45,464.76³
9 which is the sum of \$33,982 from the Association's payable ledger to Shaw
10 & Lines for 2017 legal services, \$8,051.50 for the Association's attorneys'
11 Clark Hill's 2017 china doll affidavit, and the \$3,431.26 JP case (CC2016-
12 164084SC) supersedeas bond as referenced in the December 15, 2017
13 documents request which was paid by the justice court to the Plaintiff in
14 2017.

15 c. The 2016 provided spreadsheet shows legal expenditures of
16 \$15,000 versus the actual total of \$19,049.20 of 2016 legal services
17 invoices, and that the Association allegedly made a \$10,000 land lease
18 payment. However, the Association is not a party to any land leases, nor
19 does it have any leasehold interests.

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21 **25.** Given the inaccuracies and misstatements in the Association's
22 financial spreadsheets that the Association attempts to portray as financial
23 statement compilations, the Court should order the Association to retain a CPA to
24 conduct complete audits of the 2016, 2017, 2018 and 2019 fiscal years.

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28 ³ The \$45,622.81 does not include the unreported \$4,049.20 of Clark Hill's 2016 legal services that if not paid in 2016 should have been reported as being a payable to be carried forward into the 2017 fiscal year budget.

1 Plaintiff, THEREFORE, respectfully requests that this Court enter judgment
2 against the Defendants incorporating the following:

3 A. A finding of contempt against the Defendant and an order to
4 immediately comply with A.R.S § 33-1243(D) and A.R.S § 33-1255;

5 B. Injunctive relief, ordering the Defendant to comply in the future
6 with A.R.S § 33-1255;

7 C. Injunctive relief, ordering the Defendant to immediately engage
8 a CPA to audit the Association's financial records and prepare financial
9 statements for 2015, 2016, 2017, 2018 and 2019;

10 D. The Plaintiff's costs incurred herein pursuant to applicable law;
11 and
12

13 E. For the sake of order and clarity, it is expressly stated that this
14 case and the requested relief does not arise out of contract, but rather is a
15 matter of statutory compliance.

16 Dated this 22nd day of March 2018.

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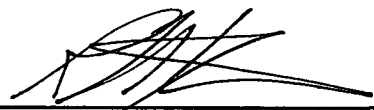
19 R. L. Whitmer, Pro per
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VERIFICATION

Pursuant to *Rule 80(i)* of the Arizona Rules of Civil Procedure, I,
R. L. Whitmer, declare under the penalty of perjury that the preceding Complaint
is true and correct to the best of my information, knowledge and belief.

Dated this 22nd day of March, 2021.



R. L. Whitmer