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*Attorneys for Defendant Hilton Casitas  
Homeowners Association  
AFI.HILTONC.01*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

R.L. WHITMER,

Plaintiff,

vs.

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

Defendant.

Case No. CV2021-050888

**SUPPLEMENTAL APPLICATION FOR  
ATTORNEYS' FEES AND COSTS**

(Assigned to Honorable Sara Agne)

Pursuant to the Arizona Rules of Civil Procedure 54(g) and the January 21, 2022 Order denying Plaintiff's Rule 59 Motion to Alter the October 5, 2021 Final Judgment, Defendant Hilton Casitas Homeowners Association ("Association") hereby submits its Supplemental Application for Attorneys' Fees and Costs. The Association requests the Court award \$3,989.00 in attorneys' fees pursuant to Ariz. Rev. Stat. §§ 12-341.01 and \$83.80 in taxable costs pursuant Ariz. Rev. Stat. § 12-341.

This Court has previously found that the Association is entitled to recover its reasonable attorneys' fees and costs in defending against this action. Judgment, Oct. 5, 2021;


1 *see also* Minute Entry, Jan. 21, 2022 (denying Plaintiff’s Rule 59 Motion to Alter the October  
2 5, 2021, Final Judgment). Subsequent to the Association’s prior Application for Attorneys’  
3 Fees and Costs, the Association has incurred additional expenses—primarily in responding to  
4 Plaintiff’s Rule 59 Motion to Alter the October 5, 2021 Final Judgment.

5 All of the factors which the Court considered in awarding the Association its attorneys’  
6 fees and costs as part of the Judgment remain the same for this Supplemental Application. As  
7 demonstrated by the accompanying Affidavit in Support of Attorneys’ Fees and Costs, the  
8 Association’s fees are reasonable when considering the qualities of the advocate, the character  
9 of the work to be done, the work actually performed, and the result. *See Schweiger v. China*  
10 *Doll Rest., Inc.*, 138 Ariz. 183, 187, 673 P.2d 927, 931 (App. 1983) (*citing Schwartz v.*  
11 *Schwerin*, 85 Ariz. 242, 245-46, 336 P.2d 144, 146 (1959)).

12 Based on the foregoing, the Association should be awarded the full amount of its  
13 request. The Association respectfully requests entry of an award of \$4,072.80, which amount  
14 reflects the fair and reasonable amount of attorneys’ fees and costs expended in defending  
15 this action.

16 RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of February, 2022.

17 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**

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19 By: /s/   
20 Edith I. Rudder, Esq.  
21 Timothy Butterfield, Esq.  
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24 *Attorneys for Defendant*  
25

1 **ORIGINAL** of the foregoing e-filed  
2 this 16<sup>th</sup> day of February, 2022.

3 **COPY** of the foregoing mailed/e-mailed  
4 this 16<sup>th</sup> day of February, 2022, to:

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9 *Pro Per*

10 By: /s/ Suzanne Hilborn  
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