

2022 APR 13 PM 4: 52

1 R. L. Whitmer
6333 N. Scottsdale Rd.
2 Casita 21
3 Scottsdale, Arizona 85250

4 Pro Per

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

7 R. L. WHITMER,

8 Plaintiff.

9 CV2021-050888

10 v.

11 **MOTION FOR SIGNED**
12 **ORDER DENYING THE**
13 **PLAINTIFF'S RULE 59**
14 **MOTION AND**
15 **RESOLUTION OF THE**
16 **PENDING**
17 **ATTORNEYS' FEES &**
18 **COSTS ISSUES.**

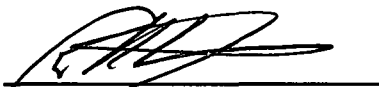
19 HILTON CASITAS HOMEOWNERS
20 ASSOCIATION, also known as
21 HILTON CASITAS COUNCIL OF
22 HOMEOWNERS, also known as
23 COUNCIL OF CO-OWNERS, also
24 known as HILTON CASITAS
25 COUNCIL OF CO-OWNERS;

26 Defendant.

27 (Assigned to the Honorable
28 Sara Agne)

1 Pursuant to the April 13, 2022 Court of Appeals order (attached), the
2 Plaintiff requests the Court for "for a signed order corresponding to the January
3 21, 2022 minute entry ruling on the Rule 59 motion and to resolve the pending
4 attorneys' fees and costs issues."

5 Submitted this 13th day of April, 2022.

6 

7 R. L. Whitmer

8 ORIGINAL filed this
9 13th day of April, 2022 with the Court;
10 and a COPY mailed this same date to:
11 Tim Butterfield
12 Carpenter Hazelwood
13 1400 E. Southern Ave., Ste. 400
14 Tempe, AZ 85282

FILED
BY D. Lugo, DEP

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 04/13/2022
AMY M. WOOD,
CLERK
BY: KLE

R. L. WHITMER,)
) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 22-0202
)
v.) Maricopa County
) Superior Court
HILTON CASITAS HOMEOWNERS) No. CV2021-050888
ASSOCIATION,)
)
Defendant/Appellee.)
_____)

ORDER STAYING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).

On October 5, 2021, the superior court entered a judgment on in favor of appellee that awarded appellee attorneys' fees and costs. Appellant filed an Arizona Rule of Civil Procedure (Rule) 59 motion. In an unsigned minute entry filed January 21, 2022, the court denied the motion. Appellee filed a supplemental application for attorneys' fees and costs and appellant filed a notice of appeal.

The minute entry ruling on the Rule 59 motion is not final because it is not signed. Ariz. R. Civ. P. 58(b). In addition, attorneys' fees and costs issues remain pending. Therefore,

IT IS ORDERED, pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until May 31, 2022.

IT IS FURTHER ORDERED revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider a motion by appellant for a signed order corresponding to the January 21, 2022 minute entry ruling on the Rule 59 motion and to resolve the pending attorneys' fees and costs issues. This court does not express an opinion on the merits of the motion or the pending issues.

IT IS FURTHER ORDERED directing the clerk of the Maricopa County Superior Court to transmit a certified copy of the rulings within 10 days after entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the rulings.

IT IS FURTHER ORDERED that appellant must file a timely notice of appeal in superior court from the order resolving the attorneys' fees and costs issues.

IT IS FURTHER ORDERED that if appellant wants this court to review the ruling on the Rule 59 motion, appellant must file a timely amended notice of appeal from the signed order.

IT IS FURTHER ORDERED that if the superior court has not entered a signed order or resolved the pending issues by May 31, 2022, appellant must file a motion to continue the stay of this appeal that describes the status of the matter. If a motion to continue the stay is not timely filed and the superior court has not entered a signed order and resolved the attorneys' fees and costs issues, this court will dismiss this appeal.

