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Attorneys for Defendant

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

7 **IN AND FOR THE COUNTY OF MARICOPA**

8 **R.L. WHITMER an individual,**

9 **Plaintiff,**

10 **vs.**

11 **HILTON CASITAS HOMEOWNERS**
12 **ASSOCIATION, also known as HILTON**
13 **CASITAS COUNCIL OF HOMEOWNERS,**
14 **also known as COUNCIL OF CO-**
15 **OWNERS, also known as HILTON**
16 **CASITAS COUNCIL OF CO-OWNERS, an**
17 **Arizona nonprofit corporation,**

18 **Defendant.**

Case No. CV2022-014709

JOINT STATEMENT

(Honorable Joseph P. Mikitish)

19 The parties signing below certify that they conferred on December 5, 2022, pursuant to
20 the Court's order entered on November 30, 2022. With regard to matters upon which the
21 parties could not agree, they have set forth their positions separately below.

1 **The parties agree as follows:**

2 1. Plaintiff shall file an Amended Petition for a Show Cause Hearing and an
3 Amended Motion for Order to Show Cause to correct the factual errors therein and shall
4 amend any other document filed in which such errors appear.

5 2. Defendant shall file a responsive pleading 20 days after Plaintiff files his
6 amended pleadings, or by January 13, 2022, whichever is later.

7 **Items upon which the parties do not agree:**

8 **Plaintiff:** The parties disagree as to the legal requirements imposed pursuant to
9 A.R.S. § 22-1243(D) and the 2015 ALJ Order’s continuing obligations with respect to
10 amending future budgets that exceed the approved amount. Further, the parties are close in
11 determining the exact amount the 2021 HOA Budget exceeded the approved amount,
12 however, they have not been able to agree on an exact figure at this time.

13 **Defendant:** The parties disagree as to the legal requirements imposed pursuant to
14 A.R.S. §33-1243(D) with respect to amending a budget.

15 RESPECTFULLY SUBMITTED this 12th day of December, 2022.

16
17 **MEYER & PARTNERS, PLLC**

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

19 By: /s/ Ross P. Meyer, Esq.
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1 **ORIGINAL** of the foregoing e-filed
2 this 12th day of December, 2022 with:

3 Maricopa County Superior Court
4 Clerk of Court

5 **COPY** of the foregoing e-mailed
6 this 12th day of December, 2022, to:

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By: /s/ Suzanne Hilborn