

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**

CIVIL APPEALS DOCKETING STATEMENT

<p>ROBERT R. HAWK and CECILIA HAWK, husband and wife,</p> <p style="text-align: center;">Plaintiffs/Appellees,</p> <p>vs.</p> <p>PC VILLAGE ASSOCIATION, INC., an Arizona corporation,</p> <p style="text-align: center;">Defendant/Appellant.</p> <hr/> <p>PARTY FILING APPEAL: PC VILLAGE ASSOCIATION, INC.</p>	<p>1 CA-CV12-0362</p> <p>Coconino County Superior Court Case No. CV2011-00775</p> <p>TRIAL JUDGE: Hon. Mark R. Moran</p>
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A. TIMELINESS OF APPEAL

1. Date judgment/orders were entered: **March 26, 2012 (Order), May 24, 2012 (Order),
May 24, 2012 (Judgment)**

2. Is the judgment/order signed as required by Rule 58(a)? X Yes _____ No

3. Was the time for appeal extended by a motion? _____ Yes X No

(a) If yes, type of motion:

_____ Motion for new trial [Rule 59(a) and (d)]

_____ Motion to alter or amend judgment [Rule 59(1)]

_____ Motion for judgment NOV [Rule 50(b)]

_____ Motion to amend or make additional findings [Rule 52(b)]

_____ Notice of intent to claim attorneys' fees [Rule 54(g)]

(b) Motions were served and filed on: **n/a**

(c) The court ruled on the motions on: **n/a**

(d) Was the ruling on the motion made in a signed order? _____ Yes _____ No

4. Notice of appeal filed on **April 23, 2012;**
Amended Notice of Appeal filed June 13, 2012

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal.

n/a

B. APPEALABLE JUDGMENT OR ORDER

1. Basis for appellate jurisdiction under A.R.S. § 12-2101 (check appropriate statutory subsection):

<input checked="" type="checkbox"/> A(1)	<input type="checkbox"/> A(4)	<input type="checkbox"/> A(6)	<input type="checkbox"/> A(9)
<input type="checkbox"/> A(2)	<input type="checkbox"/> A(5)	<input type="checkbox"/> A(7)	<input type="checkbox"/> A(10)
<input type="checkbox"/> A(3)	<input type="checkbox"/> A(5)()	<input type="checkbox"/> A(8)	<input type="checkbox"/> A(11)

or under A. R. S. § 12-2101.01(A). *

2. List all parties involved in the superior court action: (attach separate sheet if necessary):

Robert R. Hawk and Plaintiff **PC Village Association, Inc.** Defendant
Cecelia J. Hawk,
husband and wife

(a) If all parties in superior court are not parties to this appeal, explain in detail (with specific references to the record on appeal) why those parties are not included in this appeal, e.g., dismissed, not served or other:

n/a

3. Give brief description (3-5 words) of each party's separate claims, counterclaims, cross-claims or third party claims, and the trial court's disposition of each claim, e.g., bench trial, jury verdict, dismissal, summary judgment, default judgment or other (include specific references to the record on appeal and attach separate sheet, if necessary):

Count I: Declaratory and Injunctive Relief: Ruling -- Summary Judgment for Plaintiffs

Claim for Attorneys Fees and Costs: Ruling - Granted

4. Does the judgment dispose of all claims and all parties? Yes No
 (a) If no, was it made appealable under Rule 54(b) ARCP? Yes No
 (b) Specify claims which remain pending in superior court:
5. Did this case originate in justice of the peace court or city court? Yes No
 (a) If yes, was there:
 (1) an appeal to superior court; or
 (2) a special action to superior court.

C. OTHER INFORMATION

1. Disposition below: (check all applicable descriptions)

- | | |
|---|---|
| <input type="checkbox"/> Bench Trial | <input type="checkbox"/> Lack of Jurisdiction |
| <input type="checkbox"/> Jury Verdict | <input type="checkbox"/> Failure to State a Claim |
| <input checked="" type="checkbox"/> Summary Judgment | <input type="checkbox"/> Failure to Prosecute |
| <input type="checkbox"/> Review of Agency Action | <input type="checkbox"/> Discovery Sanction |
| <input type="checkbox"/> Grant/Deny Rule 60(c) Relief | |
| <input type="checkbox"/> Grant/Deny New Trial or Judgment | |
| <input type="checkbox"/> Notwithstanding the Verdict | |
| <input checked="" type="checkbox"/> Other | |
| <input type="checkbox"/> Injunction | |
| <input type="checkbox"/> Grant/Deny Special Action | |

2. Do you intend to order reporter's transcripts for the appeal? Yes No
 February 28, 2012 (MSJ OA); May 24, 2012 (Atty Fees OA) Yes No
 (a) If so, have all necessary arrangements been made for preparation of the transcript? Yes No
 (b) Estimated date of completion of transcript? **Complete; transcripts to be filed in AZ Court of Appeals**

3. Brief description of nature of action and result in trial court:

Plaintiffs live in an area of Flagstaff that is governed by Defendant’s Homeowners Association. Defendant contends that a “For Sale” sign Plaintiffs posted on their property was barred by the CCR’s of the Homeowners Association. Plaintiffs filed an action for declaratory and injunctive relief. Plaintiffs prevailed on summary judgment.

4. Issues to be raised on appeal:

1. **Did the trial court err in finding the CCR provision prohibiting the posting of “For Sale” signs on the subject property “illegal, null and void?”**
2. **Did the trial court err in enjoining Defendant from removing any “For Sale” sign from Plaintiffs’ property on the basis of A.R.S. § 33-1808(F) and § 33-441?**
3. **Did the trial court err in awarding attorney fees and costs to Plaintiffs in the amount of \$21,820.00?**

5. Do you believe this appeal would be appropriate for an accelerated appeal under Rule 29, ARCAP? (See attachment) Yes No

6. Do you believe this appeal would be appropriate for inclusion in the appellate settlement program? Yes No

D. PENDING AND PRIOR PROCEEDINGS IN THIS COURT AND THE ARIZONA SUPREME COURT

Has any other notice of appeal, petition for special action or petition for review been filed from the same or consolidated superior court action? Yes No

If yes, give the case number of that appeal, special action or petition for review.

E. RELATED APPEALS

Are there any other appeals pending in this court involving the same parties, events or transactions giving rise to this appeal? Yes No

If yes, give the case number for that appeal.

I. OPPOSING COUNSEL ON APPEAL

Name of Attorney: **Tevis Steven Reich**

Address: **6 East Dale Avenue
Flagstaff, Arizona 86001**

Telephone: **(928) 213-1800**

Check one: Attorney Party Unrepresented by Counsel

Check one: Appellee Cross-Appellate

Name of Party: **Robert R. Hawk and Cecelia J. Hawk, Plaintiffs/Appellees**

(List additional counsel on separate sheet, if necessary).

VERIFICATION

I certify that the information provided in this Docketing Statement is true and complete. In the event there is any change with respect to any entry on this statement, I understand that appellant shall have a continuing obligation to file an amended statement on the prescribed form.

Lori L. Voepel

Attorney for **Defendant/Appellant PC
Village Association, Inc.**

/s/ Lori L. Voepel

DATED: June 14, 2012

**Lori L. Voepel
Jones Skelton & Hochuli, P. L. C.**