

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2012-000034-001 DT

11/19/2012

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT

J. Eaton

Deputy

SUNRISE MEADOWS ESTATES
COMMUNITY ASSOCIATION

CHANDLER W TRAVIS

v.

ERLINDA B ISIP (001)

MELANIE C MCKEDDIE

REMAND DESK-LCA-CCC
SAN MARCOS JUSTICE COURT

MINUTE ENTRY

On December 14, 2011, attorneys for Defendant-Appellee Erlinda B. Isip (Isip) filed with the San Marcos Justice Court a Motion To Dismiss Appeal, noting Plaintiff-Appellant Sunrise Meadows Estates Community Association (SMECA) was attempting to appeal the November 7, 2011, Order denying SMECA's Motion for New Trial, and contending SMECA's Notice of Appeal filed November 23, 2011, was untimely. On December 21, 2011, attorneys for SMECA filed a Response to Motion To Dismiss Appeal, contending the Clerk of the San Marcos Justice Court did not file that Order until November 10, 2011, thus the November 23, 2011, Notice of Appeal was timely. On August 9, 2012, this Court issued its Ruling remanding this matter to the San Marcos Justice Court so the Justice of the Peace could answer certain questions about that court's procedure in general and that court's procedure in this particular case.

On October 18, 2012, J.P. R.I. Karp filed with this Court a document entitled Findings of Fact wherein he answered those questions. In those Findings of Fact, he states, "[T]he date on which the Justice of the Peace signs the 'order, ruling or judgment' is the date that begins the 14 calendar days period in which a party may file a notice of appeal." (FOF #5.) He further seems to be of the opinion in this case that November 7, 2011, was the date from which the 14-day period began to run. (FOF ##7-10.) That would mean SMECA's Notice of Appeal filed November 23, 2011, was untimely. This Court would like, however, to give the parties the opportunity to give their views of J.P. Karp's Findings of Fact.

IT IS THEREFORE ORDERED, if counsel for SMECA wishes to do so, counsel may file by **December 19, 2012**, a Supplemental Response to Motion To Dismiss Appeal stating their views of J.P. Karp's Findings of Fact and how those Findings affect this case.

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IT IS FURTHER ORDERED, if counsel for SMECA files a Supplemental Response to Motion To Dismiss Appeal, counsel for Isip may file a Supplemental Reply by **January 4, 2013**.

If counsel for SMECA do not file a Supplemental Response to Motion To Dismiss, this Court will rule on Isip's Motion To Dismiss Appeal on the basis of the documents presently in this Court's possession.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court.

/s/ Crane McClennen

THE HON. CRANE MCCLENNEN
JUDGE OF THE SUPERIOR COURT

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