

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-032885

06/04/2026

HONORABLE LINDSEY G. COATES

CLERK OF THE COURT
P. Reyes
Deputy

SUPERSTITION SPRINGS COMMUNITY
MASTER ASSOCIATION

AUGUSTUS H SHAW IV

v.

TOBY NEWTON, et al.

TOBY NEWTON
7411 E NARANJA AVE
MESA AZ 85209

SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
451 SEVENTH ST SW
WASHINGTON DC 20410
COMM. COATES

MINUTE ENTRY

This Court received Defendant Newton's filing captioned as, "DEFENDANTS' EX PARTE MOTION TO STAY ENFORCEMENT OF WRIT OF EXECUTION AND WRIT OF POSSESSION OF REAL PROPERTY; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF" (hereinafter "Defendant's Motion to Stay Enforcement"). This filing consists only of a Declaration of Defendant Toby Newton, approximately 75 pages of exhibits composed mostly of medical documentation, and a proposed order captioned as, "[PROPOSED] ORDER RE: DEFENDANT TOBY NEWTON'S EMERGENCY EX PARTE MOTION TO STAY ENFORCEMENT PROCEEDINGS, PRESERVE STATUS QUO, AND STAY WRIT OF POSSESSION" and was filed May 14, 2026.

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On May 15, 2026, this Court caused a minute entry to issue explaining that no basis was provided to support an *ex parte* motion and, as a result, the Court could not consider an *ex parte* motion, i.e., a motion not served on other parties. While it was not provided to this judicial officer, Defendant Newton also filed a Declaration on May 14, 2026, on behalf of an individual indicating the *ex parte* filing was provided to opposing counsel. The Declaration also referenced a motion entitled, "Defendant Toby Newton's Emergency Ex Parte Motion to Stay Enforcement Proceedings, preserve Status Quo, and Stay Writ of Possession."

The caption of the Motion referenced in the Declaration appears to match the proposed order included in Defendant's Motion to Stay Enforcement filed May 14, 2026.

For clarification, this Court has not received any motion captioned as, "DEFENDANT TOBY NEWTON'S EMERGENCY EX PARTE MOTION TO STAY ENFORCEMENT PROCEEDINGS, PRESERVE STATUS QUO, AND STAY WRIT OF POSSESSION." If such a motion has been filed, it has not been filed with the Court that this judicial officer is aware of. This Court is unclear of whether Defendant Toby's declaration is the entire "motion" or whether there is a motion containing points and authorities as described in the caption of the filing that was simply not provided or filed.

Furthermore, while this Court can see from reviewing the docket in this case that a Writ of Special Execution was previously issued and returned in this case, this Court is not aware of any pending writs.

IT IS ORDERED Defendant shall ensure any motions for which he is seeking rulings have been filed with the court.

IT IS FURTHER ORDERED, if Defendant files any additional motions, Defendant shall include in the motion specifically the relief he is requesting and the legal basis for his request.