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

CV2015-095897

TURTLE ROCK III HOMEOWNERS
ASSOCIATION, an Arizona non-profit
corporation;

Plaintiff,

Vs.

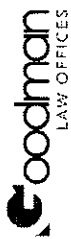
LYNNE A. FISHER, record owner;

Defendant.

Case No.: _____

**APPLICATION FOR PRELIMINARY
AND PERMANENT INJUNCTION**

Plaintiff TURTLE ROCK III HOMEOWNERS ASSOCIATION, by and through
counsel undersigned, by and through counsel undersigned and pursuant to Ariz. R. Civ.
Pro, Rules 6(d) and 65(a) and Local Rule 2.11, hereby petitions this honorable Court a
preliminary and permanent junction against LYNNE A. FISHER as prayed for in
Plaintiff's Verified Complaint. This Application is supported by the Verified Complaint
in this action and the accompanying Memorandum of Points and Authorities, which are
incorporated herein by this reference.



1 the protection provided to all homeowners by the deed restrictions. *See also Ahwatukee*
2 *Custom Estates Mgmt. Ass'n v. Turner*, 196 Ariz. 631, ¶19, 2 P. 3d 1276 (App. 2000).

3 **C. Association Is Entitled to Preliminary and Permanent Injunctive Relief**

4 This court has the inherent authority to grant a preliminary injunction. The criteria
5 for granting such a request are explained in *Powell-Cerkoney v. TCR-Montana Ranch Joint*
6 *Venture II*, 176, Ariz. 275, 860 P.2d 1328 (App. 1993): (1) a strong likelihood of success
7 on the merits, (2) the possibility of irreparable harm to the complainant if relief is not
8 granted, (3) a balance of hardships favoring the complainant, and (4) advancement of
9 public policy.

10 As set forth in the Complaint, the Defendant's home, frankly, is a disaster. It
11 resembles in every respect a "zombie foreclosure," a foreclosed home that remains vacant
12 and unattended for years on end. Gates and doors are missing or damaged, wood is rotting,
13 and the list goes on and on. Defendant refuses to cure the violations despite every possible
14 effort by the Association, including requests from legal counsel, both written and oral.
15 There is no less drastic remedy than to require Defendant's compliance with the provisions
16 of the CC&Rs. The Association has no recourse but the present action. There is no
17 question that Plaintiff will be successful on the merits of the case and that public policy
18 favors entering an order requiring Defendant to conform to the CC&Rs.

19 **III. CONCLUSION**

20 For the above reasons, the Association respectfully requests both a preliminary and
21 a permanent injunction. In the event the Court consolidates the injunction hearing with the
22 trial on the merits pursuant to A.R.C.P. 65(a)(2), the Association limits its request to a
23 permanent injunction.

24 DATED this 2 day of November, 2015.

25 **GOODMAN LAW OFFICE, P.C.**

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27 _____
28 Clint G. Goodman

Attorneys for Plaintiff