

1 **Carpenter, Hazlewood, Delgado & Bolen, LLP**
2 Attorneys at Law
3 1400 E. Southern Avenue, Suite 400
4 Tempe, Arizona 85282
5 t 480.427.2800 | f 480.427.2801
6 minuteentries@carpenterhazlewood.com
7 Charlene Cruz 026692
8 charlene@carpenterhazlewood.com
9 VILLAGEOAK.0067
10 Attorneys for Plaintiff

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF YAVAPAI**

9 **Village of Oakcreek Association,**
10
11 **Plaintiff,**
12
13 **v.**
14 **Lance E. Bonham; JOHN DOES I-V,**
15 **inclusive; JANE DOES I-V, inclusive;**
16 **BLACK CORPORATIONS I-V,**
17 **inclusive; WHITE PARTNERSHIPS I-**
18 **V, inclusive; Unknown Heirs and**
19 **Devises of each of the above-named**
20 **Defendant, if deceased,**
21 **Defendant.**

Case No. V1300CV02280081

22 **MOTION FOR AN ORDER**
23 **ALLOWING ALTERNATE SERVICE**
24 **AS TO DEFENDANT**
25 **LANCE E. BONHAM**

26 Plaintiff Village of Oakcreek Association, an Arizona non-profit corporation, by and
27 through its undersigned attorneys, hereby moves the Court for an order, without notice,
28 allowing Plaintiff to serve the Defendant Lance E. Bonham, with the Summons, Complaint,
Certificate of Compulsory Arbitration, Request for Preliminary and Permanent Injunctions,
Request to Schedule Hearing Re: Order to Show Cause, and Order Setting Show Cause
Hearing in this case by alternate service to obtain a monetary judgment pursuant to Rule
4.1(m), Ariz.R.Civ.P., as service by other means has proved impracticable.

1 Plaintiff's motion for alternative service as to Defendant Bonham should be granted
2 because Defendant Bonham:

- 3 1. has actual notice of the lawsuit (his attorney contacted our office in response to the
4 lawsuit on April 6, 2022);
- 5 2. has not authorized his attorney to accept service (see emails attached hereto as Exhibit
6 A);
7
8

9 I. FACTUAL BACKGROUND

10 As set forth in detail below, Plaintiff has made reasonable attempts to personally serve
11 Defendant Bonham pursuant to Ariz. R. Civ. P. 4.1(d).

12 Attempts made to Serve Defendant Bonham with Pending Lawsuit

13
14 On or about April 5, 2022, Plaintiff filed this breach of contract and injunctive relief
15 lawsuit seeking a monetary judgment against Defendant Bonham and his property located at
16 40 Rio Verde Circle, Sedona, Arizona, which is located in the Plaintiff homeowners
17 association.
18

19 The 109 W 9th Avenue, Covington, LA 70433 address is owned by Defendant
20 Bonham and listed under the "Ownership Information" with the Yavapai County Assessor
21 records. *See* Exhibit "B" copy of the Yavapai County Assessor records confirming the 109
22 W 9th Avenue, Covington, LA address is Defendant Bonham's residence.
23

24 Attempts to personally serve Defendant Bonham were made between April 22, 2022
25 and April 24, 2022 at 109 W 9th Avenue, Covington, LA 70433 ("9th Avenue Address")
26 Attached hereto as Exhibit "B" is an email from Plaintiff's process server that sets forth the
27 attempts made to serve the Defendant Bonham at the last known place of residence of 109
28

1 W 9th Avenue, Covington, LA 70433. On April 22, 2022, a lady answered the door at the
2 9th Avenue address and said that Defendant was not home and did not know when he would
3 return. On April 23 and 24, 2022 the process server attempted to serve Defendant Bonham
4 at the 9th Avenue address and at each time no one came to the door but vehicles were located
5 at the property.
6

7
8 Defendant Bonham has Actual Knowledge of the Lawsuit

9 While he has knowledge of the lawsuit, Defendant Bonham has refused to authorize
10 his attorney to accept service of the lawsuit on his behalf. On April 6, 2022, Parker C. Fox,
11 Esq., attorney for the Plaintiff, contacted Defendant Bonham's attorney Mark Bainbridge,
12 Esq. and provided him with copies of the Complaint and related pleadings that had been filed
13 against his client in Yavapai County Superior Court, and asked Mr. Bainbridge to confirm
14 whether he would accept service on Bonham's behalf. *See* email attached as Exhibit A.
15

16 On April 12, 2022, Parker Fox. Esq.¹ sent a second, follow-up email to Mark
17 Bainbridge, requesting he confirm whether he would accept service on behalf of Defendant
18 Bonham to avoid unnecessary charges to serve/locate Defendant Bonham. *See* email
19 attached as Exhibit A.
20

21 On April 15, 2022, Mark Bainbridge sent an email to Charlene Cruz, "I'm inquiring
22 with my client. I suspect I will be able to accept service but will let you know in the near
23 future." *See* email attached as Exhibit A.
24
25
26
27

28

¹ Parker C. Fox is no longer employed by Carpenter, Hazlewood, Delgado, Bolen, LLP.

1 To date, Bainbridge has not agreed to accept service on behalf of Bonham, and no
2 further correspondence regarding waiver of service has been received.

3
4 II. LEGAL AUTHORITY

5 If a party shows that the means of service provided in Rule 4.1(c) through Rule 4.1(j)
6 are impracticable, the court may--on motion and without notice to the person to be served--
7 order that service may be accomplished in another manner. Ariz. R. Civ. P. 4.1
8 Impracticable does not mean impossible, but rather that service would be “extremely difficult
9 or inconvenient.” *Bank of New York Mellon v. Dodev*, 246 Ariz. 1, 10, ¶ 31, 433 P.3d 549,
10 558 (App. 2018). Further, the object of service of process is to give the defendant notice of
11 the proceedings against him. *Lane v. Elco Indus., Inc.*, 134 Ariz. 361, 364, 656 P.2d 650, 653
12 (App. 1982). Here, Plaintiff attempted to personally serve Defendant Bonham and has
13 requested that he waive service or authorize his attorney to accept service. Plaintiff
14 attempted the known residential address of Defendant on three separate occasions.
15 Additionally, email communications since the filing of the lawsuit with his attorney support
16 that Defendant has actual knowledge of the pending lawsuit.

17
18 In light of the foregoing, undersigned believes service as follows will give reasonable
19 notice of the proceeding, and that this is the only means practicable under the circumstances:

- 20
21
22
23 1. Posting the Summons, Complaint, Certificate of Compulsory Arbitration and Order
24 Setting Show Cause Hearing to Defendant’s last known place of residence 109 W 9th
25 Avenue, Covington, LA 70433, mailing them by certified mail, return receipt
26 requested, and first class mail; and
27
28

1 2. Mailing the Summons, Complaint, Certificate of Compulsory Arbitration and Order
2 Setting Show Cause Hearing in this case by certified mail, return receipt requested,
3 and first class mail to Mark Bainbridge, Esq. at The Bainbridge Law Firm, LLC, 7000
4 N. 16th St., Ste. 120 #424, Phoenix, Arizona 85020-5547, as well as emailing copies
5 of the documents to the email address mark@bainbridgelawfirm.com.
6

7 A form of order is submitted contemporaneously with this Motion.
8

9 RESPECTFULLY SUBMITTED this 3rd day of May 2022.

10 Carpenter, Hazlewood, Delgado & Bolen, LLP
11

12 By: 
13

14 Charlene Cruz
15 1400 E. Southern Ave., Suite 400
16 Tempe, Arizona 85282
17 Attorneys for Plaintiff
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

From: [Mark Bainbridge](#)
To: [Charlene Cruz](#); [Parker C. Fox](#)
Cc: [Katie Lilje](#)
Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association
Date: Friday, April 15, 2022 3:12:51 PM



Charlene:

I'm quiring with my client. I suspect I will be able to accept service but will let you know in the near future.

Thanks,
Mark

.....
**PLEASE NOTE OUR NEW PHYSICAL AND MAILING
ADDRESS AS OF APRIL 26, 2021:**

PHYSICAL ADDRESS

The Bainbridge Law Firm, LLC
8161 East Indian Bend Road
Suite 103
Scottsdale, AZ 85250

MAILING ADDRESS

The Bainbridge Law Firm, LLC
7000 N. 16th St., Ste. 120 #424
Phoenix, AZ 85020-5547
.....

Mark J. Bainbridge, Esq.
mark@bainbridgelawfirm.com
The Bainbridge Law Firm, LLC
8161 E. Indian Bend Road, Ste #103
Scottsdale, AZ 85250
Mailing: 7000 N. 16th Street, Ste #120-424
Phoenix, AZ 85020-5547
Ph: 602-274-6369
Fax: 602-297-6595
www.bainbridgelawfirm.com

From: Charlene Cruz <Charlene.Cruz@carpenterhazlewood.com>
Sent: Tuesday, April 12, 2022 12:47 PM
To: Mark Bainbridge <mark@bainbridgelawfirm.com>; Parker C. Fox
<Parker.Fox@carpenterhazlewood.com>
Cc: Katie Lilje <Katie.Lilje@carpenterhazlewood.com>
Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association

Hi Mark

I apologize for the confusion. I thought we had already sent you a courtesy copy of the attached OSC issued by the court. We understand that sending this to you via isn't service under ARCP and just a courtesy copy. If you can't accept service on Mr. Bonham's behalf, we will move forward with personal service.

Thank you.

Charlene Cruz, Esq.
Direct: 480-427-2882
Charlene.Cruz@carpenterhazlewood.com
Licensed in AZ

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP
www.carpenterhazlewood.com
800.743.9324 F: 800.743.0494
Arizona | Colorado | Texas

The information in this e-mail is ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL and is intended solely for the use by the individual or entity named above. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it.

THIS FIRM IS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. YOU MAY OPT OUT OF RECEIVING FURTHER EMAIL COMMUNICATIONS FROM CARPENTER, HAZLEWOOD, DELGADO AND BOLEN AT THIS EMAIL ADDRESS BY REPLYING WITH AN EMAIL MESSAGE THAT HAS THE WORD 'STOP' IN THE SUBJECT LINE.

If your HOA account is in collection, you can make a payment by credit card or ACH. Click the following link: www.hoacollection.com. Please note that a \$15.00 convenience fee applies to all credit card and ACH payments.

From: Mark Bainbridge <mark@bainbridgelawfirm.com>
Sent: Tuesday, April 12, 2022 11:55 AM
To: Parker C. Fox <Parker.Fox@carpenterhazlewood.com>
Cc: Katie Lilje <Katie.Lilje@carpenterhazlewood.com>; Charlene Cruz <Charlene.Cruz@carpenterhazlewood.com>
Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association

Parker:

Has the Order to Show Cause been issued? You did not send me one that had been filled in with the Court. I need to make sure I'm available and know when it is before I accept service.

Thanks,
Mark

**PLEASE NOTE OUR NEW PHYSICAL AND MAILING
ADDRESS AS OF APRIL 26, 2021:**

PHYSICAL ADDRESS

The Bainbridge Law Firm, LLC
8161 East Indian Bend Road
Suite 103
Scottsdale, AZ 85250

MAILING ADDRESS

The Bainbridge Law Firm, LLC
7000 N. 16th St., Ste. 120 #424
Phoenix, AZ 85020-5547

Mark J. Bainbridge, Esq.

mark@bainbridgelawfirm.com

The Bainbridge Law Firm, LLC
8161 E. Indian Bend Road, Ste #103
Scottsdale, AZ 85250

Mailing: 7000 N. 16th Street, Ste #120-424

Phoenix, AZ 85020-5547

Ph: 602-274-6369

Fax: 602-297-6595

www.bainbridgelawfirm.com

From: Parker C. Fox <Parker.Fox@carpenterhazlewood.com>

Sent: Tuesday, April 12, 2022 10:52 AM

To: Mark Bainbridge <mark@bainbridgelawfirm.com>

Cc: Katie Lilje <Katie.Lilje@carpenterhazlewood.com>; Charlene Cruz
<Charlene.Cruz@carpenterhazlewood.com>

Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association

Good morning Mark,

Please inform whether you will accept service on behalf of your client.

Thanks,

Parker C. Fox, Esq.

Direct: 480-427-2881

Parker.Fox@carpenterhazlewood.com

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

www.carpenterhazlewood.com

800.743.9324 F: 800.743.0494

Arizona | Colorado | Texas

The information in this e-mail is ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL and is intended solely for the use by the individual or entity named above. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it.

THIS FIRM IS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. YOU MAY OPT OUT OF RECEIVING FURTHER EMAIL COMMUNICATIONS FROM CARPENTER, HAZLEWOOD, DELGADO AND BOLEN AT THIS EMAIL ADDRESS BY REPLYING WITH AN EMAIL MESSAGE THAT HAS THE WORD 'STOP' IN THE SUBJECT LINE.

If your HOA account is in collection, you can make a payment by credit card or ACH. Click the following link: www.hoacollection.com . Please note that a \$15.00 convenience fee applies to all credit card and ACH payments.

From: Parker C. Fox
Sent: Wednesday, April 6, 2022 3:54 PM
To: 'Mark Bainbridge' <mark@bainbridgelawfirm.com>
Cc: Katie Lilje <katie.lilje@carpenterhazlewood.com>; Charlene Cruz <Charlene.Cruz@carpenterhazlewood.com>
Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association

Mark,

Please see attached along with the Acceptance of Service. Please inform whether you will accept service on behalf of your client as soon as possible.

Best regards,

From: Mark Bainbridge [<mailto:mark@bainbridgelawfirm.com>]
Sent: Wednesday, April 6, 2022 3:01 PM
To: Parker C. Fox <Parker.Fox@carpenterhazlewood.com>
Cc: Katie Lilje <Katie.Lilje@carpenterhazlewood.com>; Charlene Cruz <Charlene.Cruz@carpenterhazlewood.com>
Subject: RE: Matter of Lance Bonham and Village of Oakcreek Association

Please send me the pleading and I will discuss with my client.

Thanks,
Mark

PLEASE NOTE OUR NEW PHYSICAL AND MAILING ADDRESS AS OF APRIL 26, 2021:

PHYSICAL ADDRESS
The Bainbridge Law Firm, LLC

8161 East Indian Bend Road
Suite 103
Scottsdale, AZ 85250

MAILING ADDRESS

The Bainbridge Law Firm, LLC
7000 N. 16th St., Ste. 120 #424
Phoenix, AZ 85020-5547
.....

Mark J. Bainbridge, Esq.

mark@bainbridgelawfirm.com

The Bainbridge Law Firm, LLC
8161 E. Indian Bend Road, Ste #103
Scottsdale, AZ 85250

Mailing: 7000 N. 16th Street, Ste #120-424

Phoenix, AZ 85020-5547

Ph: 602-274-6369

Fax: 602-297-6595

www.bainbridgelawfirm.com

From: Parker C. Fox <Parker.Fox@carpenterhazlewood.com>

Sent: Wednesday, April 6, 2022 9:24 AM

To: Mark Bainbridge <mark@bainbridgelawfirm.com>

Cc: Katie Lilje <Katie.Lilje@carpenterhazlewood.com>; Charlene Cruz
<Charlene.Cruz@carpenterhazlewood.com>

Subject: Re: Matter of Lance Bonham and Village of Oakcreek Association

Good morning Mark,

I am reaching out to you regarding the ongoing matter between your client, Lance Bonham, and our client, Village of Oakcreek Association. We filed our Complaint and awaiting conformed copies from the Court. Please confirm whether you will accept service on behalf of your client.

Best regards,

Parker C. Fox, Esq.

Direct: 480-427-2881

Parker.Fox@carpenterhazlewood.com

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

www.carpenterhazlewood.com

800.743.9324 F: 800.743.0494

Arizona | Colorado | Texas

The information in this e-mail is ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL and is intended solely for the use by the individual or entity named above. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then

delete it.

THIS FIRM IS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. YOU MAY OPT OUT OF RECEIVING FURTHER EMAIL COMMUNICATIONS FROM CARPENTER, HAZLEWOOD, DELGADO AND BOLEN AT THIS EMAIL ADDRESS BY REPLYING WITH AN EMAIL MESSAGE THAT HAS THE WORD 'STOP' IN THE SUBJECT LINE.

If your HOA account is in collection, you can make a payment by credit card or ACH. Click the following link: www.hoacollection.com . Please note that a \$15.00 convenience fee applies to all credit card and ACH payments.

EXHIBIT B

Yavapai County Print Parcel



Parcel ID	405-43-075	Check Digit	7
Owner	Bonham Lance E		
Owner's Mailing Address	109 W 9th Ave Covington, LA 70433-3647		
Secondary Owner			
Recorded Date	1/1/2017 12:00:00 AM		
Last Transfer Doc Docket	N/A	Last Transfer Doc Page	N/A
Physical Address	40 Rio Verde Cir	Incorporated Area	N/A

Assessor Acres	0.29	Subdivision	Cathedral View	Subdivision Type	M
School District	Sedona Oak Creek Unified S.D. #9			Fire District	Sedona FD

Improvements (1)	Local Zoning
Type: Single Family Residential Floor area: 1683 Constructed: 1993	Yavapai County Government R1L-10

Assessment
Starting with the 2015 tax year, the Limited Property Value is the only value considered for taxation purposes, the Full Cash Value is no longer used for taxation.

Tax Year	2023	2022
Assessed Value(ALV)	\$40,599	\$38,665
Limited Value(LPV)	\$405,986	\$386,653
Full Cash(FCV)	\$582,093	\$423,626
Legal Class	Residential Other	Residential Other
Assessment Ratio	10%	10%
Usage Code	0140 ?	0140 ?

Taxes	2021 Taxes Billed
Tax Area Code	971
	\$3,525

Recorded Documents & Sales (5)			
Date	Book / Page	Type	Cost
1/23/2017	2017-0003706	Quit Claim	\$0
1/23/2017	2017-0003704	Death Certificate	\$0
9/29/2003	4078-776	Other - Sale	\$0
10/7/1996	3290-692	Other - Sale	\$0
10/24/1989	4078-776	Warranty Deed	\$36,000

Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. Users should independently research, investigate and verify all information.

By using this website, the user knowingly assumes all risk of inaccuracy and waives any and all claims for damages against Yavapai County and its officers and employees that may arise from the use of this data and agrees to indemnify and hold harmless Yavapai County and its officers and employees to the fullest extent permitted by law. By using this website, the user also agrees that data and use of this website may not be used for commercial purposes.