

# EXHIBIT 1

## **AFFIDAVIT OF MARK J. BAINBRIDGE**

1. I make this Affidavit on my own personal knowledge, being familiar with and competent to testify as to the facts stated herein.
2. I am owner of The Bainbridge Law Firm, LLC and currently practice in the area of business and real estate litigation.
3. The Bainbridge Law Firm, LLC provided legal services to Defendant Lance E. Bonham (“Defendant” or “Bonham”) in this matter, V1300-CV2022-80081. The Bainbridge Law Firm, LLC provided legal services at a rate ranging from three hundred twenty-five dollars (\$325.00) per hour to three hundred forty-five dollars (\$345.00) per hour for Mark Bainbridge. These rates are reasonable and competitive with the billing rates of other attorneys in Phoenix, Arizona who focus on real estate litigation.
4. Attached hereto as Exhibit A is a compilation of the services rendered and the legal fees incurred by Defendant in V1300-CV2022-80081. This compilation is derived from the regularly maintained business records of The Bainbridge Law Firm, LLC, accurately reflects the time and effort expended on this matter, shows the nature of the services rendered, the time spent, and the attorney’s fees incurred. The two different formats are a result of changing billing software during the course of representation.
5. Defendant retained The Bainbridge Law Firm, LLC as legal counsel on an hourly basis, along with repayment of all costs, including out of pocket expenses. Defendant has paid and/or agreed to pay the fees herein described.

6. The work performed on behalf of Defendant was necessary in order to adequately represent his interests and to comply with the applicable laws, statutes, and Rules of Civil Procedure. The services rendered in this case were reasonable and appropriate in the diligent representation of Defendant.
7. Counsel did not engage in any tasks or undertake any work that was unnecessary or frivolous given the nature of the matter before the Court.
8. The work actually performed included drafting and filing a Motion to Dismiss and to Vacate Order to Show Cause Hearing, Motion to Appear Telephonically or By Video Conference, Response to Request for Preliminary and Permanent Injunction, Reply in Support of Motion to Dismiss, Certificate of Good Faith Consultation, and preparing Defendant's Application for Attorney's Fees and Costs, among others.
9. The amount of attorney's fees Defendant has incurred in connection with V1300-CV2022-80081 totals Thirteen thousand, six hundred, ninety-seven dollars and zero/cents (\$13,697.00), which does not include costs.
10. The amount of taxable costs Defendant has incurred in connection with V1300-CV2022-80081 totals One hundred, ninety-seven dollars and 56/cents (\$197.56).
11. I am familiar with the guidelines set forth in E.R. 1.5 of Rule 42 of the Rules of Professional Conduct, Arizona Supreme Court, and based upon those guidelines, it is my opinion that the fees represented by Exhibit A are

reasonable, and that the time expended was necessary for the proper representation of Defendant in V1300-CV2022-80081.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNED on the 27<sup>th</sup> day of September, 2022.

/s/ Mark J. Bainbridge  
Mark J. Bainbridge

# EXHIBIT A

***The Bainbridge Law Firm, LLC***

2122 E. Highland Ave.

Suite 260

Phoenix, AZ 85016

Ph:602-274-6369

Fax:602-297-6595

Lance Bonham  
109 W 9th Ave  
Covington, LA  
70433

September 19, 2022

**Attention:** Lance Bonham

File #: 783

Inv #: Settle

**RE:** Rental dispute at 40 Rio Verde Circle, Sedona, AZ 86351  
Bonham/Village of Oak Creek Association

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>AMOUNT</b>	<b>LAWYER</b>
Jan-08-20	Received and reviewed documents from Association; Considered legal theories and validity of short term rental restriction.	0.60	195.00	MJB
Aug-03-20	Reviewed notice of violation from Association.	0.10	32.50	MJB
Aug-11-20	Reviewed recent correspondence, CC&Rs, and amendments to develop legal strategies re alleged violation re short term rentals.	0.70	227.50	MJB
Aug-28-20	Reviewed email from L. Bonham and questionnaire from Association; Drafted email to L. Bonham re same.	0.30	97.50	MJB
Nov-18-20	Received and reviewed email from L. Bonham re lockbox payment; Drafted responsive email to the same.	0.20	65.00	MJB
Jan-20-21	Received and reviewed email from L. Bonham; Drafted response re same.	0.20	65.00	MJB
Jan-25-21	Received and reviewed notice of violation and additional correspondence from the Association; Reviewed CC&R's and amendment; Drafted email to L. Bonham re further handling.	0.50	162.50	MJB
Feb-05-21	Received and reviewed email from L.	0.40	130.00	MJB

Bonham re communication from Association;  
Drafted responsive email.

Subtotal	<hr/>	\$ 975.00
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## Client Activity Report (09/20/2022)

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Lance Edward Bonham

783: Rental dispute at 40 Rio Verde Circle, Sedona, AZ 86351 Bonham/Village of Oak Creek Association

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Date	Status	User	Description	Note	Quantity	Price	Total
08/24/2022	Billed	Mark Bainbridge		Received email from the court; Exchanged telephone calls with court and counsel; Drafted certificate of good faith consultation.	0.40	\$345.00	\$138.00
08/04/2022	Billed	Mark Bainbridge		Reviewed email from J. Bonham re fines and dues; Considered legal theories in light of litigation and drafted response regarding the same.	0.20	\$345.00	\$69.00
06/20/2022	Billed	Mark Bainbridge		Drafted, revised, and finalized reply in support of motion to dismiss.	0.50	\$345.00	\$172.50
06/19/2022	Billed	Mark Bainbridge		Continued drafting reply in support of motion to dismiss.	3.10	\$345.00	\$1,069.50
06/19/2022	Billed	Mark Bainbridge		Conducted legal research.	1.80	\$345.00	\$621.00
06/14/2022	Billed	Mark Bainbridge		Conducted legal research re successor in interest and other issues presented by association in its motion to dismiss.	2.80	\$345.00	\$966.00
06/07/2022	Billed	Mark Bainbridge		Considered stipulation of fact; Edited and emailed to opposing counsel; Reviewed counsel's email; Drafted response to the same.	0.80	\$345.00	\$276.00
06/03/2022	Billed	Mark Bainbridge		Conducted legal research re subsequent owner receiving benefit of deed restriction in place at the time of purchase.	1.10	\$345.00	\$379.50
06/02/2022	Billed	Mark Bainbridge		Telephone conference with L. Bonham re status and further handling.	0.40	\$345.00	\$138.00
06/02/2022	Billed	Mark Bainbridge		Telephone conference with opposing counsel; Considered procedures re discussion.	0.40	\$345.00	\$138.00

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06/02/2022	Billed	Mark Bainbridge	Considered legal theories in preparation for OSC hearing.	0.90	\$345.00	\$310.50
06/01/2022	Billed	Mark Bainbridge	Received and reviewed email from the court regarding upcoming evidentiary hearing; Drafted responsive email to the court; Reviewed order to show cause and considered necessary preparation if hearing moves forward; Drafted email to counsel.	0.80	\$345.00	\$276.00
06/01/2022	Billed	Mark Bainbridge	Telephone conference with opposing counsel re status of upcoming hearing.	0.20	\$345.00	\$69.00
06/01/2022	Billed	Mark Bainbridge	Telephone conference with L. Bonham re status and further handling.	0.30	\$345.00	\$103.50
06/01/2022	Billed	Mark Bainbridge	Conducted legal research re rule 65; Considered legal theories and further handling re stipulation to potential preliminary injunction and stipulation to proposed set of facts.	1.20	\$345.00	\$414.00
05/24/2022	Billed	Mark Bainbridge	Drafted and revised motion to dismiss.	3.10	\$345.00	\$1,069.50
05/24/2022	Billed	Mark Bainbridge	Telephone conference with opposing counsel; Exchanged emails with counsel re status.	0.20	\$345.00	\$69.00
05/24/2022	Billed	Mark Bainbridge	Telephone conference with L. Bonham re legal strategies and filings.	0.40	\$345.00	\$138.00
05/24/2022	Billed	Mark Bainbridge	Drafted, revised, and edited motion to dismiss.	1.20	\$345.00	\$414.00
05/24/2022	Billed	Mark Bainbridge	Drafted and revised response to application for preliminary and permanent injunction; Drafted order vacating injunction hearing; Drafted request for witness to appear telephonically at upcoming hearing.	1.30	\$345.00	\$448.50
05/23/2022	Billed	Mark Bainbridge	Conducted legal research re various amendments to the Declaration; Reviewed Bylaws and Amendments.	3.20	\$345.00	\$1,104.00
05/23/2022	Billed	Mark Bainbridge	Considered legal theories and strategies re application for preliminary and permanent injunction; Began drafting motion to dismiss.	2.20	\$345.00	\$759.00
04/18/2022	Billed	Mark Bainbridge	Telephone conference with L. Bonham re status and further handling.	0.70	\$345.00	\$241.50

04/15/2022	Billed	Mark Bainbridge		Reviewed new litigation documents; Drafted email to L. Bonham re same.	1.10	\$345.00	\$379.50
11/03/2021	Billed	Mark Bainbridge		Telephone conference with L. Bonham re violation notices.	0.50	\$325.00	\$162.50
11/01/2021	Billed	Mark Bainbridge		Received and reviewed new violation from Association re short term rentals; Drafted email to L. Bonham re status of the same.	0.30	\$325.00	\$97.50
08/04/2021	Billed	Mark Bainbridge		Telephone conference with L. Bonham re status and further handling.	0.40	\$325.00	\$130.00
07/21/2021	Billed	Mark Bainbridge		Received and reviewed letter and attachments from Association's Counsel; Drafted and revised email to J. Bonham re status of the same.	0.70	\$325.00	\$227.50
04/16/2021	Billed	Mark Bainbridge		Received and reviewed email from L. Bonham; Continued drafting letter to Association; Drafted and revised email to L. Bonham regarding status.	0.50	\$325.00	\$162.50
03/16/2021	Billed	Mark Bainbridge		Reviewed CC&Rs to develop legal theories re rental restriction; Conducted legal research re various amendments; Drafted and revised letter to Association re rental restrictions.	2.70	\$325.00	\$877.50
03/15/2021	Billed	Mark Bainbridge	Imported Time Entry	Reviewed email from L. Bonham re property manager response on Airbnb.	0.20	\$325.00	\$65.00
03/15/2021	Billed	Mark Bainbridge	Imported Time Entry	Telephone conference with L. Bonham.	0.30	\$325.00	\$97.50
09/20/2022	Unbilled	Mark Bainbridge		Drafted and revised application for attorney's fees and related documents.	1.20	\$345.00	\$414.00
09/15/2022	Unbilled	Mark Bainbridge		Reviewed ruling and declaration in preparation to draft proposed form of judgment; Considered legal theories and language to include in judgment; Drafted and revised judgment.	1.20	\$345.00	\$414.00
09/13/2022	Unbilled	Mark Bainbridge		Telephone conference with L. Bonham re ruling and further handling.	0.40	\$345.00	\$138.00
09/09/2022	Unbilled	Mark Bainbridge		Received and reviewed ruling from the court; Considered further handling; Drafted email informing client.	0.50	\$345.00	\$172.50
GRAND TOTAL							\$13,697.00