

1 **Shaw & Lines, LLC**
2 4523 E. Broadway Road
3 Phoenix, AZ 85040
4 Phone (480) 456-1500
5 Facsimile (480) 456-1515
6 www.shawlines.com
7 Augustus H. Shaw IV - #021593
8 Nicole D. Payne - #031213

9 Attorneys for *Respondents*

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF MARICOPA**

12 R.L. WHITMER,

13 Petitioner,

14 v.

15 HILTON CASITAS HOMEOWNERS
16 ASSOCIATION, also known as HILTON
17 CASITAS COUNCIL OF HOMEOWNERS,
18 also known as COUNCIL OF CO-
19 OWNERS, also known as HILTON
20 CASITAS COUNCIL OF CO-OWNERS;
21 and MICHAEL BENGSON, President of the
22 Hilton Casitas Homeowners Association,

23 Respondents.

Case No. CV2016-055080

**RESPONDENTS' AMENDED AND
RESTATED LIST OF EXHIBITS
AND WITNESSES IN SUPPORT OF
THE ORDER TO SHOW CAUSE/
EVIDENTIARY HEARING**

24 Respondents Hilton Casitas Homeowners Association and Michael Bengson,
25 ("Respondents"), by and through undersigned counsel, hereby submits this list of
26 exhibits and witnesses that may be used by the Respondents at the Order to Show
27 Cause/Evidentiary hearing scheduled for March 13, 2017 as required by the Court.

28 **I. PLAINTIFF'S WITNESSES**

1. Michael Bengson, Board Member of the Association, c/o Respondents'
counsel.

1 2. Evon Potocki, property manager of the Association, c/o Respondents'
2 counsel.

3
4 3. Any and all objections to Plaintiff's witnesses are hereby reserved.

5 **II. PLAINTIFF'S EXHIBITS**

6

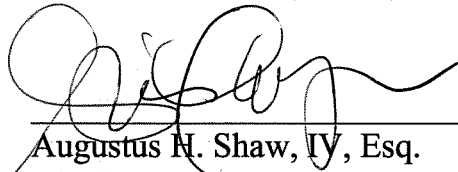
| Exhibit Number: | Identified By: | Description | Stipulated into Evidence/ Objection |
|----------------------------|---------------------------|---|--|
| 34 | Respondents | March 31, 2015 General Meeting of All Members | |
| 35 | Respondents | Scottsdale Hilton Casitas Worksheet: 2015 Estimated Expenses | |
| 36 | Respondents | Cash Flow 03-20-2014 through 03- 20-2015 | |
| 37 | Respondents | Payments Collected for 2014, as of 01-26-2015 | |
| 38 | Respondents | Notes Pertaining to the February 16, 2016 Board of Directors Meeting | |
| 39 | Respondents | March 21, 2016 Email with Notice of the 03-31-2016 Annual Meeting, together with attachment thereto | |
| 40 | Respondents | March 21, 2016 Email with Notice of 03-31-2016 Annual Meeting | |
| 41 | Respondents | 2016 Association Profit and Loss Statement | |
| 42 | Respondents | Ballot sent to Association Members to Ratify 2016 Budget | |
| 43 | Respondents | 2017 Proposed Budget | |
| 44 | Respondents | Ballot to Members to Approve 2017 Proposed Budget | |

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 Any and all objections to Petitioner's exhibits are hereby reserved.

26
27
28 ///

1 DATED this 3rd day of March, 2017

2 **SHAW & LINES, LLC**

3 

4
5 Augustus H. Shaw, IV, Esq.
6 Nicole D. Payne
7 4523 E. Broadway Road, Suite 101
8 Phoenix, AZ 85040
9 *Attorneys for Respondents*

10 ORIGINAL submitted for electronic filing
11 this 3 day of March, 2017, with:

12 Clerk of the Maricopa County Superior Court

13 ORIGINAL hand-delivered
14 this 3 day of March, 2017, to:

15 Hon. Aimee Anderson
16 Maricopa County Superior Court,
17 Northeast Regional Court Center
18 18380 North 40th Street
19 Phoenix, Arizona 85032

20 COPY of the foregoing mailed
21 this 3 day of March, 2017, to:

22 R.L. Whitmer
23 6333 North Scottsdale Road, Casita 21
24 Scottsdale, Arizona 85250
25 *Petitioner, Pro Per*

26 By: 