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6 Pro Per

CLERK OF THE  
SUPERIOR COURT  
FILED  
A. J. TON. DEP

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

10 R. L. WHITMER,

11 Petitioner/Plaintiff.

12 v.

13 HILTON CASITAS HOMEOWNERS  
14 ASSOCIATION, also known as  
15 HILTON CASITAS COUNCIL OF  
16 HOMEOWNERS, also known as  
17 COUNCIL OF CO-OWNERS, also  
18 known as HILTON CASITAS  
19 COUNCIL OF CO-OWNERS

20 Respondent/Defendant.

CV2016-055080

21 **OBJECTION TO THE**  
22 **DEFENDANT'S UNCONTESTED**  
23 **STATEMENT OF FACTS**

24 (Assigned to the Honorable  
25 Lisa Flores)

26 The Petitioner hereby objects to the Respondent's Paragraph 1 in their  
27 June 27, 2019 proposed findings of fact and conclusion of law as being  
28 "uncontested."

While there is an appellate court decision that precludes the Petitioner from  
challenging Defendant's allegation regarding the HOA's true identity in this case,  
the Petitioner is currently contesting that appellate decision in a fully briefed Rule  
60 motion in another court where the HOA is a party (CV2016-050379) requesting  
the court to rule that the unincorporated Council of Co-Owners as Hilton Casitas'  
HOA and not the non-profit corporation.

As the HOA's identity is not germane to this action, the Petitioner requests  
that this Court disregard the Defendant's paragraph 1 as it is not necessary for  
the Court making any findings or rulings in this action.

Dated this 1st day of July 2019.



R. L. Whitmer

ORIGINAL filed this  
1<sup>st</sup> day of July 2019, with the Court;

and a COPY mailed this same date to:

Augustus Shaw  
Shaw & Lines Law Firm  
4523 E. Broadway Rd.  
Phoenix, AZ 85040