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10 *Attorneys for Defendant*

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

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

13 R.L. WHITMER,

14 Plaintiff,

15 v.

16 HILTON CASITAS HOMEOWNERS
17 ASSOCIATION, also known as HILTON
18 CASITAS COUNCIL OF
19 HOMEOWNERS, also known as
20 COUNCIL OF CO-OWNERS, also
21 known as HILTON CASITAS
22 COUNCIL OF CO-OWNERS,

23 Defendant.¹

Case No. CV2016-055080

MOTION TO WITHDRAW APPEAL

(Assigned to the Hon. Lisa Daniel Flores)

24 Defendant/Appellant, Hilton Casitas Council of Homeowners, also known as
25 Hilton Casitas Homeowners Association, also known as Council of Co-Owners, also
26 known as Hilton Casitas Council of Co-Owners (the "Defendant"), hereby withdraws its
27 Notice of Appeal filed on or about November 14, 2019, without prejudice to seek further
relief from the Court.

Defendant does not wish to proceed with an appeal but reserves all other rights to
seek any other appropriate relief as afforded.

¹ The caption reflects the Court's Minute Entry Order, dated March 26th, filed April 1st and amended April 8th, 2019, dismissing Michael Bengson from Plaintiff's First Amended Verified Complaint.

1 DATED this 3rd day of December, 2019.

2 **SHAW & LINES, LLC**

3 /s/ Augustus H. Shaw IV

4 Augustus H. Shaw IV

5 Patrick J. Whelan

6 4523 E. Broadway Road

7 Phoenix, Arizona 85040

Attorneys for Defendant

8 ORIGINAL of the foregoing submitted for filing
9 this 3rd day of December 2019, to:

10 Clerk of the Court
11 Maricopa County Superior Court
12 c/o Honorable Lisa Daniel Flores

13 COPY of the foregoing mailed
14 this 3rd day of December 2019, to:

15 R.L. Whitmer
16 6333 N. Scottsdale Road
17 Casita 21
18 Scottsdale, Arizona 85250
19 *Plaintiff, Pro Per*

20 By: 