

William M. Brown
6751 E. Amber Sun Drive
Scottsdale, AZ 85266
(480) 595-9131

MICHAEL W. JEANES, CLERK
BY
K. Norton
K. NORTON, FILED
2017 OCT 11 AM 11:16

Plaintiff on his own behalf

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

William M. Brown, an individual,

Case No. CV2017-055475

Plaintiff,

Motion to Transfer Related
Civil Case

(Assigned to the Hon. John R.
Hannah, Jr.)

(Hon. Sherry K. Stephens,
CV2017-013317)

vs.

Terravita Country Club, Inc., an Arizona non-profit corporation; Sterling J. Laaveg, President TCC, Inc., and his spouse; Paul David Tolk, Vice-President TCC, Inc., and his spouse; William H. Greig, Secretary TCC, Inc., and his spouse; Michael T. Ellington, Treasurer TCC, Inc., and his spouse; John Does I-X and Jane Does I-X and their spouses; Carpenter, Hazlewood, Delgado & Bolen, PLC; Joshua M. Bolen 024053 and Anjali J. Patel 028138

Defendants.

Pursuant to the Local Rules of Practice Superior Court, Maricopa County, Plaintiff requests Judges Sherry K. Stephens and John R. Hannah, Jr. transfer CV2017-013317, Terravita Country Club, Inc. vs. Anita Bell, et al., from Judge Stephens' division to Judge Hannah's division.

Both cases arise from the same and/or substantially the same events, involved the same and/or substantially the same parties and/or properties and, if not transferred, CV2017-013317, a meritless complaint unworthy of judicial confidence, a waste of the Courts' time and judicial resources, an abuse of process in that the wrongfully instituted complaint is intended to harass, intimidate and increase the cost of litigation for the Defendant (Anita Bell) while entreating the Courts to reach an unjust result, would likely entail substantial duplication of labor if the matters were heard by Judges Stephens and Hannah independently rather than by Judge Hannah singularly.

In determining to which judge CV2017-013317 should be assigned, Judge Stephens is entreated to consider the following:

1) Judge Hannah presided over CV2016-054557, Anita R. Bell, et al., vs. Terravita Country Club, Inc., Exhibit A;

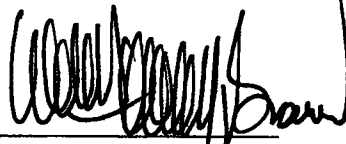
2) Judge Hannah is the presiding judge in CV2017-055475, William M. Brown vs. Terravita Country Club, Inc., filed on September 5, 2017 and reassigned by the Hon. Randall H. Warner upon Plaintiff's Notice of Change

of Judge from Judge Aimee Anderson to Judge Hannah, a matter alleging the defendant's contempt of orders in an earlier (June 2017) matter, Exhibit B;

3) Substantive matters considered in CV2016-054557 have a nexus with CV2017-055475 and CV2017-013317 all of which evidence the palatable tension between the parties precipitated by the Defendant (TCC, Inc., its board of directors and managers) and its counsel's willful denial of the Plaintiff (WMB), his "joint tenant," Anita R. Bell, and all 1380 mandatory members of Terravita Country Club, Inc. their legal rights pursuant to the Planned Community statutes (§33-1801, et seq.), well-settled Arizona case law, the corporation's governing documents and other such authorities, tension too often expressed in litigation (Small Claims Court, Justice Court, LCA, Superior Court and the Court of Appeals) and in contested administrative matters (DFBLS, ADRE and OAH) wherein Plaintiff has been the prevailing party in eleven (11) of thirteen (13) adjudicated matters. Plaintiff and Anita R. Bell were pro se in 82% of those matters (9 of the 11), as Plaintiff is pro se in the instant matter. Exhibit C

Plaintiff respectfully requests CV2017-013317 be transferred from the Hon. Sherry K. Stephens' division to the Hon. John R. Hannah, Jr.'s division.

William M. Brown
6751 East Amber Sun Drive
Scottsdale, Arizona 85266-7029



William M. Brown
Plaintiff, Pro Se

Certificate of Service

Original filed this 11th day of October 2017 with:

Clerk, Superior Court
Maricopa County Superior Court
18380 N. 40th Street
Phoenix, Arizona 85032

Copy by facsimile, (602) 372-8637, this 11th day of October 2017 to:

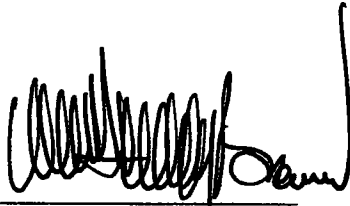
Hon. Sherry K. Stephens
Maricopa County Superior Court
South Court Tower
175 W. Madison Street
Phoenix, Arizona 85003-2243

Copy delivered this 11th day of October 2017 to:

Hon. John R. Hannah, Jr.
Maricopa County Superior Court
Northeast Court-G
18380 N. 40th Street, Courtroom 108
Phoenix, Arizona 85032-1484

Copy mailed this 11th day of October 2017 to:

Carpenter, Hazlewood, Delgado & Bolen, PLC
1400 E. Southern Avenue, Suite 400
Tempe, Arizona 85282

A handwritten signature in black ink, appearing to read 'William M. Brown', written over a horizontal line.

William M. Brown
Plaintiff, Pro Se

Exhibit A

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-054557

03/10/2017

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenover
Deputy

ANITA R BELL, et al.

ANITA R BELL
6751 E AMBER SUN DR
SCOTTSDALE AZ 85266

v.

TERRAVITA COUNTRY CLUB INC

DAXTON R WATSON

WILLIAM M BROWN
6751 E AMBER SUN DR
SCOTTSDALE AZ 85266

RULING

Courtroom 102 - NE

3:02 p.m. This is the time set for Oral Argument on Plaintiff's Motion for Partial Summary Judgment and Motion to Continue on the Inactive Calendar and Defendants' Cross-Motion for Judgment on the Pleadings. Plaintiffs Anita R. Bell and William M. Brown are present on their own behalves. Defendant Terravita Country Club, Inc. is represented by counsel, Dax R. Watson.

A record of the proceedings is made digitally in lieu of a court reporter.

Arguments are heard.

IT IS ORDERED the plaintiff's motion for partial summary judgment as to the monies owed as of October 24, 2016 is granted. Summary judgment is granted in plaintiff's favor as to

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-054557

03/10/2017

his request for a declaratory judgment that no monies were owed to the defendant for late fees, return check charges, unpaid assessments, etc. as of that date.

The Court finds that the question whether the plaintiff is entitled to include a restrictive endorsement on the checks going forward is within the scope of the original complaint because that was at least part of the underlying dispute originally.

As to that, the Court finds and declares that the plaintiff does not have the right to insist that the defendant accept his tender of payment with a restrictive endorsement.

As to the fine arising from the allegation that Mr. Brown made a threat to somebody,

IT IS ORDERED denying plaintiff's motion for leave to file amended complaint.

It is within the Court's discretion to decide whether to allow another claim to be joined and the Court's judgment is that should be a separate lawsuit.

There is no clear prevailing party in this lawsuit so neither side will be awarded costs.

Unless there is a mandatory basis for fees, the Court in its discretion would not grant either side attorneys' fees.

IT IS ORDERED that if the defendant wishes to file a fee application, the defendant shall notify the Court in writing not more than 5 business days from today's date. If no fee award is requested then the Court will issue a separate order that will adopt the minute entry from this hearing as the final judgment in this case.

3:58 p.m. Hearing concludes.

Exhibit B

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-055475

09/08/2017

HON. RANDALL H. WARNER

CLERK OF THE COURT
D Arrieta
Deputy

WILLIAM M BROWN

WILLIAM M BROWN
6751 E AMBER SUN DRIVE
SCOTTSDALE AZ 85266

v.

TERRAVITA COUNTRY CLUB INC, et al.

COURT ADMIN-CIVIL-CCC
JUDGE AIMEE ANDERSON
JUDGE HANNAH

CASE REASSIGNMENT - CIVIL PRESIDING JUDGE

This case was previously assigned to the Honorable Aimee Anderson. A Notice of Change of Judge has been filed by Plaintiff. The case was transferred to the Civil Presiding Judge for reassignment.

IT IS ORDERED that this case be assigned to Civil Calendar CVJ-16, the Honorable John Hannah, for all further proceedings. If any objections to the Notice of Change of Judge are filed, the noticed judge retains jurisdiction to hear and decide the objections. Any objections must be filed and a copy delivered to the noticed judge within 20 days of the date of this order.

IT IS FURTHER ORDERED that any and all hearings set by the noticed judge are vacated, to be reset by the new division.

IT IS FURTHER ORDERED that the parties shall jointly file within **10 days** of the date of this minute entry, a notice with the new division listing any outstanding motions (including the file dates), whether they are ripe for resolution, and any hearings that need to be reset.

Exhibit C

Terravita Litigation: Seventy-two (72) lawsuits thru September 21, 2017
Maricopa County Civil Court Information

<http://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp>

Since incorporation, October 8, 1993, Terravita Community Association, Inc. has been a litigant in the following lawsuits beginning with TCA v. Wussow on January 9, 1997 thru June 28, 2017.

TCA, Inc.: Ekmark & Ekmark, L.L.C. (CHD&B, PLC)

CV1997-000435 TCA v. Adolph H. Wussow
CV1998-002987 TCA v. Margaret Rowland
CV2006-051448 WMB v. TCA Civil-books and records
CV2007-007364 TCA v. Rosemarie Burke
CV2008-013449 Jean Piserchia, Robert Ball, John Abbett, Stephanie Wolfe, Jo Ann Sharp v. TCA/TGC
CV2009-090674 WMB v. Louise A. Harkinson, TCA, CCMC Civil – defamation, dismiss WMB
CV2009-010695 TCA v. Helene Joy Karlin
CV2009-010962 TCA v. Stephanie Barcello Leon
CV2009-010963 TCA v. Tamara M. Davis
CV2010-052446 TCA v. AB/WMB; Superior Court; iron pyrite, 1 of 800+ similarly situated HO's sued
CV2013-050300 TCA v. Helene Joy Karlin
CV2013-051832 TCA v. Mary Ann Lowther
CV2013-053163 TCA v. Yolanda C. Pena
CV2014-053595 Bianco v. TCC/TCA
CC2006-184083 Brian W. Blacklock v. TCA, CCMC
TJ2010-001810 TCA v. Judith A. Moore
TJ2010-015745 TCA v. Tamra M. Davis
LC2007-000588 TCA v. WMB; DFBS/OAH/Superior Court; not action; no atty fees
LC2012-000699 WMB v. TCA; DFBS/OAH/Superior Court/Court of Appeals
1 CA-CV 14 -4555 WMB v. TCA, Court of Appeals Decision 7/30/2015

TCC, Inc. (MBCC, Inc.) and TGC, Inc. (BMGC, Inc.) were created out of a class action settlement with the Del Webb Corporation on May 28, 1998 and have since been litigants in the following lawsuits:

TCC, Inc. (BMCC, Inc.): Carpenter, Hazlewood, Delgado & Bolen (Wood), PLC

CV2001-021928 Christopher Meleshkov v. TCC
CV2002-002925 Maureen Hess v. TCC
CV2002-004639 TCC v. Helene Joy Karlin
CV2003-018588 TCC v. Deborah G. Aksamit
CV2003-021851 Margaret Thayer v. TCC
CV2004-002882 TCC v. Shirley E. Omalley
CV2004-004867 TCC v. NLP Systems Limited
CV2004-008824 TCC v. Helene Joy Karlin, City of Scottsdale
CV2006-015717 TCC v. NLP Systems Limited
CV2009-036870 TCC v. Helene Joy Karlin
CV2011-080089 TCC v. Helene Joy Karlin

CV2011-093260 TCC v. Joseph D. Meloni
 CV2012-007949 QED, Inc. v. TCC
 CV2012-018573 TCC v. Gary C. Wright, Pamela Hazen
 CV2013-011608 TCC v. Helene Joy Karlin
 CV2013-053198 Helene Rand v. TCC
 CV2014-053595 Bianco v. TCC/TCA
 CV2016-091991 TCC, Inc. v. Anita Bell
 CV2016-054557 ARB/WMB v. TCC, Inc.
 CV2017-055475 WMB v. TCC, Inc.
 CV2017-013317 TCC, Inc. v. Anita Bell (filed 09/21/2017)
 CC2009-049122 Capital One Bank v. TCC
 CC2013-051050 ABell v. TCC; Small Claims Court/Superior Court/Court of Appeals; pending
 TJ2007-007317 Arrow Financial Services, LLC v. TCC
 TX2002-000128 BMCC v. Maricopa County
 TX2002-000431 BMCC v. Maricopa County
 TX2003-000149 BMCC v. Maricopa County
 TX2004-000889 BMCC v. Maricopa County, Arizona State Department of Revenue
 TX2007-000315 TCC v. MC, MC Attorney, MC Assessor, MC Board of Supervisors, ADOR
 TX2007-000446 BMCC v. Maricopa County
 TX2011-000847 BMCC v. Maricopa County
 LC2017-000307 TCC, Inc. v. WMB
 DFBS 10/08/2015 ABell v. TCC
 17F-H1716005-REL WMB v. TCC, Inc.
 17F-H1717032-REL WMB v. TCC, Inc.
 18F-H1717041-REL WMB v. TCC, Inc.
 18F-H1817004-REL WMB v. TCC, Inc.

TGC (BMGC): Moyes Storey/WJSims III

CV2003-021851 Margaret Thayer v. TGC, Aaron Michaelson, Joan Burnett, Larry Ray, Andy Orzel
 CV2004-007779 Charles Mason v. TGC
 CV2004-007845 Alegis Group LP v. BMGC
 CV2008-013449 Jean Piserchia, Robert Ball, John Abbett, Stephanie Wolfe, Jo Ann Sharp v. TGC, TCA
 CC2007-165446 James Farmer v. TGC