

G. Ramirez

G. RAMIREZ, FILED

17 DEC 11 AM 8:48

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

Plaintiff on his own behalf

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

William M. Brown, an individual,

Plaintiff,

Plaintiff's Motion to Continue
and Request for Expedited
Consideration

Case No. CV2017-055475
(Assigned to the Hon. John R.
Hannah, Jr.)

Case No. CV2017-013317
(Assigned to the Hon. Sherry
K. Stephens)

Case No. LC2017-000307-001
(Assigned to the Hon. Patricia
Ann Starr)

ADRE HO 18-17/004
(18F-H1817004-REL)
(Assigned to the Hon. Suzanne
S. Marwil)

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, LLP; Joshua M. Bolen 024053 and Anjali J. Patel 028138,

Defendants.

Plaintiff requests the Courts grant its motion to continue for the reasons to follow. This is the first continuance requested in these matters.

At a telephonic status conference with the Hon. Patricia A. Starr on Monday, November 20, 2017 in another pending books and records (§ 33-1805) contested matter (LC2017-000307-001 DT) between the same parties before Judges Hannah, Stephens and Marwil, Plaintiff advised that William M. Brown and Anita R. Bell entered into a contract on November 14, 2017 for the sale of their home located at 6751 East Amber Sun Drive, Scottsdale, Arizona 85266-7029 with a COE and return to Texas date on or before December 31, 2017.

In addition to a number of orders instructing Appellant (TCC, Inc.) to comply with certain applicable Arizona statutes, Judge Starr ordered a telephonic status conference for November 29, 2017.

At the Court's November 29, 2017 Status Conference, Appellee (WMB) announced that a compromise offer to resolve the pending contested matters (CV2017-055475; CV2017-013317; LC2017-000307-001 DT and 18F-H1817004-REL) between the parties would be made before COB that

day with a drop dead date of Friday, December 8, 2017, two weeks in advance of Appellee's COE and permanent return to Texas prior to year's end.

Judge Starr ordered, "IT IS ORDERED that Appellant shall file a notice regarding the status of the parties' negotiations by December 6, 2017. At that time, if the parties have not resolved the matter, the Court will rule on the Motion for Stay." (Petitioner/Appellee's books and records request pursuant to § 33-1805)

Appellee's compromise offer was sent to the appellant corporation, its board of directors and the corporation's counsel, CHD&B, LLP, at 1428 hours on November 29, 2017. Exhibit A

Having received no communication at all from the Appellant or the corporation's counsel from November the 29th thru December the 6th, Appellee filed its Notice and Request for Expedited Consideration in the A.M. with Judge Starr, courtesy copies delivered to the referenced divisions.

At 1537 hours on December the 6th, Appellee received via electronic mail the "appellant's" declination, Exhibit B, and Notice Regarding Status of Negotiations (sic), Exhibit C, received December 8, 2017.

Pursuant to Superior Court Local Practice Rules, Maricopa County, Rule 2.14, Appellee made numerous efforts to contact Appellant's counsel on December the 7th and 8th, to include a voice mail message at 0845 hours on the 7th, 'Counsel, good morning, Bill Brown, time permitting please call

(480) 595-9131; Anita is in receipt of TCC's response (yesterday); question concerns the Court's Local Practice Rules; please call (480) 595-9131,' and three (3) unanswered calls on December the 8th (1140, 1524 and 1525 hours).

Appellant and the corporation's counsel's habit and practice is to be non-responsive to the members of the corporation as well as to the corporation's opposing parties.

Appellee's good faith efforts to resolve the contested matters between the parties (11/29/2017 compromise offer to resolve the pending [4] matters) and to consult with the corporation's counsel is/has been for naught as was Appellant's "response" to yet another Appellee/Petitioner's recent (10/06/2017) compromise offer in the matter (CV2017-013317) before Judge Stephens (*See* 12/06/2017 Notice and Request for Expedited Consideration, LC2017-000307-001 DT, Exhibit C).

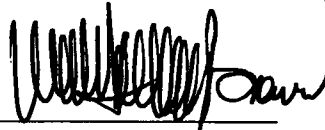
"If you would like to make a proposal that does not involve monetary compensation and guarantees no future litigation from you, my client would be willing to review such an offer," sadly reflects Terravita's corporations, boards of directors and the corporations' counsel's long-standing appetite for continuing litigation that is notoriously time consuming, inefficient, costly to the corporation and its members (of which the corporation/board of directors regularly lament while contemporaneously spending the members' monies [OPM] like a drunken sailor...with apologies to my waterborne brethren), is unpredictable and fraught with emotion for some litigants rather than seeking an amicable resolution.

Defendants' habit and practice is to subrogate its covenant of good faith and fair dealing with its self-serving financial self-interests, derivative fiduciary liability. (See Plaintiff's Response to Defendant's Motion to Dismiss Defendants Bolen, Patel and Carpenter, Hazlewood, Delgado & Bolen, LLP, 11/13/2017, pp. 4-7 [CV2017-055475])

Given Appellee/Anita R. Bell's pending sale of their North Scottsdale home, relocation to a temporary Texas address (Exhibit D) and finding/contracting for the purchase or construction of our new home, Appellee's return to the care and treatment at Houston's Michael E. DeBakey VA Medical Center and other personal reasons, Appellee requests the Courts continue these matters until April 2, 2018.

Respectfully submitted this 11th day of December 2017.

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 December 2017 with:

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

Phoenix, Arizona 85032

Copy delivered this 11th day of December 2017 to:

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

Copy by electronic mail, collinsr005@superiorcourt.maricopa.gov, this 11th day of December 2017 to:

Hon. Sherry K. Stephens
c/o Randy Collins
Maricopa County Superior Court
175 W. Madison Street
Phoenix, Arizona 85003-2243

Copy by electronic mail, riordank@superiorcourt.maricopa.gov, this 11th day of December 2017 to:

Hon. Patricia A. Starr
c/o Ms. Kim Riordan
Maricopa County Superior Court
125 West Washington, Suite 309
Phoenix, Arizona 85003

Copy by facsimile, (602) 542-9827, this 11th day of December 2017 to:

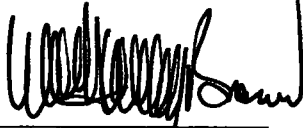
The Honorable Suzanne S. Marwil
Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

Copy by electronic mail this 11th day of December 2017 to:

Arizona Attorney General
Lynette Evans Lynette.Evans@azag.gov

Copy mailed this 11th day of December 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

Exhibit A

william brown

From: "william brown" <wmbs-pp@msn.com>
To: <josh@carpenterhazlewood.com>
Cc: <sterlinglaaveg@gmail.com>; <tolkpc@gmail.com>; <bill.tcc@cox.net>;
<dukeofgolf@icloud.com>; <howbarte@cox.net>; <cwils99@aol.com>; <vlsau5008@gmail.com>
Sent: Wednesday, November 29, 2017 2:28 PM
Attach: TCC Compromise Offer Pend Matters 11-29-17.pdf
Subject: Compromise Offer Pending Contested Matters: CV2017-055475; CV2017-013317; LC2017-000307-001DT and 18F-H1817004-REL

Compromise Offer:

Pending Contested Matters:

- 1) CV2017-055475: WMB vs. TCC, Inc., et al.
- 2) CV2017-013317: TCC, Inc. vs. ARB
- 3) LC2017-000307-001 DT: TCC, Inc. vs. WMB
- 4) 18F-H1817004-REL: WMB vs. TCC, Inc.

Via Electronic Mail

November 29, 2017

Terravita Country Club, Inc.
c/o Joshua M. Bolen
34034 N. 69th Way
Scottsdale, Arizona 85266

Re: Pending Contested Matters [Redacted In-Part]
CV2017-055475
CV2017-013317
LC2017-000307-001 DT
18F-H1817004-REL

Board of Directors:

Terravita Country Club, Inc. ("TCC") filed a complaint for declaratory relief (CV2017-013317) on September 21, 2017 against Anita Bell, et al. The complaint was served on October 3, 2017.

On October 6, 2017, I made a compromise offer to resolve TCC, Inc.'s lawsuit against me.

On October 18, 2017, the corporation's counsel at Judge Hannah's Return Hearing Re: Plaintiff's Application for Order to Show Cause (Contempt) advised William M. Brown that the board of directors had no interest in resolving the matter pursuant to the proposed compromise.

As TCC is aware our home is under contract and scheduled to close on or before year's end (Christine Mehl, 11/28/2017 to FNTA, Escrow No. 65007637-065-AS), as such, the corporation may find resolution of the referenced matters in the best interests of the parties, the members and the corporation's insurer(s), Liberty Insurance Underwriters, Inc. and/or RSUI Indemnity Company.

Recall, in CV2016-054557, *Anita R. Bell and William M. Brown vs. Terravita Country Club, Inc.*, the corporation and its lawyers affirmed, "...the Country Club Board also appreciates that engaging in litigation on this matter would not be beneficial to its members...the Country Club will not file a responsive pleading in this lawsuit."

TCC's record of litigating certain contested matters supports the reality that litigation is notoriously time consuming, inefficient, very costly to the corporation and its members, unpredictable and fraught with emotion for some litigants, as such, and in furtherance of amicably resolving the still pending matters without further litigation, Terravita Country Club, Inc. agrees to the following:

- 1) TCC shall prepare a Settlement and Release Agreement agreeable to the parties;
- 2) In full and final settlement of the referenced litigation, TCC agrees to pay the sum of _____ in certified bank funds within ten (10) days from the date of this letter;

3) Following signing the Settlement and Release Agreement and receipt by Anita R. Bell and William M. Brown of the _____, TCC shall file a Stipulation to Dismiss each of the referenced matters with their respective courts and/or tribunal;

4) The parties to bear their fees and costs.

Recall that this board's predecessor boards (2014-2016) elected to settle the *Bianco* pickle ball litigation in March of 2016 rather than protracting its questionable defense and incurring significant additional fees and costs of litigation to the corporation and its members.

This board is entreated to resolve the referenced matters on the terms and conditions recited above, a resolution beneficial to the parties, the members and the corporation's insurer(s), Liberty Insurance Underwriters, Inc. and/or RSUI Indemnity Company.

This compromise offer is valid until December 8, 2017.



Anita R. Bell
6751 East Amber Sun Drive
Scottsdale, Arizona 85266-7029

Cc: Sterling J. Laaveg, sterlinglaaveg@gmail.com
Paul David Tolk, tolkpc@gmail.com
William H. Greig, bill.tcc@cox.net
Michael T. Ellington, dukeofgolf@icloud.com
Howard I. Bartelstone, howbarte@cox.net
Catherine M. Wilson, cwils99@aol.com
Douglas M. Saucier, vlsau5008@gmail.com

B:/ARB/Terravita/TCC, Inc./Litigation-Contested Matters/Compromise Offer/MAA/File

Exhibit B

william brown

From: "Josh Bolen" <josh.bolen@carpenterhazlewood.com>
To: "william brown" <wmbs-pp@msn.com>
Cc: "Theresa Laubenthal" <Theresa.Laubenthal@carpenterhazlewood.com>; "Allison Preston" <Allison.Preston@carpenterhazlewood.com>
Sent: Wednesday, December 06, 2017 3:37 PM
Subject: RE: Compromise Offer Pending Contested Matters: CV2017-055475; CV2017-013317; LC2017-000307-001DT and 18F-H1817004-REL

Dear Mr. Brown,

TCC cannot agree to terms of your settlement offer as presented. If you would like to make a proposal that does not involve monetary compensation and guarantees no future litigation from you, my client would be willing to review such an offer.

Sincerely,



CARPENTER HAZLEWOOD

Josh Bolen, Esq.

Direct Line: 480-427-2862

josh.bolen@carpenterhazlewood.com

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

Phoenix, 480-427-2800, 1400 East Southern Ave, Suite 400, Tempe, Arizona 85282

Tucson, 520-744-9480, 333 North Wilmot Rd, Suite 180, Tucson, Arizona 85711

Prescott, 928-443-0775, 1550 Plaza West Dr, Prescott, Arizona 86303

www.carpenterhazlewood.com

12/6/2017



The information in this e-mail is ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL and is intended solely for the use by the individual or entity named above. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it.

This firm is a debt collector. Any information obtained will be used for that purpose.

From: william brown [mailto:wmbs-pp@msn.com]

Sent: Wednesday, November 29, 2017 2:29 PM

To: Josh Bolen

Cc: sterlinglaaveg@gmail.com; tolkpc@gmail.com; bill.tcc@cox.net; dukeofgolf@icloud.com; howbarte@cox.net; cwils99@aol.com; vlsau5008@gmail.com

Subject: Compromise Offer Pending Contested Matters: CV2017-055475; CV2017-013317; LC2017-000307-001DT and 18F-H1817004-REL

Compromise Offer:

Pending Contested Matters:

- 1) CV2017-055475: WMB vs. TCC, Inc., et al.
- 2) CV2017-013317: TCC, Inc. vs. ARB
- 3) LC2017-000307-001 DT: TCC, Inc. vs. WMB
- 4) 18F-H1817004-REL: WMB vs. TCC, Inc.

12/6/2017

Exhibit C

1 **Carpenter, Hazlewood, Delgado & Bolen, LLP**
Attorneys at Law
2 1400 E. Southern Avenue, Suite 400
Tempe, Arizona 85282
3 t 480.427.2800 | f 480.427.2801
Josh Bolen 024626
4 Anjali Patel 028138
Allison Preston 029346
5 TERRAVCC.0151

6 Attorneys for Appellant

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

9 **WILLIAM M. BROWN,**
10
11 **Appellee,**
12
13 **v.**
14 **TERRAVITA COUNTRY CLUB, INC.,**
15 **Appellant.**

Case No. LC2017-000307-001

Department of Real Estates No.:
HO 17-17/032

Docket No. 17F-H1717032-REL

NOTICE REGARDING STATUS OF
NEGOTIATIONS

(Assigned to the Honorable Patricia
Starr)

16
17
18 Appellant, Terravita County Club, Inc., by and through undersigned counsel, and
19 pursuant to this Court's November 29, 2017 Minute Entry Order, hereby provides this
20 notice to the Court that the parties have not resolved this matter. Therefore, Appellant
21 respectfully requests that the Court proceed with ruling on the Motion for Stay.
22
23
24
25
26
27
28

///

1 RESPECTFULLY SUBMITTED this 6th day of December, 2017.

2 Carpenter, Hazlewood, Delgado & Bolen, LLP

3
4 By: 

5 Joshua M. Bolen, Esq.
6 Anjali Patel, Esq.
7 Allison Preston, Esq.
8 1400 E. Southern Ave., Suite 400
9 Tempe, Arizona 85282
10 Attorneys for Respondent

11 **ORIGINAL** of the foregoing filed
12 This 6th day of December, 2017 with:

13 The Clerk of the Maricopa County Superior Court

14 **CONFORMED COPY** of the foregoing hand-delivered
15 this 6th day of December, 2017 to:

16 The Honorable Patricia Ann Starr
17 Old Courthouse, Courtroom 309
18 125 W. Washington Street
19 Phoenix, AZ 85003

20 **COPY** of the foregoing mailed
21 this 6th day of December, 2017 to:

22 Arizona Department of Real Estate
23 State of Arizona
24 2910 N. 44th Street, Suite 100
25 Phoenix, AZ 85018

26 The Office of Administrative Hearings
27 1400 W. Washington, Suite 101
28 Phoenix, Arizona 85007

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

1 Attorney General's Office
2 15 S 15th Avenue
3 Phoenix, Arizona 85007

4 By: Theresa Lambert

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit D

Facsimile Transmission

William M. Brown
6751 E. Amber Sun Drive
Scottsdale, Arizona 85266
(480) 595-9131
(480) 404-7554 (F)
e-mail: wmbs-pp@msn.com

Date: December 9, 2017

To: Superior Court of Arizona In Maricopa County

Fax: (602) 506-6690

Please call to discuss

No response necessary

Memo: Change of Address

CV2017-013317 / CV2017-055475 / LC2017-000307-001 DT

s/Anita R. Bell

s/William M. Brown

Page 1 of 4

Original will not follow

Original will follow by:

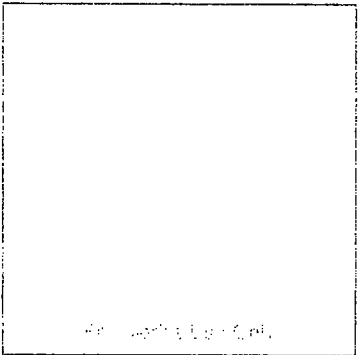
Regular U.S. Mail

Express Delivery

Party Updating Information is:

- Petitioner/Plaintiff
- Respondent/Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY



Terravita Country Club, Inc.
Name of Petitioner/Plaintiff *

CASE NO.: CV2017-013317

Anita Bell
Name of Respondent/Defendant *

ATLAS NO.:

*(Write Names above as on Court Documents)

UPDATE INFORMATION ON
 ADDRESS and/or NAME

If your address is protected by Court Order DO NOT use this form

I UNDERSTAND:

1. This Notice is to tell the Clerk of the Court that my address or name has changed.
2. This form does NOT legally change my name.
3. Address and name changes that are not sealed or confidential will be entered on both the support payment and the court's automated system, and will be available to the public as a public record.
4. I may only submit changes for *my own* address and name.

INFORMATION I WANT TO CHANGE: (PLEASE PRINT)

My name was:

My current name is: Anita R. Bell

My old address was: 6751 East Amber Sun Drive, Scottsdale, Arizona 85266-7029
(Street Address, City, State, Zip Code)

My new address is: 1754 Lakeview Estates Drive, Coldspring, Texas 77331-5072 (Effective 12/21/2017)
(Street Address, City, State, Zip Code)

My new mailing address: (if different from above)

My best contact phone number is: (602) 316-1023 My Date of Birth is: July 11, 1952

My e-mail address is: wmbs-pp@msn.com

- There is an order for payments through the Clearinghouse for **Child Support and/or Spousal Maintenance** (if so, fax to **602-506-1937**.) **OR**
- There is an order for payments through the Clerk of the Superior Court for **Restitution** (if so, email the completed form to; CFOResponse@mail.maricopa.gov) **OR**
- This update is for *other than* Support, Maintenance or Restitution (if so, fax to **602-506-6690**).

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

Signed on: 12-09-2017
Date

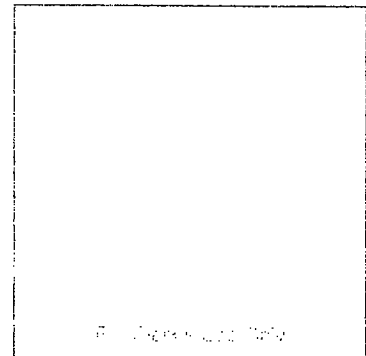
Anita R. Bell
Signature of Person Requesting Change

- Please send me information on direct deposit for Child Support and/or Spousal Maintenance.
- iCIS Address updated (FOR COURT USE ONLY)**

Party Updating Information is:

- Petitioner/Plaintiff
- Respondent/Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY



William M. Brown
Name of Petitioner/Plaintiff *

CASE NO.: CV2017-055475

Terravita Country Club, Inc.
Name of Respondent/Defendant *

ATLAS NO.:

*(Write Names above as on Court Documents)

UPDATE INFORMATION ON
 ADDRESS and/or NAME

If your address is protected by Court Order DO NOT use this form

I UNDERSTAND:

1. This Notice is to tell the Clerk of the Court that my address or name has changed.
2. This form does NOT legally change my name.
3. Address and name changes that are not sealed or confidential will be entered on both the support payment and the court's automated system, and will be available to the public as a public record.
4. I may only submit changes for *my own* address and name.

INFORMATION I WANT TO CHANGE: (PLEASE PRINT)

My name was: _____

My current name is: William M. Brown

My old address was: 6751 East Amber Sun Drive, Scottsdale, Arizona 85266-7029
(Street Address, City, State, Zip Code)

My new address is: 1754 Lakeview Estates Drive, Coldspring, Texas 77331-5072 (Effective 12/21/2017)
(Street Address, City, State, Zip Code)

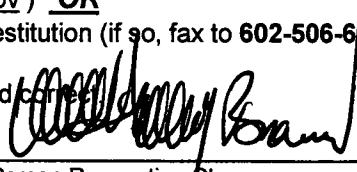
My new mailing address: (if different from above) _____

My best contact phone number is: (602) 316-1023 **My Date of Birth is:** June 28, 1947

My e-mail address is: wmbs-pp@msn.com

- There is an order for payments through the Clearinghouse for **Child Support and/or Spousal Maintenance** (if so, fax to **602-506-1937**.) **OR**
- There is an order for payments through the Clerk of the Superior Court for **Restitution** (if so, email the completed form to; CFOResponse@mail.maricopa.gov) **OR**
- This update is for *other than* Support, Maintenance or Restitution (if so, fax to **602-506-6690**).

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

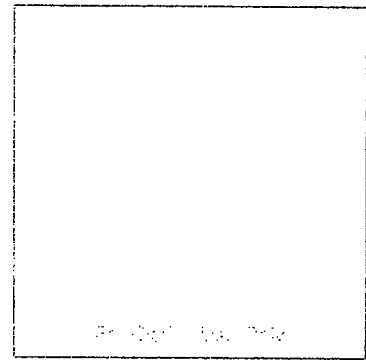
Signed on: 12/09/2017 
Date Signature of Person Requesting Change

- Please send me information on direct deposit for Child Support and/or Spousal Maintenance.
- iCIS Address updated** (FOR COURT USE ONLY)

Party Updating Information is:

- Petitioner/Plaintiff
- Respondent/Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY



Terravita Country Club, Inc.

CASE NO.: LC2017-000307-001 DT

Name of Petitioner/Plaintiff *

ATLAS NO.:

William M. Brown

Name of Respondent/Defendant *

UPDATE INFORMATION ON
 ADDRESS and/or NAME

*(Write Names above as on Court Documents)

If your address is protected by Court Order DO NOT use this form

I UNDERSTAND:

1. This Notice is to tell the Clerk of the Court that my address or name has changed.
2. This form does NOT legally change my name.
3. Address and name changes that are not sealed or confidential will be entered on both the support payment and the court's automated system, and will be available to the public as a public record.
4. I may only submit changes for *my own* address and name.

INFORMATION I WANT TO CHANGE: (PLEASE PRINT)

My name was:

My current name is: William M. Brown

My old address was: 6751 East Amber Sun Drive, Scottsdale, Arizona 85266-7029
 (Street Address, City, State, Zip Code)

My new address is: 1754 Lakeview Estates Drive, Coldspring, Texas 77331-5072 (Effective 12/21/2017)
 (Street Address, City, State, Zip Code)

My new mailing address: (if different from above)

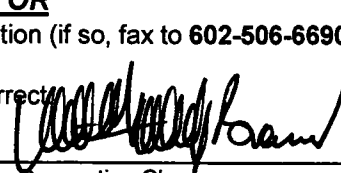
My best contact phone number is: (602) 316-1023 My Date of Birth is: June 28, 1947

My e-mail address is: wmbs-pp@msn.com

- There is an order for payments through the Clearinghouse for Child Support and/or Spousal Maintenance (if so, fax to 602-506-1937.) **OR**
- There is an order for payments through the Clerk of the Superior Court for Restitution (if so, email the completed form to; CFOResponse@mail.maricopa.gov) **OR**
- This update is for *other than* Support, Maintenance or Restitution (if so, fax to 602-506-6690).

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

Signed on: 12/09/2017
 Date


 Signature of Person Requesting Change

- Please send me information on direct deposit for Child Support and/or Spousal Maintenance.
- iCIS Address updated (FOR COURT USE ONLY)