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PATRICIA A. NOLAND  
CLERK, SUPERIOR COURT

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BY: J. WHITNELL, DEPUTY

1 David A. McEvoy  
2 ASB No. 007599 PCC No. 37524  
3 McEVOY, DANIELS & DARCY, P.C.  
4 4560 East Camp Lowell Drive  
5 Tucson, Arizona 85712  
6 520-326-0133

7 Attorney for Plaintiff

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

9 **IN AND FOR THE COUNTY OF PIMA**

10 NEW TUCSON UNIT NO. 8 HOMEOWNERS )  
11 ASSOCIATION, INC., an Arizona non-profit )  
12 corporation, )

Case No.: C20041194

13 Plaintiff,

JUDGMENT

14 vs.

Assigned to the Honorable Jane L.  
Eikleberry, Division 11

15 PIMA COUNTY, a political subdivision of the )  
16 State of Arizona, )  
17 Defendant. )

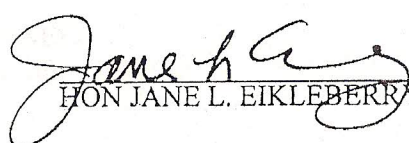
18 THE COURT FINDS after reading Defendant's Motion for Joinder and Plaintiff's  
19 Opposition to Defendant's Motion for Joinder and conducting a hearing on said Motion and  
20 Opposition, that Judgment be entered in favor of Plaintiff and against Defendant, and  
21 specifically that this Court (1) declares that the relevant provisions of that certain Second  
22 Amended Declaration of Covenants, Conditions and Restrictions for New Tucson Unit No 8  
23 Lots 1-454 and Common Area being a Subdivision Recorded at Book 17 Page 84 of Maps  
24 and Plats in the Office of the Pima County Recorder, Pima County, Arizona, as recorded on  
25 November 1, 2002, in Docket 11918, commencing at page 92, in the official records of Pima  
26 County, Arizona ("Amended Declaration"), are valid and enforceable, as written, and  
accordingly that Plaintiff has the required authority to proceed on behalf of the Lot Owners  
with the planned engineering and construction activities on the Lots and other portions of the

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Property, as those terms are defined in the Amended Declaration, and (2) denies Defendant's Motion for Joinder.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the material allegations of the Complaint are true, that there is no just reason for delay in entry of judgment, and orders and directs that judgment as set forth above, be entered forthwith against Defendant and in favor of Plaintiff.

DATED this 15<sup>th</sup> day of April, 2004.

  
HON JANE L. EIKLEBERRY

Original of the foregoing delivered  
this \_\_\_\_\_ day of April, 2004, to:

Clerk of the Pima County Superior Court  
110 West Congress Street  
Tucson, Arizona 85701

Copy of the foregoing mailed this  
\_\_\_\_\_ day of April, 2004, to:

Amelia C. Cramer, Esq.  
Civil Division  
Office of the Pima County Attorney  
32 North Stone Avenue, Suite 2100  
Tucson, Arizona 85701-1412  
Attorney for Defendant