

FILED
PATRICIA A. NOLAND
CLERK, SUPERIOR COURT

04 APR 16 PM 4:26

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
520-326-0133

BY: J. WHITNELL, DEPUTY

4
5 Attorney for Plaintiff

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF PIMA

8
9 NEW TUCSON UNIT NO. 8 HOMEOWNERS) Case No.: C20041194
10 ASSOCIATION, INC., an Arizona non-profit)
corporation,) JUDGMENT
11 Plaintiff,)
12 vs.) Assigned to the Honorable Jane L.
13 PIMA COUNTY, a political subdivision of the) Eikleberry, Division 11
14 State of Arizona,)
15 Defendant.)

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

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

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

7 DATED this 15th day of April, 2004.

8
9
10 
11 HON JANE L. EIKLEBERRY

12 Original of the foregoing delivered
13 this _____ day of April, 2004, to:

14 Clerk of the Pima County Superior Court
15 110 West Congress Street
16 Tucson, Arizona 85701

17 Copy of the foregoing mailed this
18 _____ day of April, 2004, to:

19 Amelia C. Cramer, Esq.
20 Civil Division
21 Office of the Pima County Attorney
22 32 North Stone Avenue, Suite 2100
23 Tucson, Arizona 85701-1412
24 Attorney for Defendant