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IN THE SUPERIOR COURT OF ARIZONA

## COUNTY OF MARICOPA

10 NICDON 10663, LLC, an Arizona limited  
liability company,

No

CV2018-015165

## APPLICATION FOR PRELIMINARY INJUNCTION

Plaintiff.

vs.

13 DESERT MOUNTAIN MASTER  
ASSOCIATION, an Arizona nonprofit  
14 corporation.

**Defendant..**

16 Pursuant to Rule 65 of the Arizona Rules of Civil Procedure, Plaintiff NICDON 10663,  
17 LLC, moves for the issuance of a Preliminary Injunction, following an Order to Show Cause  
18 hearing, prohibiting and enjoining Defendant from attempting to enforce the Amendment to its  
19 Declaration recorded on or about July 17, 2018.

20 The Association failed to obtain the unanimous approval necessary to amend its  
21 Declaration of Restrictions but nevertheless recorded the amendment with the Maricopa County  
22 Recorder and has taken targeted actions to enforce the amendment. Pursuant to the Amendment,  
23 beginning January 1, 2019, short-term renters are prohibited. Plaintiff specifically relied on the  
24 absence of a rental restriction in the Declaration when purchasing the Property as they intended  
25 to use the Property as a short-term rental. Plaintiff would not have purchased the Property if the

1 Declaration included a rental restriction or any indication that Defendant would subsequently seek  
2 to amend it to add a rental restriction.

3 The relief sought herein is necessary because the Association's enforcement of its invalid  
4 amendment restricts Plaintiff's use and enjoyment of their property. Plaintiff will suffer  
5 irreparable harm unless Defendant is enjoined from enforcing its invalid Amendment. A proposed  
6 form of Order as to Defendant is attached hereto.

7 DATED this 12 day of December 2018.

8 DESSAULES LAW GROUP

9  
10 By: 

11 Jonathan A. Dessaules  
12 Jacob A. Kubert  
13 *Attorneys for Plaintiff*