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11 CAU.DESMTNMA.0003

12 Attorneys for Defendants

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

14 **IN AND FOR THE COUNTY OF MARICOPA**

15 **NICDON 10663, LLC, an Arizona limited**
16 **liability company,**

17 **Plaintiff,**

18 **v.**

19 **DESERT MOUNTAIN MASTER**
20 **ASSOCIATION, an Arizona nonprofit**
21 **corporation,**

22 **Defendant.**

23 **Case No. CV2018-015165**

24 **DEFENDANT'S FIRST SET OF NON-**
25 **UNIFORM INTERROGATORIES**

26 (Assigned to the
27 Honorable Colleen French)

28 **PROPOUNDING PARTY: DEFENDANT DESERT MOUNTAIN MASTER**
ASSOCIATION, INC.

RESPONDING PARTY: PLAINTIFF NICDON 10663, LLC

In accordance with the Court's Order dated January 14, 2019, you are hereby requested to answer in writing and under oath the following First Set of Non-Uniform Interrogatories within ten (10) business days from the date hereof:

DEFINITIONS

1. "Plaintiff," "You," or "Your" as used herein means Nicdon 10663, LLC, Jordon Heffler, and/or Nicole Armsby.

1 2. “Person” as used herein means an individual, firm, corporation, partnership,
2 limited liability company, association, organization or any other entity.

3 3. The term “document” includes all electronic media or other tangible forms
4 in which information is stored and includes all written or graphic matter of every kind and
5 description, however produced or reproduced, WHETHER DRAFT OR FINAL, original
6 or reproduction, including, but not limited to letters, correspondence, emails, text
7 messages, memoranda, notes, films, contracts, transcripts, agreements, licenses,
8 memoranda of telephone conversations or personal conversations, microfilm, books,
9 telegrams, newspaper articles, advertisements, periodicals, bulletins, circulars, pamphlets,
10 statements, notices, reports, rules, regulations, directives, teletype messages, minutes of
11 meetings, interoffice communications, reports, financial statements, ledgers, books of
12 account, proposals, prospectuses, offers, orders, receipts, working papers, desk calendars,
13 appointment books, diaries, time sheets, logs, movies, tapes for visual or audio
14 reproduction, recording or materials similar to any of the foregoing, however
15 denominated, and including writings, drawings, graphs, charges, photographs, data
16 processing results, printouts and computations (both in existence and stored in memory
17 components), and other compilations from which information can be obtained or
18 translated, if necessary, through detection devices into reasonably usable form. THE
19 TERM “DOCUMENT” INCLUDES ALL COPIES OF A DOCUMENT WHICH
20 CONTAIN ANY ADDITIONAL WRITING, UNDERLINING NOTES, DELETIONS,
21 OR ANY OTHER MARKINGS OR NOTATIONS, OR ARE OTHERWISE NOT
22 IDENTICAL COPIES OF THE ORIGINAL.

23 4. “Association” or “Defendant” as used herein means The Desert Mountain
24 Master Association, Inc.

25 5. “Amendment” as used herein means the “Certificate of Amendment to
26 Exhibit E of the Second Amended and Restated Master Declaration of Covenants,
27 Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and
28 Easements for Desert Mountain,” recorded on July 17, 2018 in the Office of the Maricopa
29 County Recorder at Instrument No. 2018-0540413.

30 6. “Property” as used herein means Lot 11 of Desert Mountain Phase II, Unit
31 Twenty (The Village of Desert Fairways), according to the plat of record filed in the Office
32 of the Maricopa County Recorder at Book 402 of Maps, Page 18, owned by Nicdon 10663,
33 LLC, and commonly known as 10663 East Fernwood Lane, Scottsdale, Arizona 85262.

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RESPONSE:

RESPONSE:

RESPONSE:

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6 **NON-UNIFORM INTERROGATORY NO. 4:** Identify each and every Person You have
7 communicated or corresponded with regarding the Amendment and/or the Association's
8 proposal to impose rental restrictions upon owners of property located within the
9 Association, as well as the substance of any such communication or correspondence
identified.

10 **RESPONSE:**
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18 RESPECTFULLY SUBMITTED this 29th day of January, 2019.

19 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**
20

21 By: 

22 Curtis S. Ekmark, Esq.
23 Gregory A. Stein, Esq.
24 1400 E. Southern Ave., Suite 400
25 Tempe, AZ 85282
Attorneys for Defendant

26 COPY of the foregoing hand-delivered
27 this 29th day of January 2019 to:
28

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By: 