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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     **Case No. CV2018-015165**

18     **Plaintiff,**

19     **v.**

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

23     **DEFENDANT'S FIRST  
24     REQUEST FOR PRODUCTION  
25     OF DOCUMENTS**

26     (Assigned to the  
27     Honorable Colleen French)

28     **Defendant.**

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

31     **RESPONDING PARTY:      PLAINTIFF NICDON 10663, LLC**

32     In accordance with the Court's Order dated January 14, 2019, you are hereby  
33     requested to produce for inspection, copying, and photographing within ten (10) business  
34     days from the date hereof at the office of Carpenter, Hazlewood, Delgado & Bolen, LLP,  
35     1400 East Southern Avenue, Suite 400, Tempe, Arizona 85282, the following described  
36     documents and tangible things:

## **DEFINITIONS**

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

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

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

4. "Association" or "Defendant" as used herein means The Desert Mountain Master Association, Inc.

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

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

## **DOCUMENTS AND THINGS TO BE PRODUCED**

1. Any and all lease or rental agreements for the leases or rentals identified in Your response to the Association's Non-Uniform Interrogatories Nos. 1 and 2 submitted contemporaneously herewith.

2. Any and all documents or electronically-stored information which evidences or supports Paragraph 26 of Your Complaint, in which You assert that You “rel[y] upon the revenue generated from the Property.”

3. Any and all documents or electronically-stored information containing correspondence between You and any other Person regarding the Amendment and/or the Association's proposal to impose rental restrictions upon owners of property located within the Association.

4. Any and all documents or electronically-stored information evidencing Your payment of taxes on all income received from the lease or rental of Your Property.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of January, 2019.

## CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

By:

Greg S

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*Attorneys for Defendant*

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

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1 By: Greg St

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