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**SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA**

LINDA W. SWAIN, an individual; and EILEEN  
T. BRESLIN, an individual,

Plaintiffs

vs.

TTLIC AHWATUKEE LAKES INVESTORS,  
LLC, an Arizona limited liability company,

Defendant.

Case No. CV2014-051035

**ORDER**

(Assigned Hon. John R. Hannah, Jr.)

This matter came before the Court for oral argument on May 10, 2016, in regards to Defendant TTLIC Ahwatukee Lakes Investors, LLC’s Motion to Dismiss/Motion for Summary Judgment (“Defendant’s Motion”) and Plaintiffs Linda W. Swain’s and Eileen T. Breslin’s Cross Motion for Partial Summary Judgment (“Plaintiffs’ Motion”). Both Defendant’s and Plaintiffs’ Motions request that the Court interpret the Declaration of Covenants, Conditions, Restrictions and Easements recorded on November 13, 1992 (the “1992 Declaration of Covenants, Conditions, Restrictions and Easements”), amending the previous Deed Restrictions recorded in 1986, 1987 and 1988. After considering the substance of all motion papers filed in regards to Defendant’s Motion and Plaintiff’s Motion, as well as oral argument of counsel for the parties, the Court finds the intention of the 1992 Declaration of Covenants, Conditions, Restrictions and Easements was that a golf course would be operated on the subject property. Therefore,

**It is hereby ordered** denying Defendant’s Motion to Dismiss/Motion for Summary Judgment;



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Filing ID: 7555537 Case Number: CV2014-051035  
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Granted with Modifications



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/S/ John Hannah Date: 7/8/2016  
Judicial Officer of Superior Court

**ENDORSEMENT PAGE**

CASE NUMBER: CV2014-051035

SIGNATURE DATE: 7/8/2016

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CHRIS R BANISZEWSKI

DANIEL D MAYNARD

TIMOTHY H BARNES