Gra	anted with Modifications ***See eSignature page***	Michael K Jeanes, Cle *** Electronically F W. Tenoever, D 7/11/2016 8:00:0 Filing ID 7555	Filed *** eputy 0 AM
1 2	TIMOTHY H. BARNES, P.C. 428 East Thunderbird Road, #150 Phoenix, Arizona 85022 (602) 492-1528 Direct		551
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5	Timothy H. Barnes (SBN 003373) Attorney for Plaintiffs		
6 7	SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA		
8	LINDA W. SWAIN, an individual; and EILEEN T. BRESLIN, an individual,	Case No. CV2014-051035	
9	Plaintiffs	ORDER	
10	vs. (Assigned Hon. John R. Hannah, Jr.)		
11 12	TTLC AHWATUKEE LAKES INVESTORS, LLC, an Arizona limited liability company,	(Assigned from somi R. framan, sr.)	
13	Defendant.		
14			
15	This matter came before the Court for oral argument on May 10, 2016, in regards		
16	to Defendant TTLC Ahwatukee Lakes Investors, LLC's Motion to Dismiss/Motion for		
17	Summary Judgment ("Defendant's Motion") and Plaintiffs Linda W. Swain's and Eileen		
18	T. Breslin's Cross Motion for Partial Summary Judgment ("Plaintiffs' Motion"). Both		
19	Defendant's and Plaintiffs' Motions request that the Court interpret the Declaration of		
20	Covenants, Conditions, Restrictions and Easements recorded on November 13, 1992 (the		
21	"1992 Declaration of Covenants, Conditions, Restrictions and Easements"), amending		
22	the previous Deed Restrictions recorded in 1986, 1987 and 1988. After considering the		
23	substance of all motion papers filed in regards to Defendant's Motion and Plaintiff's		
24	Motion, as well as oral argument of counsel for the parties, the Court finds the intention		
25	of the 1992 Declaration of Covenants, Conditions, Restrictions and Easements was that		
26	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;

It is further ordered granting Plaintiffs' Cross-Motion for Partial Summary Judgment as to the interpretation of the 1992 Declaration of Covenants, Conditions, Restrictions and Easements, and finding and declaring that the 1992 Declaration of Covenants, Conditions, Restrictions and Easements requires the operation of a golf course on the subject property for the benefit of those described in the document as Benefitted Persons..

It is further ordered denying Plaintiff's Cross-Motion as to all requested relief requested other than the above-stated declaratory relief concerning the interpretation of the 1992 Declaration of Covenants, Conditions, Restrictions and Easements.

Dated_____

John R. Hannah Judge, Maricopa County Superior Court

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Granted with Modifications



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

ENDORSEMENT PAGE

CASE NUMBER: CV2014-051035

E-FILING ID #: 7555537

SIGNATURE DATE: 7/8/2016 FILED DATE: 7/11/2016 8:00:00 AM

CHRIS R BANISZEWSKI

DANIEL D MAYNARD

TIMOTHY H BARNES