

VENTANALKS0001NDJUDG-5-1-1--  
fraustoj

---

**WHEN RECORDED PLEASE RETURN TO:**

Jason E. Smith, Esq.  
Carpenter, Hazlewood, Delgado & Wood, PLC  
1400 E. Southern Ave., Suite 400  
Tempe, Arizona 85282

**NOTICE OF DECLARATORY JUDGMENT**

WHEREAS, Ventana Lakes Property Owners Association is a master planned community governed by the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements for Ventana Lakes Development ("CC&Rs"), recorded at document number 86-520562;

WHEREAS, Ventana Lakes Property Owners Association and certain homeowner members were unable to reconcile conflicting provisions of the CC&Rs related to the maintenance obligation and relied upon the Superior Court to declare the meaning of these conflicting provisions;

WHEREAS, the Superior Court in and for Maricopa County entered a judgment declaring the meaning of certain provisions of the CC&Rs on January 16, 2008 in Case No. CV2006-017259, a copy of which is attached hereto;

WHEREAS, Ventana Lakes Property Owners Association wishes to provide notice of this declaratory judgment to all future owners of real property in the Ventana Lakes Development in an attempt to avoid new conflicts over the interpretation of the subject provisions of the CC&Rs;

NOW THEREFORE, Ventana Lakes Property Owners Association records this Notice of Declaratory Judgment, along with the attached final form of judgment, to give notice to current, prospective, and future owners in the Ventana Lakes Development of the interpretation of certain provisions of the CC&Rs as set forth in the judgment.

**VENTANA LAKES PROPERTY OWNERS ASSOCIATION**

By: *Susan J. Alandar*

Printed Name: Susan L. Alandar

Title: President

Date: April 23, 2009

**CO** COPY

**FILED**  
JAN 16 2008 11:00am  
MICHAEL K. JEANES, Clerk

By C. Clark  
reput.

1 Kevin R. Harper, State Bar No. 019118  
Jonathan A. Dessales, State Bar No. 019439  
2 **DESSAULES HARPER PLC**  
One North Central Avenue, Suite 1130  
3 Phoenix, Arizona 85004  
602.256.6400

4 *Attorneys for Plaintiffs*

6 IN THE SUPERIOR COURT OF ARIZONA

7 COUNTY OF MARICOPA

8 Mel and Shirley Millsap; William and Candace  
Jones; Jerry and Joyce Parks; Terry Stinson;  
9 Gerrit R. Van Ryswyk; Kurt and Mary Mayer;  
Delbert Berry; Tedi De La Fuente; June  
10 DePew; Lorna Mitchell; Carol Eaton; Betty  
Kingsford; Tonetta Lawn; Burritt J. Steward;  
11 William and Deena Cigoy; Rob Merrill and  
Diane Price; James and Susan Alandar; James  
12 and Michele Tolley; John and Darlene  
Spiczynski; Joan Tiedje; Jerry and Jacqueline  
13 Allen; Conrad Sheehan; Richard and Phyllis  
Barbe; Jeffrey and Mona Dunn; Tim and  
14 Sheila Willems; Gerald Timmerman; Jim and  
Lina Purucker; Robert and Cecilia Allen;  
15 James Gesne; Carol Griffin; Eva Sprouse;  
Bernice Szydelko; Winnie Thomson; John and  
16 Nancy Thomson; Susie Xanthos; Philip Foster;  
Gloria Trueax; Dolores Janis; Carolyn Shilling;  
17 Sharon Ford; Virginia Ransdell; Barbara  
Brown; Peter Stymfal; Ophelia Martinez;  
18 James Troup; Robert and Shirley Vogel; Kathy  
J. Kratzer; David Lawler; Lynette Sarna; Paul  
19 Beber; Morton Fishman; Robert Gilmore;  
Vernetta M. Green; Joanne Naegel; June  
20 Peterson; Edwin Klimczak; S. Serena Lewis;  
Marie Paciaroni; Lois Riechers; Henry  
21 Rethford; Delores Ward; Gwyneth Wright;  
Margaret Brooks; Al Deangelis; Rebecca  
22 Everhard; Peggy Stice; Jerry W. Germeau;  
Barbara Thomas; Fred and H. Thayne Ghio;  
23 Lloyd Hackl; James and Marilyn Hess; John  
Klettlinger; Raymond Maack; Bruce Mable;  
24 Prudence Penney; Frank J. Sutton; Joan  
Tangeman; Judith Waller; Jacqueline Smith;  
25 Eunice McLeod,

No. CV2006-017259

**JUDGMENT**

26 Plaintiffs,

1  
2 vs.  
3 Ventana Lakes Property Owners Association,  
4 Defendants.

5 The Court having decided this matter on Plaintiffs' motion for summary judgment and  
6 finding that Defendants are entitled to judgment as a matter of law on their claims for  
7 declaratory and injunctive relief and good cause otherwise appearing.

8 IT IS ORDERED, ADJUDGED AND DECREED that the areas defined in Recorder No.  
9 88-36293 as the "Lakefront Easement" and "Landscape Easement" (collectively, "the Lakefront  
10 and Landscape Easement areas") and also depicted on the plat for The Shores at Ventana Lakes  
11 at Recorder No. 86-713359, are Common Areas under the Declaration of Covenants,  
12 Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements  
13 for Ventana Lakes Development (the "Master Declaration"), recorded at 86-520562.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the existence of the  
15 Lakefront and Landscape Easement areas cause the Owners of the burdened lots to relinquish  
16 their right to the sole use and enjoyment of those portions of their Lots expressly included in this  
17 easement and shall for all purposes be considered Common Area under the Master Declaration,  
18 for the use and enjoyment of all Members of the Master Association, and shall be maintained by  
19 the Master Association at its expense.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Ventana  
21 Lakes Property Owners Association has the duty to maintain the Lakefront and Landscape  
22 Easement areas pursuant to Article X, Section I, of the Master Declaration.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Ventana  
24 Lakes Property Owners Association is hereby enjoined from terminating maintenance of the  
25 Lakefront and Landscape Easement areas.

26

1 IT IS FURTHER ORDERED that judgment is entered for Plaintiffs and against  
2 Defendant Ventana Lakes Property Owners Association on all claims and for their attorneys'  
3 fees in the amount of \$ 25,000.<sup>00</sup> and taxable costs in the amount of \$408.00, for a total  
4 judgment of \$ 25,408.<sup>00</sup>, including reasonable costs of collection. Interest on said amounts  
5 shall accrue at the highest statutory rate from the date of judgment until paid.

6 IT IS FURTHER ORDERED dismissing Defendants John and Jane Does I-X, Black &  
7 White Corporations I-X from this action.

8 DATED this 15<sup>th</sup> day of January, 2008.

9  
10   
11 \_\_\_\_\_  
12 The Hon. John Buttrick  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26