

# Judge Denies Latest BHOA Motions

## Orders Quick Scheduling Conference

### Condemned Property Transfer Recorded

Maricopa County Superior Court Judge Daniel G. Martin today filed orders on all outstanding motions of the north Boulders HOA (BHOA). **The rulings were favorable to the Town in all instances:**

- Regarding two of the motions, *“the Court adopts the legal analysis set forth in the Town’s October 6, 2021 response.”*
  - BHOA motion for Stay of Proceedings, **is denied.**
  - BHOA motion for preliminary injunction and request for preliminary hearing, **is denied.**
- Regarding the BHOA motion for Partial Final Judgement (to facilitate early appeal of rulings not related to property compensation), the Court **instead “adopts and will enter the Town’s proposed form of order.”**
- Regarding a Town request for a scheduling conference, *“IT IS ORDERED setting this matter for a scheduling conference on November 17, 2021, at 8:30 a.m.”*

We believe the scheduling conference is set for a date sooner than would be typical. No reason was given, but the Judge is aware that the Town could seek compensation from the BHOA should BHOA legal actions engender expensive construction delays.

The Court also adopted and entered the Town’s proposed form of order for immediate possession of the condemned property. **The property is therefore now a property of the Town** as recorded by the Maricopa County Recorder’s office.

The primary item left to be litigated will be compensation to be paid by the Town to the BHOA for condemnation of the property. In that phase, the BHOA will be

asked to provide its appraisal or valuation of the property (the Town has already done so).

Our understanding is that the BHOA could appeal these rulings in appellate court after the conclusion of the valuation portion of the current proceedings, likely in at least twelve to eighteen months (in legal filings, the BHOA has estimated two or more years). Alternatively, the BHOA may be able to file for a special action from the Court of Appeals, though we think that would be unlikely to succeed.

As reported previously, the BHOA Board reported in September that its legal expenses were then about \$100,000. It is unclear how much they have now grown or how high they may ultimately become.