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ORDER GRANTING RESPONDENT'S MOTION TO DISMISS THE PETITION

Article IV, Section 4.2, provides:

Covenants, Conditions, Restrictions and Easements Applicable to Single Family Residential Use, Residential Apartment Development Use, Residential Condominium Development Use, and Cluster Residential Use. The following covenants, conditions, restrictions and reservations of easements and rights shall apply to all Lots and Parcels having a Land Use Classification of Single Family Residential, Residential Apartment Development, Residential Condominium Development or Cluster Residential and the Owners and Residents thereof.

Article IV, Section 4.2 (t) of the Association's CC&Rs provides:

It is the intent of the Declarant to eliminate on-street parking at Lakewood as much as possible. Vehicles shall be kept in garages, carports, residential driveways, other designated parking areas, or as required in a Recorded Tract Declaration. No parking is permitted on any street within Lakewood which shall be designated on the Map of Dedication for Lakewood. The Association may adopt additional parking, rules and restrictions, including establishing fines and assessments. The Association may delegate such rulemaking to subsidiary associations having jurisdiction over a particular Parcel.

Article IV, Section 4.2(t) of the Association's CC&Rs addresses the use restrictions and permitted uses on the Members and Lots within the Association. This section refers to what members may and may not do within the Association. Petitioner has not even alleged that the Association parked on a street within Lakewood which is designated on the Map of Dedication for Lakewood. Furthermore, this section provides that the Association *may* adopt additional parking, rules, and restrictions. Therefore, the petition does not concern a violation of community documents or of any statute.

Through the petition, Petitioner alleged that the Association lacked the authority to restrict parking on residential public streets, and that the Association improperly relied upon Article IV, Section 4.2(t) of the CC&Rs, to support its action. However, Petitioner may not challenge the Association's power to act in this tribunal under A.R.S. § 10-3304. Petitioner may seek injunctive relief regarding the Association's power to act in a court of law. See A.R.S. § 10-3304(B)(2). Therefore,

IT IS ORDERED that the petition is dismissed.

