

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 The Sun Groves Homeowners Association,

4 Petitioner,

5 vs.

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7 David L & Makenzie¹ Lockhart,

8 Respondents.

No. 21F-H2120019-REL

**ADMINISTRATIVE LAW JUDGE
DECISION**

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10 **HEARING:** February 9, 2021

11 **APPEARANCES:** Petitioner was represented by Robert H. Willis, Esq. who
12 appeared via Google Meet. Respondents David L. and Stephanie J. Lockhart were
13 present via Google Meet with their attorney, Andrew Ellis, Esq.

14 **ADMINISTRATIVE LAW JUDGE:** Adam D. Stone

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16 **FINDINGS OF FACT**

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18 1. The Arizona Department of Real Estate (“Department”) is authorized by
19 statute to receive and to decide Petitions for Hearing from members of homeowners’
20 associations and from homeowners’ associations in Arizona.

21 2. Petitioner Sun Groves Homeowners Association (“SGHA”) is a
22 homeowners’ association whose members own single-family houses on lots in Phoenix,
23 Arizona.

24 3. Respondents David and Stephanie Lockhart own a house in and are
25 members of SGHA.

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30 ¹ Makenzie is the Respondent's daughter. Stephanie J. Lockhart is the proper co-Respondent in this
 matter

1 4. On September, 2020, Petitioner filed a complaint with the Arizona
2 Department of Real Estate ("ADRE"). Petitioner alleged that Respondent was in violation
3 of Article 10.11.1 of the SGHA CC&R's.²

4 5. A hearing was held on February 9, 2021.

5 6. Article 10.11.1 states as follows:

6 No private passenger automobiles or pickup trucks shall be
7 parked upon the Property or any roadway adjacent thereto
8 except within a garage, in a private driveway appurtenant to a
9 Dwelling Unit, or within areas designated for such purpose by
the Board.³

10 7. At the hearing the Respondents stipulated that they were in violation of
11 Article 10.11.1 of the SGHA CC&R's.

12 8. Respondents further stipulated that SGHA is the prevailing party and
13 agreed to pay SGHA's filing fees of \$500.00 in this matter.

14 **CONCLUSIONS OF LAW**

15 1. A.R.S. § 32-2199(B) permits an owner or a planned community
16 organization to file a petition with the Department for a hearing concerning violations of
17 planned community documents under the authority Title 33, Chapter 16. Such petitions
18 will be heard before the Office of Administrative Hearings, an independent state agency.

19 2. Pursuant to the stipulation of the parties, the tribunal finds that Respondents
20 violated Article 10.11.1 of the SGHA CC&R's.

21 **ORDER**

22 IT IS ORDERED that Petitioners' petition is granted.

23 IT IS FURTHER ORDERED assessing the cost of Petitioner's filing fees in the
24 amount of \$500.00.

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29 ² See Agency file.

30 ³ *Id.*

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NOTICE

Pursuant to A.R.S. §32-2199.02(B), this Order is binding on the parties unless a rehearing is granted pursuant to A.R.S. § 32-2199.04. Pursuant to A.R.S. § 41-1092.09, a request for rehearing in this matter must be filed with the Commissioner of the Department of Real Estate within 30 days of the service of this Order upon the parties.

Done this day, February 10, 2021.

/s/ Adam D. Stone
Administrative Law Judge

Transmitted electronically to:

Judy Lowe, Commissioner
Arizona Department of Real Estate

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