

1 which the State refused to do, and no other party having appeared and defended, and
2 good cause appearing:

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4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- 5 1. Laws 2006, Ch. 324, § 6, which amended A.R.S. § 41-2198.01 *et seq.* and
6 A.R.S. § 33-1242 and § 33-1803, violates the Arizona Constitution's
7 separation of powers clause and therefore is unconstitutional to the extent
8 that it created an administrative hearing process involving planned
9 community and condominium associations and their members;
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11 2. The Arizona Department of Fire, Building & Life Safety and Office of
12 Administrative Hearings are enjoined from taking any further action in any
13 pending administrative adjudication and from accepting any new petitions
14 for administrative adjudications; and
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16 3. ~~Plaintiff is the prevailing party and is entitled to an award of reasonable~~ p 84
17 ~~attorneys' fees and costs pursuant to A.R.S. § 12-248 and may submit an~~
18 ~~application and affidavit in support of the same.~~

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21 IT IS SO ORDERED.

22 DATED this 29th day of January, 2009.

23
24 PAUL J. MC MURDIE
25 JUDGE OF THE SUPERIOR COURT

26 _____
27 Honorable Paul J. McMurdie
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