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ARIZONA SUPERIOR COURT
COUNTY OF MARICOPA

GEORGE K. STAROPOLI and
WILLIAM M. BROWN,

Plaintiffs,

v.

STATE OF ARIZONA,

Defendant.

Case No: CV2013-009991

ORDER

(Assigned to the Honorable Randall Warner)

Pursuant to the Stipulation of the parties, the Court finds and concludes as follows:

The Court accepts the Findings of Fact and Conclusions of Law stipulated by the parties and incorporates them into this Order: SB 1454 was enacted by the Fifty-First Legislature and when introduced contained provisions relating to Arizona elections. Amendments were approved to SB 1454 that included provisions relating to planned developments and homeowners associations. SB 1454 in its amended form with provisions related to elections and to planned developments/homeowners associations was approved on June 14, 2013 and transmitted to the Governor on June 17, 2013. The Governor signed House Engrossed Senate Bill 1454 on June 20, 2013.

Plaintiffs have alleged in their Complaint that SB 1454 violates Article 4, Pt. 2, § 13 of the Arizona Constitution which provides that:

Every act shall embrace but one subject and matters properly connected therewith, which subjects shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

1 The parties stipulate that SB 1454 violates this constitutional provision and that
2 the portions of SB 1454 that relate to planned communities/homeowners associations
3 should be declared void and unenforceable. Those provisions are: Sections 2, 3, 15, 16,
4 17, 19, 20 and 21.

5 Based on the foregoing, the Court determines that the provisions of SB 1454
6 enumerated above that relate to planned communities/homeowner associations violate
7 Article 4, pt. 2, § 13 of the Arizona Constitution and are void and unenforceable. The
8 remaining portions of SB 1454 shall become effective on September 13, 2013 as
9 prescribed by the law.

10 It is further ordered that the Defendant shall pay the Plaintiff's attorneys' fees in
11 the amount of \$7,500 and that each party shall bear its own costs.

12 DATED this _____ day of _____, 2013.

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Maricopa County Superior Court Judge