

Clerk of the Superior Court
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07/07/2026 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-030062

07/06/2026

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
A. Walker
Deputy

SILVERTREE HOMEOWNERS ASSOCIATION CHARLENE A CRUZ

v.

SUSAN WINDER, et al.

SUSAN WINDER



JUDGE KREAMER

RULING

The Court has reviewed and considered Plaintiff's Motion for Summary Judgment, filed May 18, 2026, together with the Statement of Facts and exhibits, filed concurrently therewith. The Motion is brought against Defendant Susan Winder. Defendant Winder wrote a letter to the Court stating that she planned to meet with Plaintiff's counsel but otherwise failed to respond to Plaintiff's Motion. Pursuant to Rule 7.1(b), *Arizona Rules of Civil Procedure*, Defendant's inaction may be deemed as consent to grant the Motion. Defendant did not controvert any of Plaintiff's stated facts. However, to grant the Motion for Summary Judgment even in the absence of a Response, the record in this case must establish that Plaintiff is entitled as a matter of law to

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the relief it is seeking. Oral argument was not requested, and the Court does not believe it would be helpful.

Summary judgment is appropriate only if no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *See* Rule 56(a), *Arizona Rules of Civil Procedure*; *Orme School v. Reeves*, 166 Ariz. 301, 305, 802 P.2d 1000, 1004 (1990); *Hourani v. Benson Hosp.*, 211 Ariz. 427, 432, 122 P.3d 6, 11 (App. 2005). All facts must be viewed in the light most favorable to the nonmoving party. *See Grain Dealers Mutual Insurance Co. v. James*, 118 Ariz. 116, 575 P.2d 315 (1978); *Farmers Ins. Co. v. Vagnozzi*, 138 Ariz. 443, 448, 675 P.2d 703, 708 (1983). The moving party bears the burden of demonstrating through admissible evidence that no genuine issue of material fact exists. *See Nat'l Hous. Indus., Inc. v. E.L. Joes Dev. Co.*, 118 Ariz. 374, 377, 576 P.2d 1374, 1377 (App. 1978); *Sanchez v. City of Tucson*, 191 Ariz. 128, 130, 953 P.2d 168, 170 (1998); *Nat'l Bank of Ariz. v. Thurston*, 218 Ariz. 112, 180 P.3d 977, 981 (App. 2008). Additionally, "summary judgment is not proper where possible inferences to be drawn from the circumstances are conflicting." *Executive Towers v. Leonard*, 7 Ariz. App. 331, 439 P.2d 303 (1968).

THE COURT FINDS as follows:

1. There is no genuine issue of material fact that Defendant Susan Winder breached her contractual obligation to the Plaintiff by failing to pay assessments and charges due.
2. There is no genuine issue of material fact that Defendant has been delinquent in her account since September 30, 2023, and that unpaid assessments have accrued since that time.
3. There is thus no genuine issue of material fact that Defendant Susan Winder is liable to Plaintiff for the reasons stated in the Motion.

Accordingly,

IT IS ORDERED granting Plaintiff's Motion for Summary Judgment, filed May 18, 2026.

IT IS FURTHER ORDERED Plaintiff shall submit a proposed form of judgment, including any request for attorneys' fees, on or before August 4, 2026.