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10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
11 IN AND FOR THE COUNTY OF MARICOPA

12 Desert Mountain Club, Inc.,
13 Plaintiff,

14 vs.

15 Thomas Clark and Barbara Clark, husband
16 and wife,
17 Defendants.

18) No. CV2014-015334

19) **Answer**

20) (Assigned to the Honorable Dawn Bergin)

21 _____
22 Defendants admit, deny, and allege as follows:

- 23 1. Admit.
- 24 2. Admit that Thomas Clark and Barbara Clark are husband and wife and acted with
25 regard to the transactions and event and occurrences involved in this law suit on behalf of their
26 marital community, but all other factual allegations in paragraph 2 are denied.
- 27 3. Admit.
- 28 4. Admit.
5. Deny.
6. Admit.
7. Any factual allegations in this paragraph are denied.
8. The agreement speaks for itself; any other factual allegations in paragraph 8 are
denied.
9. Any factual allegations in paragraph 9 are denied. Exhibit B to the complaint is a copy
of the July 1, 1994, bylaws.

1 10. Deny.

2 11. A copy of the July 1, 1994, deferred equity membership plan is attached as exhibit C
3 to plaintiff's complaint, but all other factual allegations set forth in paragraph 11 are denied.

4 12. These answering defendants are without knowledge or information sufficient to form
5 a belief as to any factual allegations contained in paragraph 12, which are therefore denied.

6 13. Denied.

7 14. The March 31, 2004, bylaws are attached as exhibit D, but all other factual allegations
8 contained in paragraph 14 are denied.

9 15. The March 31, 2004, bylaws speak for themselves. Any factual allegations contained
10 in paragraph 15 are denied.

11 16. The March 31, 2006, bylaws are attached as exhibit E to plaintiff's complaint,
12 although the order of the document pagination is incorrect. All of the factual allegations contained
13 in paragraph 16 are denied.

14 17. The March 31, 2006, deferred equity membership plan is attached as exhibit F to
15 plaintiff's complaint, but all other factual allegations of paragraph 17 are denied.

16 18. The first sentence of paragraph 18 is admitted, but these defendants are without
17 knowledge or information sufficient to form a belief as to the second sentence of paragraph 18,
18 which is, therefore, denied.

19 19. Defendants executed the document attached as exhibit G to plaintiff's complaint. The
20 document speaks for itself. All other factual allegations of paragraph 19 are denied.

21 20. Bylaws effective December 31, 2010, are attached to plaintiff's complaint as exhibit
22 H. It is admitted that these bylaws became effective December 31, 2010, but all other factual
23 allegations of paragraph 20 are denied.

24 21. It is admitted that bylaws effective March 19, 2012, are attached as exhibit I to
25 plaintiff's complaint, but all other factual allegations contained in paragraph 21 are denied.

26 22. It is admitted that bylaws effective July 1, 2013, are attached as exhibit J to plaintiff's
27 complaint, but all other factual allegations contained in paragraph 22 are denied.

28

1 23. It is admitted that exhibit K is a document signed by the defendants in an attempt to
2 surrender their membership with what the club said the only way the memberships could be
3 surrendered, but all other allegations of paragraph 23 are denied.

4 24. It is admitted that defendants resigned their membership in June 2013 and confirmed
5 that resignation in January 2014, and that a copy of defendants' January 14 letter of resignation is
6 attached as exhibit L to the complaint. The letter speaks for itself. All other factual allegations of
7 paragraph 24 are denied.

8 25. Admit.

9 26. It is admitted that exhibit M is a copy of bylaws effective August 1, 2014, but all other
10 factual allegations of paragraph 26 are denied.

11 27. Deny.

12 28. The August 1, 2014, bylaws speak for themselves; all other factual allegations of
13 paragraph 28 are denied.

14 29. Answering paragraph 29 of plaintiff's complaint, these defendants incorporate by this
15 reference their answers to the respective allegations incorporated into this paragraph by the
16 plaintiffs.

17 30. Deny.

18 31. Deny.

19 32. Admit.

20 33. Deny.

21 34. Deny.

22 35. Answering paragraph 35 of plaintiff's complaint, these defendants incorporate by this
23 reference their answers to the respective allegations incorporated into this paragraph by the
24 plaintiffs.

25 36. Deny.

26 37. Deny.

27 38. Deny.

28 39. Deny.

Phoenix, Arizona 85016
Attorneys for plaintiff

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The Honorable Dawn Bergin
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