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March 13, 2013

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By Email and Regular Mail

Rachael B. Welden-Smith
Cheifetz Iannitelli Marcolini, P.C.
111 West Monroe Street, 17th Floor
Phoenix, Arizona 85003

Re: *NT Properties v. 666ISMONEY and Sycamore Vista Land for Sale*

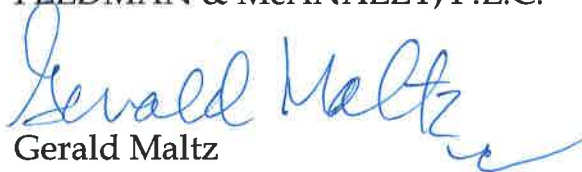
Dear Rachel:

Thank you for your emails. Enclosed is a Second Amended Complaint.

Any questions, please do not hesitate to call.

Very truly yours,

HARALSON, MILLER, PITT,
FELDMAN & McANALLY, P.L.C.


Gerald Maltz

/nc
Enclosure

cc w/enc: Steve Russo

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2 **FELDMAN & McANALLY, PLC**
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9 Attorneys for Plaintiff

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IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR PIMA COUNTY

NT PROPERTIES, LLC,

Plaintiff,

v.

666ISMONEY, LC, and SYCAMORE
VISTA LAND FOR SALE, LC,

Defendants.

Case No: C20130421

**SECOND AMENDED COMPLAINT
(Breach of Contract/Restitution)**

(Judge Carmine Cornelio)

1. Defendants are Arizona Limited Liability Companies, commonly owned and managed and based in Pima County.

2. The Court has jurisdiction over the subject matter and over the person of the defendants. Venue is proper in Pima County.

3. At material times, Defendants owned Lots 252, 277, 279, 280, 300-303 in the Sycamore Vista Unit No. 5 subdivision.

4. By virtue of their ownership, at material times, defendants were members of the Sycamore Vista Unit No. 5 Homeowner's Association, Inc. (HOA).

1 5. As members of the HOA, they are governed by its applicable CC&Rs.

2 6. From time to time the HOA has made Special Assessments against the
3 lots owned by defendants. The defendants have failed to pay the assessments.

4 7. The unpaid Special Assessments past due and owing as of January 16,
5 2013 are as follows:

7 Lot 252	55,076.39
8 Lot 277	55,076.39
9 Lot 279	55,076.39
10 Lot 280	55,076.39
11 Lot 300	55,076.39
12 Lot 301	55,076.39
13 Lot 302	55,076.39
14 Lot 303	55,076.39
15 Total	<u>\$440,611.12</u>

16 8. The plaintiff is the assignee of the Special Assessments due and owing
17 on the lots listed above.

18 9. By virtue of the foregoing, the defendants have breached their contract
19 with plaintiff's assignor and the plaintiff has been damaged as a result.

20 10. Defendants accepted the benefits of work done on their lots for which
21 the Special Assessments were made. By not paying, they have been unjustly
22 enriched.

23 11. Defendants should make restitution to plaintiff. Plaintiff has no
24 adequate remedy at law to the extent equitable relief is requested.
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