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JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTERS MITH



ARIZONA CORPORATION COMMISSION

Date November 7, 2013

ROSS INVESTMENT HOLDINGS LLC
415 W. SOUTHERN AVE. #101
TEMPE, AZ 85282

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 11/04/2013 as agent for **ROSS INVESTMENT HOLDINGS LLC**:

Case caption: **SAN JOSE COMMERCIAL CENTER LOT 4, INC, et.al v. ROBERT R. MCCARVER and JANE DOE MCCARVER, h&w; et.al,**
Case number: **C20135043** Court: **PIMA COUNTY, ARIZONA SUPERIOR COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other **CERTIFICATE OF COMPULSORY ARBITRATION**

Sincerely,

Lynda B. Griffin
Custodian of Records

Initials **LBG**
File number **L-1802752-8**

COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATION OF SERVICE ACCEPTED AND OF MAILING

Date: November 7, 2013

I, RACHEL SAINZ am an employee of the Arizona Corporation Commission ("ACC").

I hereby certify that on the 4TH day of NOVEMBER, 22013, I accepted on behalf of the ACC service of the following documents upon the ACC as agent for ROSS INVESTMENT HOLDINGS LLC.

Case caption: SAN JOSE COMMERCIAL CENTER LOT 4, INC, et.al
MCCARVER and JANE DOE MCCARVER, h&w; et.al,

V. ROBERT R.

Case number: C20135043

Court: PIMA COUNTY, ARIZONA SUPERIOR COURT

- | | |
|---|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion for Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input checked="" type="checkbox"/> Other CERTIFICATE OF COMPULSORY ARBITRATION | |

I declare and certify under penalty of perjury that the foregoing is true and correct.

Executed on this date: November 7, 2013

(Signature)

[Handwritten signature: Lynda Sainz for Rachel Sainz]

COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

I, **LYNDA GRIFFIN**, am an employee of the Arizona Corporation Commission ("ACC").

I hereby certify that on the 7TH day of **NOVEMBER**, 2013, I placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to

ROSS INVESTMENT HOLDINGS LLC

at its last known place of business as follows:

**415 W. SOUTHERN AVE. #101
TEMPE, AZ
85282**

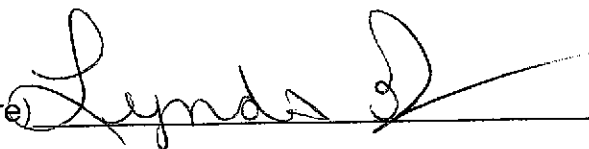
OR

I hereby certify that I was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Executed on this date: **November 7, 2013**

(Signature) _____

ARIZONA SUPERIOR COURT, PIMA COUNTY

<p>SAN JOSE COMMERCIAL CENTER LOT 4, INC., an Arizona corporation, SAN JOSE COMMERCIAL CENTER LOT 4 CONDOMINIUM ASSOCIATION, an Arizona condominium association,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs.</p> <p>ROBERT R. MCCARVER and JANE DOE MCCARVER, husband and wife; ORO VALLEY WEIGHT LOSS CLINIC, LLC, an Arizona limited liability company; CHRISTOPHER ROSS and JANE DOE ROSS, husband and wife; HYRULE INVESTMENT PROPERTIES, LLC, an Arizona limited liability company; ROSS INVESTMENT HOLDINGS, LLC, An Arizona limited liability company, Defendants.</p>	<p>CASE NO. C 201 350 43</p> <p>S U M M O N S</p> <p>Assigned to: Christopher B. Staring</p>
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THE STATE OF ARIZONA to the above-named Defendants:

ROSS INVESTMENT HOLDINGS, LLC

- I. A lawsuit has been filed against you.
- II. If you do not want a Judgment taken against you for the relief demanded in the accompanying Complaint, you must file a Response in writing in the Office of the Clerk of the Superior Court, 110 West Congress, Tucson, Arizona, accompanied by the necessary filing fee. A copy of the Response must also be mailed to the Plaintiff/attorney whose name appears above.
- III. The Response must be filed within TWENTY DAYS, exclusive of the date of service, if served within the State of Arizona, or within THIRTY DAYS, exclusive of the date of service, if served outside the State of Arizona.
- IV. This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney.

WITNESS My Hand and the Seal of the Superior Court.

DATED: **TONI L. HELLON**
CLERK OF THE SUPERIOR COURT
By **Pamela J. Johnson**
Deputy Clerk

Sesaly O. Stamps
James A. Jutry
DeConcini McDonald Yetwin & Lacy, P.C.
2525 East Broadway, Suite 200
Tucson, AZ 85716
(520) 322-5000

**REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES
MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3 WORKING DAYS IN ADVANCE
OF A SCHEDULED COURT PROCEEDING.**

In the Superior Court of the State of Arizona
In and For the County of Pima

Case Number C 201 350 43

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney: Sesaly O. Stamps

Attorney Bar Number: AZ 25773

Plaintiff's Name(s): San Jose Commercial Center Lot 4, Inc.
San Jose Commercial Center Lot 4
Condominium Association

Plaintiff's Address:

c/o Sesaly O. Stamps
James A. Jutry
DeConcini McDonald Yetwin & Lacy, P.C.
2525 East Broadway Boulevard, Suite 200
Tucson, Arizona 85716-5300

Defendant's Name(s): Robert R. McCarver and Jane Doe McCarver; Oro Valley Weight Loss Clinic, LLC; Christopher Ross and Jane Doe Ross; Hyrule Investment Properties, LLC; and Ross Investment Holdings, LLC

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC
☐ Election Challenge ☐ Employer Sanction ☐ Other _____
(Specify)

☒ RULE 8(i) COMPLEX LITIGATION DOES NOT APPLY. (Mark appropriate box under Nature of Action)

☐ RULE 8(i) COMPLEX LITIGATION APPLIES. Rule 8(i) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.
(Mark appropriate box on page two as to complexity, in addition to the Nature of Action case category).

NATURE OF ACTION

(Place an "X" next to the one case category that most accurately describes your primary case.)

TORT MOTOR VEHICLE:

- ☐ Non-Death/Personal Injury
☐ Property Damage
☐ Wrongful Death

TORT NON-MOTOR VEHICLE:

- ☐ Negligence
☐ Product Liability – Asbestos
☐ Product Liability – Tobacco
☐ Product Liability – Toxic/Other
☐ Intentional Tort
☐ Property Damage
☐ Legal Malpractice
☐ Malpractice – Other professional
☐ Premises Liability
☐ Slander/Libel/Defamation
☐ Other (Specify) _____

MEDICAL MALPRACTICE:

- ☐ Physician M.D. ☐ Hospital
☐ Physician D.O. ☐ Other

CONTRACTS:

- ☐ Account
☐ Promissory Note
☐ Foreclosure
☐ Buyer-Plaintiff
☒ Fraud
☐ Other Contract (i.e. Breach of Contract)
☐ Excess Proceeds-Sale
☐ Construction Defects (Residential/Commercial)
☐ Six to Nineteen Structures
☐ Twenty or More Structures

OTHER CIVIL CASE TYPES:

- ☐ Eminent Domain/Condemnation

SEP 19 2013

Christopher P. Staring

OTHER CIVIL CASE TYPES : (Continued)

- ☐ Forcible Detainer
- ☐ Change of Name
- ☐ Transcript of Judgment
- ☐ Foreign Judgment
- ☐ Quiet Title
- ☐ Forfeiture
- ☐ Election Challenge
- ☐ NCC- Employer Sanction Action (A.R.S. §23-212)
- ☐ Injunction against Workplace Harassment
- ☐ Injunction against Harassment
- ☐ Civil Penalty
- ☐ Water Rights (Not General Stream Adjudication)
- ☐ Real Property
- ☐ Sexually Violent Person (A.R.S. §36-3704)
(Except Maricopa County)
- ☐ Minor Abortion (See Juvenile in Maricopa County)
- ☐ Special Action Against Lower Courts
(See lower court appeal cover sheet in Maricopa)

UNCLASSIFIED CIVIL:

- ☐ Administrative Review
(See lower court appeal cover sheet in Maricopa)
- ☐ Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)

- ☐ Declaratory Judgment
- ☐ Habeas Corpus
- ☐ Landlord Tenant Dispute- Other
- ☐ Restoration of Civil Rights (Federal)
- ☐ Clearance of Records (A.R.S. §13-4051)
- ☐ Declaration of Factual Innocence (A.R.S. §12-771)
- ☐ Declaration of Factual Improper Party Status
- ☐ Vulnerable Adult (A.R.S. §46-451)
- ☐ Tribal Judgment
- ☐ Structured Settlement (A.R.S. §12-2901)
- ☐ Attorney Conservatorships (State Bar)
- ☐ Unauthorized Practice of Law (State Bar)
- ☐ Out-of-State Deposition for Foreign Jurisdiction
- ☐ Secure Attendance of Prisoner
- ☐ Assurance of Discontinuance
- ☐ In-State Deposition for Foreign Jurisdiction
- ☐ Eminent Domain- Light Rail Only
- ☐ Interpleader- Automobile Only
- ☐ Delayed Birth Certificate (A.R.S. §36-333.03)
- ☐ Employment Dispute- Discrimination
- ☐ Employment Dispute-Other
- ☐ Other: _____
(Specify)

COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

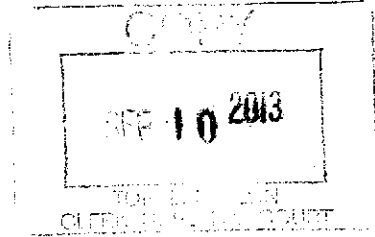
- ☐ Antitrust/Trade Regulation
- ☐ Construction Defect with many parties or structures
- ☐ Mass Tort
- ☐ Securities Litigation with many parties
- ☐ Environmental Toxic Tort with many parties
- ☐ Class Action Claims
- ☐ Insurance Coverage Claims arising from the above-listed case types
- ☐ A Complex Case as defined by Rule 8(i) ARCP

Additional Plaintiff(s):

Additional Defendant(s):

1 DECONCINI McDONALD YETWIN & LACY, P.C.
2 2525 EAST BROADWAY BLVD., SUITE 200
3 TUCSON, AZ 85716-5300
4 (520) 322-5000

5 Sesaly O. Stamps (AZ # 25773)
6 sstamps@dmyl.com
7 James A. Jutry (AZ # 006632)
8 jjutry@dmyl.com
9 Attorneys for Plaintiff



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

SAN JOSE COMMERCIAL CENTER
LOT 4, INC., an Arizona corporation,
SAN JOSE COMMERCIAL CENTER
LOT 4 CONDOMINIUM
ASSOCIATION, an Arizona
condominium association,

Plaintiff,

vs.

ROBERT R. MCCARVER and JANE
DOE MCCARVER, husband and wife;
ORO VALLEY WEIGHT LOSS
CLINIC, LLC, an Arizona limited
liability company; CHRISTOPHER
ROSS and JANE DOE ROSS, husband
and wife; HYRULE INVESTMENT
PROPERTIES, LLC, an Arizona limited
liability company; ROSS
INVESTMENT HOLDINGS, LLC, An
Arizona limited liability company,

Defendants.

CASE NO. **C 201 350 43**

CERTIFICATE ON COMPULSORY
ARBITRATION

(Assigned to)

Christopher B. Staring

The undersigned certifies that she knows the dollar limits and any other limitations
set forth by the Local Rules of this Superior Court, and further certifies that this case is not

1 subject to compulsory arbitration as provided by Rules 72 through 76 of the Arizona Rules
2 of Civil Procedure.

3 DATED this 10th day of September, 2013.
4

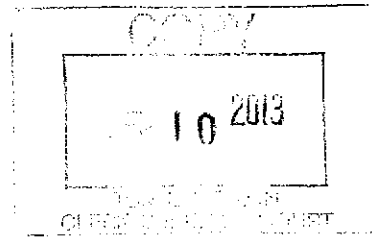
5 DECONCINI McDONALD YETWIN & LACY, P.C.
6

7 By: 
8

Sesaly O. Stamps
James A. Jutry
2525 E. Broadway Blvd., Suite 200
Tucson, AZ 85716-5300
Attorneys for Plaintiff
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1 DECONCINI McDONALD YETWIN & LACY, P.C.
2 2525 EAST BROADWAY BLVD., SUITE 200
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4 (520) 322-5000

5 Sesaly O. Stamps (AZ # 25773)
6 sstamps@dmyl.com
7 James A. Jutry (AZ # 006632)
8 jjutry@dmyl.com
9 Attorneys for Plaintiff



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

SAN JOSE COMMERCIAL CENTER
LOT 4, INC., an Arizona corporation,
SAN JOSE COMMERCIAL CENTER
LOT 4 CONDOMINIUM
ASSOCIATION, an Arizona
condominium association,

Plaintiff,

vs.

ROBERT R. MCCARVER and JANE
DOE MCCARVER, husband and wife;
ORO VALLEY WEIGHT LOSS
CLINIC, LLC, an Arizona limited
liability company; CHRISTOPHER
ROSS and JANE DOE ROSS, husband
and wife; HYRULE INVESTMENT
PROPERTIES, LLC, an Arizona limited
liability company; ROSS
INVESTMENT HOLDINGS, LLC, An
Arizona limited liability company,

Defendants.

CASE NO.

C 201 350 43

VERIFIED COMPLAINT
(Fraud)

(Assigned to)

Christopher P. Staring

Plaintiff, by and through counsel undersigned and for their Complaint, hereby
alleges as follows:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff San Jose Commercial Center Lot 4, Inc., is an Arizona Corporation doing business in Pima County, Arizona.

2. Plaintiff San Jose Commercial Center Lot 4 Condominium Association is an Arizona condominium association for a property located in Pima County, Arizona.

3. Defendant Robert R. McCarver is an individual who committed acts and omissions giving rise to this Complaint in Pima County, Arizona.

4. Defendant Jane Doe McCarver is the wife of Robert R. McCarver. All acts alleged herein and committed by Robert R. McCarver were done for the benefit of the McCarver marital community.

5. Defendant Oro Valley Weight Loss Clinic, LLC, is an Arizona limited liability company doing business in Pima County, Arizona.

6. Defendant Christopher Ross is an individual who committed acts and omissions giving rise to this Complaint in Pima County, Arizona.

7. Defendant Jane Doe Ross is the wife of Christopher Ross. All acts alleged herein and committed by Christopher Ross were done for the benefit of the Ross marital community.

8. Defendant Hyrule Investment Properties, LLC, is an Arizona limited liability company doing business in Pima County, Arizona.

9. Defendant Ross Investment Holdings, LLC, is an Arizona limited liability company doing business in Pima County, Arizona.

10. This Court has jurisdiction over the subject matter of this action pursuant to A.R.S. § 12-123.

11. Damages sought are within this Court's jurisdiction.

12. Venue is proper.

FACTUAL ALLEGATIONS

13. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint as if fully stated below.

14. Plaintiff San Jose Commercial Center Lot 4, Inc., ("San Jose") is the owner of condominium units located at 10134 N. Oracle Rd, Tucson, AZ 85737.

15. Gary Heinfeld ("Heinfeld") is the president of San Jose.

16. Plaintiff San Jose Commercial Center Lot 4 Condominium Association ("Association") is the condominium association established pursuant to the Condominium Declaration for San Jose Commercial Center Condominium recorded on September 23, 2011, by the Pima County Recorder ("Declaration").

17. Heinfeld is the sole member of the Board of Directors of the Association and serves as President of San Jose.

18. In or around December 2012, Defendant Christopher Ross ("Ross") approached Heinfeld expressing interest in leasing and/or purchasing one or more of the condominium units owned by San Jose.

19. Ross stated to Heinfeld that Ross intended to open a medical marijuana dispensary in the unit he wished to purchase.

20. Heinfeld declined to lease or sell a condominium unit to Ross and communicated to Ross that San Jose did not want a medical marijuana dispensary to operate in any of the units at the property owned by San Jose.

21. In June 2013, Heinfeld executed a First Amendment to Condominium Declaration for San Jose Commercial Center Condominium ("First Amendment"), which was recorded on June 19, 2013, by the Pima County Recorder and which is attached hereto as Exhibit A.

22. The properly executed First Amendment added the following provision to the

1 Declaration:

2 No owner shall permit the use of any Unit as a medical marijuana
3 dispensary or permit any Unit to be used for the acquisition,
4 possession, cultivation, manufacture, delivery, transfer, supply, sale
5 or dispensing of medical marijuana or related supplies or educational
6 materials.

7 23. In or around June 2013, Defendant Robert R. McCarver ("McCarver")
8 approached Heinfeld expressing interest in purchasing one of the condominium units owned
9 by San Jose.

10 24. McCarver indicated he wanted to operate a weight loss clinic in the unit he
11 wished to purchase.

12 25. McCarver and Heinfeld came to terms on a purchase contract ("Contract")
13 whereby San Jose agreed to convey Condominium Unit 11 ("Unit 11") to Oro Valley
14 Weight Loss Clinic, LLC ("Oro Valley Weight Loss").

15 26. McCarver is the Manager and sole Member of Oro Valley Weight Loss.

16 27. At closing of the sale of Unit 11, in his capacity as Manager of the Oro Valley
17 Weight Loss, McCarver signed an acknowledgment of receipt of the First Amendment that
18 prohibits use of the property as a medical marijuana dispensary.

19 28. Upon information and belief, after the conveyance of Unit 11, McCarver
20 leased Unit 11 to Ross for the purpose of operating a medical marijuana dispensary.

21 29. Upon information and belief, Ross has been operating a medical marijuana
22 dispensary in Unit 11 for several weeks.

23 30. Heinfeld, through undersigned counsel, issued a "cease and desist" letter to
24 McCarver demanding that he stop using Unit 11, or stop allowing Unit 11 to be used, to
25 operate a medical marijuana dispensary.

26 31. McCarver did not respond to the cease and desist letter.

32. Upon information and belief, Oro Valley Weight Loss subsequently entered

1 into a purchase contract to convey Unit 11 to Defendant Hyrule Investment Properties, LLC
2 ("Hyrule").

3 33. Upon information and belief, the Manager and sole Member of Hyrule is
4 Defendant Ross Investment Holdings, LLC ("Ross Investment").

5 34. Upon information and belief, the Manager of Ross Investment is Defendant
6 Christopher Ross.

7 35. Upon information and belief, Ross, under the name Hyrule, intends to
8 continue to use Unit 11 to operate a medical marijuana dispensary in violation of the First
9 Amendment.

10 36. Upon information and belief, the sale of Unit 11 from Oro Valley Weight
11 Loss to Hyrule has not yet closed.

12 **COUNT ONE – FRAUD IN THE INDUCEMENT**

13 37. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint
14 as if fully stated below.

15 38. Upon information and belief, McCarver and Ross collectively intended to,
16 and conspired to, purchase Unit 11 for the purposes of operating a medical marijuana
17 dispensary.

18 39. Upon information and belief, Defendants gave Plaintiffs intentionally false
19 information regarding their intended use of Unit 11.

20 40. The false information regarding the intended use of Unit 11 was material in
21 that it induced Plaintiff San Jose to agree to the sale of Unit 11 to Oro Valley Weight Loss.

22 41. Defendants knew that the representations regarding the intended use of Unit
23 11 were false and were in violation of the Declaration and First Amendment.

24 42. Defendants intended San Jose to act upon the false representations with
25 respect to its decision to consent to the sale of Unit 11.
26

1 43. San Jose relied on the representations by Defendants and was entitled to so
2 rely.

3 44. San Jose has been consequently and proximately damaged by Defendants'
4 false representations in an amount to be proven at trial.

5 **COUNT TWO – RESCISSION OF CONTRACT**

6 45. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint
7 as if fully stated below.

8 46. Based on the allegations set forth above in this Complaint, Plaintiff San Jose
9 lacks an adequate remedy at law and is entitled to rescission of the Contract to convey Unit
10 11 and to be restored to the position San Jose was in prior to entering that Contract.

11 47. Restoration to the position San Jose was in prior to entering the Contract
12 would include recovery of closing costs and other fees incurred by San Jose in conveying
13 the property and re-conveyance of the property back to San Jose.

14 **COUNT THREE – BREACH OF CONTRACT**

15 48. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint
16 as if fully stated below.

17 49. Defendants' actions described in the allegations above constitute a violation
18 of the contractual obligations and restrictions contained within the Declaration and the First
19 Amendment.

20 50. Plaintiffs have been damaged by this breach in an amount to be proven at
21 trial.

22 51. Pursuant to A.R.S. 12-341.01 and Section 9.05 of the Declaration, Plaintiffs
23 are entitled to attorneys' fees and costs incurred in litigating this matter.

24 ///

25 ///

26

**COUNT FOUR – INJUNCTIVE RELIEF TO PROHIBIT OPERATION OF
MEDICAL MARIJUANA DISPENSARY**

52. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint as if fully stated below.

53. Based on the allegations set forth above in this Complaint, Plaintiffs lack an adequate remedy at law and seek an order enjoining the Defendants from operating a medical marijuana dispensary in Unit 11 or otherwise violating the prohibition set forth in the First Amendment.

**COUNT FIVE – INJUNCTIVE RELIEF TO PROHIBIT SALE OF
PROPERTY**

54. Plaintiffs incorporate by reference all foregoing paragraphs of the Complaint as if fully stated below.

55. Based on the allegations set forth above in this Complaint, Plaintiffs lack an adequate remedy at law and seek an order enjoining the proposed conveyance of Unit 11 from Oro Valley Weight Loss to Hyrule, on the grounds that the proposed conveyance is an act in furtherance of the fraud being perpetrated on Plaintiffs.

WHEREFORE, Plaintiff respectfully requests that this Court enter the following orders:

- A) For Judgment in favor of Plaintiffs and against Defendants;
- B) For rescission of the Contract to convey Unit 11 from San Jose to Oro Valley Weight Loss;
- C) For reconveyance of Unit 11 back to San Jose and damages in an amount to be determined at trial including all closing costs and other fees incurred by San Jose in the sale of Unit 11 to Oro Valley Weight Loss;
- D) For an order enjoining Defendants from operating a medical marijuana

1 dispensary in Unit 11;

2 E) For an order enjoining the sale of Unit 11 from Oro Valley Weight Loss to
3 Hyrule;

4 F) For an award of reasonable attorneys' fees and costs;

5 E) For such other and further relief as this Court deems just and proper.
6

7 DATED this 10 day of September, 2013.

8 DECONCINI McDONALD YETWIN & LACY, P.C.

9
10 By: 

Sesaly O. Stamps

James A. Jutry

2525 E. Broadway Blvd., Suite 200

Tucson, AZ 85716-5300

Attorneys for Plaintiff
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VERIFICATION

STATE OF ARIZONA)
) ss:
County of Pima)

GARY HEINFELD, being first duly sworn, upon his oath deposes and says that:

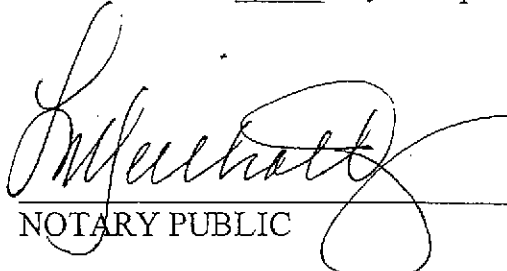
1. He is the sole member of the Board of Directors of the San Jose Commercial Center Condominium Association and President of San Jose Commercial Center Lot 4, Inc., Plaintiffs in the above-entitled action;

2. He has read the foregoing Complaint; and

3. The information and statements contained herein are true to the best of his knowledge, except for those matters alleged on information and belief, and as to those matters, he believes them to be true.

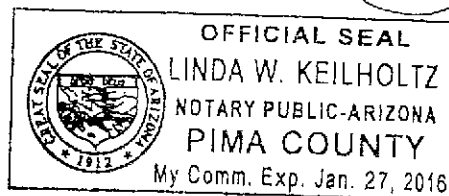

GARY HEINFELD

SUBSCRIBED AND SWORN TO before me this 9th day of September, 2013, by
GARY HEINFELD.


NOTARY PUBLIC

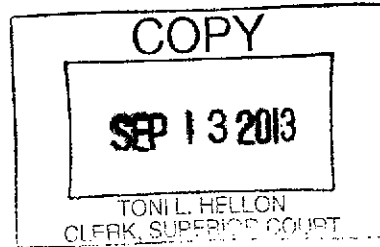
My Commission Expires:

1-27-2016



1 DECONCINI McDONALD YETWIN & LACY, P.C.
2 2525 EAST BROADWAY BLVD., SUITE 200
3 TUCSON, AZ 85716-5300
4 (520) 322-5000

5 Sesaly O. Stamps (AZ # 25773)
6 ssstamps@dmvl.com
7 James A. Jutry (AZ # 006632)
8 jjutry@dmvl.com
9 Attorneys for Plaintiffs



10
11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF PIMA**

13 SAN JOSE COMMERCIAL CENTER
14 LOT 4, INC., an Arizona corporation,
15 SAN JOSE COMMERCIAL CENTER
16 LOT 4 CONDOMINIUM
17 ASSOCIATION, an Arizona
18 condominium association,

19 Plaintiffs,

20 vs.

21 ROBERT R. MCCARVER and JANE
22 DOE MCCARVER, husband and wife;
23 ORO VALLEY WEIGHT LOSS
24 CLINIC, LLC, an Arizona limited
25 liability company; CHRISTOPHER
26 ROSS and JANE DOE ROSS, husband
and wife; HYRULE INVESTMENT
PROPERTIES, LLC, an Arizona limited
liability company; ROSS
INVESTMENT HOLDINGS, LLC, An
Arizona limited liability company,

Defendants.

CASE NO. C-2013-5043

NOTICE OF FILING EXHIBIT "A"


Hon. Christopher Staring

27 Please take notice that Exhibit "A" of the Complaint in this matter, referenced in
28 paragraph 21 of said document, was inadvertently not attached and is therefore being filed

1 on this date. A copy of Exhibit "A" to the Complaint, filed with this Court on September
2 10, 2013, is attached to this Notice.

3 DATED this 13th day of September, 2013.

4 DECONCINI McDONALD YETWIN & LACY, P.C.

5
6 By: 

7 Sesaly O. Stamps
8 James A. Jutry
9 2525 E. Broadway Blvd., Suite 200
10 Tucson, AZ 85716-5300
11 Attorneys for Plaintiffs

DECONCINI McDONALD YETWIN & LACY, P.C.
2525 East Broadway Blvd., Suite 200
Tucson, AZ 85716-5300

EXHIBIT A



SE INCE: 20131700459
No. Pages: 3
6/19/2013 2:51 PM

F. ANN RODRIGUEZ, RECORDER
Recorded By: SO (e-recording)



Title Security Agency

Order # 7001019/6175263

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James A. Jutry, Esq.
DeConcini McDonald Yetwin & Lacy, P.C.
2525 E. Broadway Blvd., Suite 200
Tucson, Arizona 85716

FIRST AMENDMENT
TO
CONDOMINIUM DECLARATION
FOR
SAN JOSE COMMERCIAL CENTER CONDOMINIUM

This First Amendment to Condominium Declaration for San Jose Commercial Center Condominium (the "First Amendment") is made this 18 day of June, 2013, by SAN JOSE COMMERCIAL CENTER LOT 4, INC., an Arizona corporation (the "Declarant").

RECITALS

- A. Declarant is the owner of certain real property situated in Pima County, Arizona which is more particularly described on Exhibit A, hereto.
- B. On or about the 23rd day of September, 2011, Declarant caused to be recorded the Condominium Declaration for San Jose Commercial Center Condominium (the "Declaration") at Sequence No. 20112660347, Records of Pima County, Arizona.
- C. The Declarant desires to amend the Declaration pursuant to the exercise of its Developmental Rights and Section 13.05 of the Declaration.
- D. All capitalized terms used in this First Amendment which are not defined herein shall have the meanings set forth in the Declaration.

NOW, THEREFORE, Declarant does hereby amend the Declaration by adding the following new Section 6.09(p.):

6.09 Miscellaneous Restrictions.

p. No Owner shall permit the use of any Unit as a medical marijuana dispensary or permit any Unit to be used for the acquisition, possession, cultivation, manufacture, delivery, transfer, supply, sale or dispensing of medical marijuana or related supplies or educational materials.

DECLARANT:

SAN JOSE COMMERCIAL CENTER LOT 4, INC.,
an Arizona corporation

By: _____

Name: Gary Heinfeld

Its: President

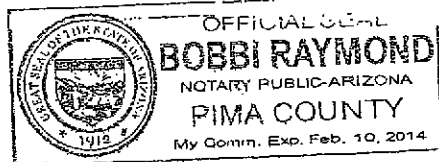
State of Arizona)

) ss

County of Pima)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Gary Heinfeld, known to me to be the President of San Jose Commercial Center Lot 4, Inc., an Arizona corporation, that executed the foregoing instrument, acknowledged to me that the same was the act of the said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of June, 2013.



Notary Public

EXHIBIT A

Legal Description

Lot 4 of SAN JOSE PLAZA, a subdivision of Pima County, Arizona according to the map or plat thereof of record in the office of the County Recorder of Pima County, Arizona, in Book 55 of Maps and Plats at page 67 thereof, as amended by Declaration of Scrivener's Error recorded in Docket 11774 at page 1138.

E-Z MESSENGER
2502 N. Black Canyon Hwy.
Phoenix, AZ 85009-1818
(602) 258-8081 FAX: (602) 258-8864

CLIENT FILE NO.
130967

IN THE ARIZONA SUPERIOR COURT
STATE OF ARIZONA COUNTY OF PIMA

SAN JOSE COMMERCIAL CENTER
VS
ROBERT R. MCCARVER

CASE NO. C20135043
JUDGE STARING

AFFIDAVIT OF
ATTEMPTED SERVICE

STATE OF ARIZONA)
MARICOPA COUNTY)

THE AFFIANT, being sworn, states: That I am a private process server registered in MARICOPA COUNTY and an Officer of the Court. On 09/19/13 I received the following documents; CIVIL SUMMONS; VERIFIED COMPLAINT; CERTIFICATE ON COMPULSORY ARBITRATION; NOTICE OF FILING EXHIBIT "A"; EXHIBIT A, from DECONCINI, MCDONALD, YETWIN & LACY, P.C. and by SESALY O. STAMPS in each instance I personally attempted to serve a copy of each document listed above upon ROSS INVESTMENT HOLDINGS, LLC, BY SERVICE UPON ITS STATUTORY AGENT, CHRISTOPHER ROSS on 10/17/13 at 2:24 pm at 415 W. SOUTHERN AVE., #101 TEMPE, AZ 85282 MARICOPA COUNTY in the manner shown below:

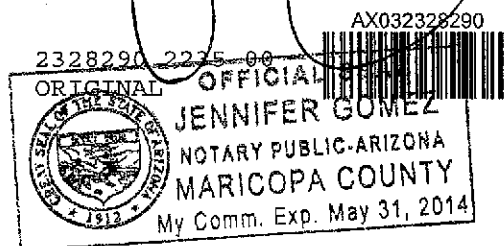
Please see attachment of attempts.

ATTEMPTED SERVICE	\$	16.00
SERVICE CHARGE	\$	8.00
AFFIDAVIT PREP/NOTARY	\$	10.00
TOTAL	\$	34.00

EUGENE A. HAUGEN, ACPS Affiant
Sworn to before me the Oct 24, 2013

Jennifer Gomez Notary

My Commission expires: 05/31/2014



E-Z MESSENGER
2502 N. Black Canyon Hwy.
Phoenix, AZ 85009-1818
(602) 258-8081 FAX: (602) 258-8864

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VS
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JUDGE STARING

ATTACHMENT OF ATTEMPTS

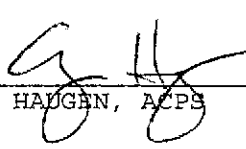
STATE OF ARIZONA)
MARICOPA COUNTY)

EUGENE A. HAUGEN, ACPS, states after due search, careful inquiry and diligent attempts at the address(es), service of the following documents has been unable to be effected upon ROSS INVESTMENT HOLDINGS, LLC, BY SERVICE UPON ITS STATUTORY AGENT, CHRISTOPHER ROSS at 415 W. SOUTHERN AVE., #101 TEMPE, AZ 85282: CIVIL SUMMONS; VERIFIED COMPLAINT; CERTIFICATE ON COMPULSORY ARBITRATION; NOTICE OF FILING EXHIBIT "A"; EXHIBIT A

09/20/13 4:19pm by EUGENE A. HAUGEN, ACPS NOT AT EMPLOYMENT ON THIS ATTEMPT. WILL MAKE ANOTHER ATTEMPT.

10/18/13 6:11pm by EUGENE A. HAUGEN, ACPS 9-20-13 @ 4:17PM SUBJECT WAS NOT IN, LEFT MY NUMBER. RECEPTIONIST TOLD ME HE IS NEVER IN THE OFFICE. 9-26-13 @ 3:54PM, NOT IN. 9-30-13 @ 3:53PM I CALLED SUBJECT AND SPOKE WITH HIM ON THE PHONE. AS SOON AS I INFORMED HIM WHAT IT WAS ABOUT, HE HUNG UP THE PHONE, I CALLED CLIENT AND INFORMED THEM. ON 10/17/13 @ 2:24PM - CALLED SUBJECT AGAIN AND HE HUNG UP. PER CLIENT RETURN THE DOCUMENTS.

I certify under penalty of perjury that the foregoing is true and correct and executed on this date, October 24, 2013.



EUGENE A. HAUGEN, ACPS

2328290 2235
ORIGINAL

Corporate Maintenance

11/07/2013

State of Arizona Public Access System

4:44 PM

File Number: L-1802752-8

Corp. Name: ROSS INVESTMENT HOLDINGS LLC

Domestic Address

415 W SOUTHERN AVE STE #101

TEMPE, AZ 85282

Second Address

Agent: CHRISTOPHER ROSS

Status: APPOINTED 11/13/2012

Mailing Address:

415 W SOUTHERN AVE STE #101

TEMPE, AZ 85282

Agent Last Updated: 12/03/2012

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 11/13/2012

Approval Date: 12/03/2012

Last A/R Received: /

Date A/R Entered:

Next Report Due:

CORPORATIONS DIVISION
SOUTHERN ARIZONA OFFICE
400 West Congress
Tucson, Arizona 85701-

User Id: RSAINZ
Invoice No.: 4333645

Check Batch:
Invoice Date: 11/04/2013
Date Received: 11/04/2013
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
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1	SERVICE OF PROCESS L-1802752-8 ROSS INVESTMENT HOLDINGS LLC	\$25.00
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Total Documents: \$		25.00
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PAYMENT	CHECK	51031	\$25.00
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Balance Due: \$		0.00
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DON
ADEL MAN
623-8436

