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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF PINAL**

13 **PINAL COUNTY**, a political subdivision of)
14 the State of Arizona,)

15 Plaintiff,)

16 vs.)

17 **TERRY ENERVOLD**, a married man;)
18 **CHERYL ENERVOLD**, a married woman;)
19 **JOHN DOES 1-10; JANE DOES 1-10; THE**)
20 **UNKNOWN HEIRS OR SPOUSES OF ANY**)
21 **ABOVE PARTIES IF DECEASED, ABC**)
22 **PARTNERSHIPS 1-50; ABC**)
23 **CORPORATIONS 1-50,**)

24 Defendants.)

Case No. CV-2 _____

VERIFIED COMPLAINT AND
APPLICATION FOR PRELIMINARY
INJUNCTION

Honorable Judge _____

25 Comes now Plaintiff, Pinal County (“Plaintiff”), by and through undersigned counsel,
and complains, alleges, and states as follows:

1. This Court has subject matter jurisdiction pursuant to A.R.S. § 11-815(H), 11-1006(E) and 12-1801.
2. All acts complained of occurred and are occurring in the unincorporated area of Pinal County, Arizona.
3. Plaintiff is a government entity organized under the laws of the State of Arizona.

- 1 11. Plaintiff is informed and believes that Defendants have, over the last year and six
2 months, allowed and permitted an installed Park Model to remain on their
3 Property as a guesthouse.
- 4 12. Plaintiff is informed and believes that Defendants were in violation on February
5 9, 2015, and continue to be in violation of the PCZO by allowing and permitting
6 an installed Park Model to remain on their Property as a guesthouse.
- 7 13. Defendants' action of allowing and permitting the installed Park Model to remain
8 on their Property is a violation of the PCZO which, pursuant to A.R.S. § 11-
9 815(C), constitutes to be a nuisance per se which entitles Pinal County to the
10 remedy of abatement by discontinuance of the violation and immediate removal
11 of the Park Model from the Property pursuant to A.R.S. § 11-815(H).
- 12 14. Plaintiff has no adequate remedy at law because the administrative procedures
13 have been exhausted and the Defendants' actions have caused damage by
14 destroying the health, comfort and general welfare of the neighboring community.
15 The damages are difficult to compute and monetary damages will not afford the
16 complete measure of relief provided by an injunction such as preventing multiple
17 and repetitious lawsuits which is wasteful of the Court's time.
- 18 15. The damage to the neighboring community outweighs any effect of the
19 Defendants' Property by abating the illegal storage of the Park Model on their
20 Property.
- 21 16. This Complaint for injunctive relief is supported by an affidavit from Officer
22 Mullenix, (Exhibit "A").
- 23
24
25

**COUNT II
UNPAID FINE AND PENALTY**

- 1
- 2
- 3 17. Plaintiff realleges all of the allegations as set forth in paragraphs 1 through 16
- 4 above as is fully set forth herein.
- 5 18. On February 9, 2015, Officer Mullenix conducted an inspection of Defendants'
- 6 Property and she observed violations of the PCZO.
- 7 19. On February 24, 2015, Officer Mullenix sent a letter to the Defendants which
- 8 outlined the zoning violations which were observed during the February 9, 2016
- 9 inspection. The letter gave the Defendants until March 26, 2015 to bring their
- 10 Property into compliance.
- 11 20. As a result of the Property still in violation after March 26, 2015, on December
- 12 16, 2015, Officer Mullenix sent the Defendants a letter demanding immediate
- 13 compliance with the PCZO.
- 14 21. Based on the continued violations of the PCZO and after the demand letter, a
- 15 Complaint in Case No. #ZO-01-16-006 was filed with the Pinal County Hearing
- 16 Office on January 20, 2016 for Count One alleging unlawful storage of scrap,
- 17 vehicles and debris, and for Count Two improper use of a park model in a
- 18 suburban ranch zoned area.
- 19
- 20 22. On February 11, 2016, in Case No. #ZO-01-16-006, a Hearing Officer found to be
- 21 in violation of Count Two of the Complaint and a fine was imposed in the amount
- 22 of seven hundred dollars, (\$700.00).
- 23 23. On April 13, 2016, the Pinal County Board of Supervisors, after having a hearing
- 24 on appeal, affirmed the Hearing Officer's decision that the Defendants, in Count
- 25 Two, violated the Pinal County Zoning Ordinance.

1 G. Order that the Court shall retain jurisdiction in this matter for the purpose of enforcing
2 the Judgments and Order prayed for herein.

3 H. Such other and further relief as the Court deems just and proper.

4 RESPECTFULLY submitted this ____ day of August, 2016.

6 M. LANDO VOYLES
7 PINAL COUNTY ATTORNEY

8 By: _____
9 Seymour G. Gruber
10 Deputy County Attorney

11 ORIGINAL of the foregoing filed
12 this ____ day of August, 2016 with:

13 The Clerk of Superior Court
14 Pinal County Courthouse
15 Florence, Arizona 85132

16 COPIES of the foregoing delivered/
17 personal service/mailed this ____ day
18 of August, 2016 to:

19 Honorable _____
20 Judge of the Superior Court

21 Personal Service

22 **TERRY AND CHERYL ENERVOLD**
23 **6825 N. Star Acres Road**
24 **Bismark, ND 58503**

25 by: _____
SG:cf