1 2	THE LAW OFFICES OF JOHN G. WURM JOHN G. WURM, State Bar No. 106475	DEEMED ONIONAL
	27321 North Bay Road Post Office Box 1875	FILED-Central District
3	Lake Arrowhead, California 92352 Telephone: (909) 337-2557	SUPERIOR COURT SAN BERNARDING COUNTY
4	Faccimila: (000) 226 2607	
5	Attorney for Arrowhead Woods Architectural Committee, Inc., Saie O. anducan Deputy	
6	distribution of the second of	Deputy
7	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
8	COUNTY OF SAN BERNARDINO, CENTRAL DIVISION	
9	4	
10 11	ARROWHEAD LAKE ASSOCIATION, a California Non-Profit Corporation,) Case No.: CIVSS 808455
12	Plaintiff,	DEFENDANTS' GENERAL DENIAL TO
13	v .	FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF
13	ARROWHEAD WOODS ARCHITECTURAL COMMITTEE, INC., a	Date:
15	California Non-Profit Corporation and DOES 1 through 50, inclusive,	Time:
	Defendants.) Dept.: S35
16 17	Defendants.	
18		,
	Defendants APROWIE AP WOODS AP STATE	
19	Defendants, ARROWHEAD WOODS ARCHITECTURAL	
20	COMMITTEE, INC. ("AWAC") responds to Plaintiff's First Amended Complaint as follows:	
21		
22	1. By virtue of the provisions of Code of Civil Procedure § 431.30, these	
23	answering Defendants deny generally and specifically each and every allegation contained	
24	in each cause of action of the First Amended Complaint for Declaratory Relief, and	
25	further specifically denies that Plaintiff has been damaged in the sum or sums alleged, or	
26	has incurred any liability in the sum or sums alleged, or has been damaged in any other	
27	manner or form by way of any act or omission or obligation on the part of these answering	
28	Defendants.	

Case No. CIVSS 808455, ALA vs. AWAC

DEFENDANTS' GENERAL DENIAL OF FIRST AMENDED COMPLAINT

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FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages, if it has suffered any damages.

SECOND AFFIRMATIVE DEFENSE

Any damages suffered by Plaintiff were due in whole, or in part, to its own negligence.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's First Amended Complaint is barred by the doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

The acts of these Defendants have been ratified by Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff is estopped by its own conduct from asserting the causes of action in the First Amended Complaint.

negligence.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's First Amended Complaint fails to state facts sufficient to constitute a cause of action.

SEVENTH AFFIRMATIVE DEFENSE

These answering Defendants are entitled to their costs and attorney's fees by Statute and/or contract.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's First Amended Complaint is barred by the statute of frauds.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's First Amended Complaint is barred by the doctrine of laches.

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Case No. CIVSS 808455, ALA vs. AWAC

Page 2 of 3

TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Statute of Limitation.

ELEVENTH AFFIRMATIVE DEFENSE

The Court has no jurisdiction over the claims in this action.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff fails to state facts sufficient to constitute a cause of action.

WHEREFORE, these answering Defendants pray for judgment as follows:

- 1. That Plaintiff take nothing by way of its Complaint and that judgment be entered in favor of the answering Defendants;
 - 2. For costs of suit herein:
 - 3. For reasonable attorneys' fees; and
 - 4. For such other and further relief as the Court may deem just and proper.

DATED: September \$\int 2008\$

THE LAW OFFICES OF JOHN G. WURM

By:

JOHN G. WURM, Attorney for Defendants, Arrowhead Woods Architectural

Committee, Inc.

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PROOF OF SERVICE

ARROWHEAD LAKE ASSOCIATION v. ARROWHEAD WOODS

ARCHITECTURAL COMMITTEE

Case No. CIVSS 808455

San Bernardino County Superior Court, Central District

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is Post Office Box 1875, Lake Arrowhead, California, 92352.

On <u>September 15, 2008</u>, I caused to be served the document(s) described as **DEFENDANTS' GENERAL DENIAL TO FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF, DEFENDANTS' REQUEST FOR ADMISSIONS FROM PLAINTIFF and DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF on the interested party(ies) in this action by placing a true copy thereof enclosed in the sealed envelope and addressed as follows:**

GURALNICK & GILLILAND LLP Robert J. Gilliland, Jr. Janet G. Cervantes 74399 Highway 111, Suite M Palm Desert, CA 92260

- [] BY FACSIMILE: I transmitted by facsimile machine, to the fax number indicated below, a true and correct copy of the document described above to counsel indicated below. The foregoing document was transmitted by facsimile transmission and the transmission was reported as completed and without error, true copy thereof enclosed in sealed envelopes addressed as follows:
- [X] BY U.S. MAIL: I caused such envelope(s) to be deposited in the mail at <u>Lake Arrowhead</u>, California, with the postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party(ies) served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- [X] STATE: I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2008 at Lake Arrowhead, California.

Rachelle D. James