

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.**  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

**FILED BY CLERK**  
**SEP 30 2009**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

|                      |   |                            |
|----------------------|---|----------------------------|
| MERCEDES C. TELLES,  | ) |                            |
|                      | ) | 2 CA-CV 2009-0019          |
| Plaintiff/Appellant, | ) | DEPARTMENT B               |
|                      | ) |                            |
| v.                   | ) | <u>MEMORANDUM DECISION</u> |
|                      | ) | Not for Publication        |
| JOSEPHINE BUTTERY,   | ) | Rule 28, Rules of Civil    |
|                      | ) | Appellate Procedure        |
| Defendant/Appellee.  | ) |                            |
| <hr/>                |   |                            |

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CV-200801303

Honorable Robert Carter Olson, Judge

AFFIRMED

Mercedes Telles

Mammoth  
In Propria Persona

Cooper & Rueter, L.L.P.  
By Stephen R. Cooper

Casa Grande  
Attorneys for Defendant/Appellee

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E C K E R S T R O M, Presiding Judge.

¶1 Mercedes Telles, appearing before this court *in propria persona*, appeals from the trial court’s dismissal of her complaint against Josephine Buttery in a matter involving a transfer of real property. In her opening brief, which lacks any citations to the law or the record on appeal, Telles argues the court erred “in dismissing [her] case . . . due to the fact that an answer was not filed in a timely manner.” Yet the court did not, in fact, dismiss the case for that reason.

¶2 In its judgment, the trial court noted that Telles “is aggrieved and was harmed in this [real estate] transaction.” The court concluded, however, that Telles had improperly asserted her claim against Buttery rather than the “seller of the property and/or the Title company.” The court thus dismissed Telles’s claim on this ground.

¶3 Rule 13(a)(6), Ariz. R. Civ. App. P., requires that arguments in opening briefs “contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on.” “Parties who choose to represent themselves ‘are entitled to no more consideration than if they had been represented by counsel’ and are held to the same standards as attorneys with respect to ‘familiarity with required procedures and . . . notice of statutes and local rules.’” *In re Marriage of Williams*, 219 Ariz. 546, ¶ 13, 200 P.3d 1043, 1046 (App. 2008), quoting *Smith v. Rabb*, 95 Ariz. 49, 53, 386 P.2d 649, 652 (1963) (alteration in *Williams*). A party’s failure to develop an argument in an opening brief will result in waiver of the claim. *State v.*

*Carver*, 160 Ariz. 167, 175, 771 P.2d 1382, 1390 (1989); *Lohmeier v. Hammer*, 214 Ariz. 57, n.5, 148 P.3d 101, 108 n.5 (App. 2006).

¶4 Because Telles has presented no issue for review on appeal, we affirm the trial court's judgment dismissing Telles's complaint. We grant Buttery's request for costs on appeal pursuant to A.R.S. § 12-341, provided she complies with Rule 21, Ariz. R. Civ. App. P.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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PHILIP G. ESPINOSA, Judge