

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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ERIC LINDEN,  
*Plaintiff/Appellant,*

*v.*

CHASE HOME FINANCE LLC,  
*Defendant/Appellee.*

No. 2 CA-CV 2015-0077  
Filed November 13, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).*

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Appeal from the Superior Court in Pima County  
No. C20131752  
The Honorable Gus Aragón, Judge

**AFFIRMED**

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COUNSEL

Eric Linden, Tucson  
*In Propria Persona*

Maynard Cronin Erickson Curran & Reiter, P.L.C., Phoenix  
By Jennifer A. Reiter  
*Counsel for Defendant/Appellee*

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

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ECKERSTROM, Chief Judge:

¶1 Plaintiff/appellant Eric Linden appeals the trial court’s grant of summary judgment in favor of defendant/appellee Chase Home Finance (Chase) in an action concerning his residential property. The judgment disposed of all Linden’s claims and was certified as final pursuant to Rule 54(c), Ariz. R. Civ. P. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1) and 12-2101(A)(1).

¶2 On appeal, we presume a judgment is correct, *Gen. Elec. Capital Corp. v. Osterkamp*, 172 Ariz. 191, 193, 836 P.2d 404, 406 (App. 1992), and the appellant has the burden to demonstrate an error entitling him to relief. *Guirey, Srnka & Arnold, Architects v. City of Phoenix*, 9 Ariz. App. 70, 71, 449 P.2d 306, 307 (1969). Pursuant to Rule 13(a)(7)(A), Ariz. R. Civ. App. P., an appellant’s opening brief must present an argument “with supporting reasons for each contention, and with citations of legal authorities and appropriate references to the . . . record.” We draw our facts only from those materials that were properly before the trial court, *see GM Dev. Corp. v. Cmty. Am. Mortg. Corp.*, 165 Ariz. 1, 4, 795 P.2d 827, 830 (App. 1990), and included in the record on appeal. *See Baker v. Baker*, 183 Ariz. 70, 73, 900 P.2d 764, 767 (App. 1995); *Swansea Props., Inc. v. Hedrick*, 3 Ariz. App. 594, 595, 416 P.2d 1015, 1016 (1966). We also hold pro se parties to the same standard as attorneys in terms of complying with procedural rules. *See In re Marriage of Williams*, 219 Ariz. 546, ¶ 13, 200 P.3d 1043, 1046 (App. 2008).

¶3 Linden fails to develop and support a legal argument identifying an error by the trial court. He states, for example, that he “feels . . . the Superior Court did not take into account all of the factors of the case,” and he asks this court to “thoroughly review[]” “all of the facts” relating to his various claims. In the way of legal authority, Linden cites only Rule 56(c), Ariz. R. Civ. P., which sets

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forth the procedures for summary judgment motions, and Rule 56(g), which authorizes sanctions that were not included in the judgment. For factual support, he generally and improperly refers to materials contained in an appendix to his brief, *see Delmastro & Eells v. Taco Bell Corp.*, 228 Ariz. 134, n.2, 263 P.3d 683, 686 n.2 (App. 2011) (reference to appendix alone is impermissible because it fails to inform this court whether the item is in the record on appeal), and he cites certain items that were neither presented to the trial court nor included in the record on appeal.

¶4 It is not incumbent on this court to develop a party's argument. *Ace Auto. Prods., Inc. v. Van Duyne*, 156 Ariz. 140, 143, 750 P.2d 898, 901 (App. 1987). In the absence of a properly developed and supported argument, Linden has waived on appeal any challenge to the trial court's grant of summary judgment. *See Ritchie v. Krasner*, 221 Ariz. 288, ¶¶ 61-62, 211 P.3d 1272, 1289 (App. 2009). He also has failed to discharge his appellate burden. *See Guard v. Maricopa County*, 14 Ariz. App. 187, 188-89, 481 P.2d 873, 874-75 (1971).

¶5 The judgment is therefore affirmed. Chase has requested an award of attorney fees on appeal pursuant to A.R.S. § 12-341.01(A). Assuming *arguendo* Chase is eligible for such an award, we deny its request in the exercise of our discretion. *See Munger Chadwick, P.L.C. v. Farwest Dev. & Constr. of the Sw., LLC*, 235 Ariz. 125, ¶ 14, 329 P.3d 229, 232 (App. 2014).