

Court of Appeal, Second Appellate District, Division Four - No. B235015  
S211596

**IN THE SUPREME COURT OF CALIFORNIA**  
**En Banc**

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TRACT 19051 HOMEOWNERS ASSOCIATION et al.,

v.

MAURICE KEMP et al., Defendants and Respondents.

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The petition for review is granted.

The issue to be briefed and argued is limited to the following: Is a prevailing homeowner entitled to attorney fees under Civil Code section 1354 in an action by the homeowners association to enforce its governing documents as those of a common interest development when the homeowner prevailed because it was later determined that the subdivision was not such a development and its governing documents had not been properly reenacted?

SUPREME COURT  
FILED

AUG 28 2013

Frank A. McGuire Clerk

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Deputy

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Cantil-Sakauye

*Chief Justice*

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Kennard

*Associate Justice*

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Baxter

*Associate Justice*

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Werdegar

*Associate Justice*

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Chin

*Associate Justice*

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Corrigan

*Associate Justice*

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Liu

*Associate Justice*