

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-000707

01/22/2014

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT  
M. Nielsen  
Deputy

MARKHAM CONTRACTING CO INC

KAREN A PALECEK

v.

PINNACLE POINT DEVELOPERS L L C, et al.

PINNACLE POINT DEVELOPERS L L C  
NO ADDRESS ON RECORD

TROON NORTH ASSOCIATION  
NO ADDRESS ON RECORD  
RICHARD Q NYE  
FRANK S TOMKINS  
TROON CANYON VENTURES L L C  
NO ADDRESS ON RECORD

MINUTE ENTRY

The Court is in receipt of Plaintiff Markham Contracting Co., Inc.'s Separate Statement of Facts in Support of Markham's Motion for Partial Summary Judgment with Regard to Mechanics Lien Remaining in Place, filed on November 4, 2013; Markham Contracting Co., Inc.'s Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place, filed on November 4, 2013; FDIC's Controverting Statement of Facts in Response to Plaintiff's Separate Statement of Facts in Support of Plaintiff's Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place and Separate Statement of Facts in Opposition to Plaintiff's Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place, filed on December 16, 2013; FDIC's Response to Plaintiff's Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place, filed on December 16, 2013; Defendant Primeaz/Libra, LLC's Joinder in Response to Plaintiff's Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place and Controverting Statement of Facts, filed on December 19, 2013; and Markham Contracting Co.,

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Inc.'s Reply in Support of its Motion for Partial Summary Judgment with Regard to Mechanic's Lien Remaining in Place, filed on January 10, 2014.

Statement of Facts in Support of the FDIC's Motion for Summary Judgment RE: Extinguishment of Markham's Mechanic's Lien, filed on November 4, 2013; FDIC's Motion for Summary Judgment RE: Extinguishment of Markham's Mechanic's Lien, filed on November 4, 2013; Defendant Primeaz/Libra, LLC's Joinder in Motion for Summary Judgment RE: Extinguishment of Markham's Mechanic's Lien, filed on November 6, 2013; Markham Contracting Co., Inc.'s Supplemental Statement of Facts in Support of the Response to FDIC's Motion for Summary Judgment RE: Extinguishment of Markham's Mechanic's Lien and Primeaz/Libra LLC's Joinder, filed on December 16, 2013; and FDIC's Reply in Support of Motion for Summary Judgment RE: Extinguishment of Markham's Mechanic's Lien, filed on January 10, 2014.

FDIC's and Primeaz's Joint Motion for Summary Judgment Against Markham on Count Six of its First Amended Complaints, filed on October 30, 2013; Statement of Facts in Support of the FDIC's and Primeaz's Joint Motion for Summary Judgment Against Markham on Count Six of its First Amended Complaint, filed on October 30, 2013; Objections to Defendants' Statement of Facts in Support of Plaintiff's Response in Opposition to the Motion for Summary Judgment RE: Declaratory Judgment and Separate Statement of Facts, filed on December 3, 2013; Plaintiff's Response in Opposition to the FDIC's and Primeaz's Joint Motion for Summary Judgment, RE: Declaratory Judgment, filed on December 3, 2013; and FDIC's and Primeaz's Joint Reply in Support of Motion for Summary Judgment Against Markham on Count Six of its First Amended Complaint filed on January 10, 2014.

**IT IS ORDERED** denying Plaintiff Motion for Reconsideration RE Equitable Subrogation/Replacement, filed on December 16, 2013.

**IT IS ORDERED** setting Oral Argument on **March 28, 2014 at 9:30 a.m.** in this division.

Oral argument shall be limited to one hour with the time divided equally between the parties. Counsel and the parties, if representing themselves, are to appear in person before:

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**THE HONORABLE MARIA DEL MAR VERDIN  
MARICOPA COUNTY SUPERIOR COURT  
OLD COURTHOUSE  
125 WEST WASHINGTON  
3RD FLOOR, COURTROOM 303  
PHOENIX, AZ 85003  
602-506-2603 TEL**

If a court reporter is required, the Court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.