

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

01/18/2018

COMMISSIONER MARGARET BENNY

CLERK OF THE COURT  
T. Nestor-Donohue  
Deputy

TAPESTRY ON CENTRAL L L C, et al.

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM  
ASSOCIATION, et al.

KEVIN P NELSON

WESTERN ALLIANCE BANK  
ATTN: LEGAL PROCESSING  
PO BOX 98814  
LAS VEGAS NV 89193  
MARICOPA COUNTY CREDITOR  
NO ADDRESS ON RECORD  
LIBERTY INSURANCE  
UNDERWRITERS INC  
175 BERKELEY ST  
BOSTON MA 02116  
JACOB REISH  
JACOB REICH LAW OFFICE  
8383 WILHIRE BLVD #510  
BEVERLY HILLS CA 90211  
BBVA COMPASS FINANCIAL CORP  
DDA BBVA COMPASS BANK ATT  
C/O CT CORPORATION SYSTEMS  
3800 N CENTRAL AVE STE 460  
PHOENIX AZ 85012  
LIBERTY INSURANCE  
UNDERWRITERS INC  
ATTN: GARNISHMENTS  
C/O ARIZONA DEPT OF INSURANCE  
2910 N 44TH ST STE 210  
PHOENIX AZ 85018

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

01/18/2018

LIBERTY MUTUAL INSURANCE CO  
ATTN: GARNISHMENTS  
C/O ARIZONA DEPT OF INSURANCE  
2910 N 44TH ST STE 210  
PHOENIX AZ 85018  
WESTERN ALLIANCE BANK  
DBA ALLIANCE BANK OF ARIZONA  
ATTN: LEGAL PROCESSING  
PO BOX 98814  
LAS VEGAS NV 89193  
YAIR BEN MOSHE  
C/O RYAN L LORENZ  
CLARK HILL  
14850 N SCOTTSDALE RD STE 500  
SCOTTSDALE AZ 85254  
WESTERN ALLIANCE BANK  
WESTERN ALLIANCE BANK  
DBA ALLIANCE BANK OF ARIZONA  
ATTN: GARNISHMENTS  
2338 W ROYAL PALM RD STE J  
PHOENIX AZ 85021

MINUTE ENTRY

This Court has received Judgment Debtor/Defendant Tapestry on Central Condominium Association (Association)'s Request for Hearing on Writs of Garnishment, Plaintiff/Judgment Creditor did not file a response. There is also Association's pending Motion to Set Supersedeas Bond and an evidentiary hearing regarding the motion in front of Judge Talamante scheduled for February 9, 2018 at 1:30 p.m.

In the request for hearing, the Association argues that the Plaintiff's Applications for Writs of Garnishment and the issued writs of garnishment are attempts to enforce and execute on the judgment and that they are stayed pending the resolution of the Motion to Set Supersedeas Bond. The Association argues that TOC has served several subpoenas duces tecum on purported garnishees and has threatened at least one purported garnishee that its release of funds to the Association would violate the writ of garnishment. The Association's belief is that the writs or garnishment are not effective.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

01/18/2018

THE COURT has reviewed the applications for writs of garnishment and writs of garnishment and FINDS the following:

- The Application for Writ of Garnishment (Non-Earnings) against **BBVA Compass Financial Corporation dba BBVA Compass Bank** was filed on 12/4/2017 at 4:38 p.m., prior to the Association's Motion to Set Supersedeas Bond. The writ of garnishment was signed on 12/4/2017. The Motion to Set Supersedeas bond was filed on 12/5/2017 at 11:46 a.m. *before* the writ was served on Garnishee at 12:00 pm. Therefore, service of the writ was *not effective*.
- The Application for Writ of Garnishment (Non-Earnings) against **Liberty Mutual Insurance Co. and Liberty Underwriters, Inc.** was filed on 12/4/17 at 4:38 p.m., prior to the Association's Motion to Set Supersedeas Bond. The writ of garnishment was signed on 12/4/2017. The Motion to Set Supersedeas Bond was filed on 12/5/2017 at 11:46 a.m. *before* the writ was served on Garnishee through the Arizona Dept. of Insurance at 1:00 pm. Therefore, service of the writ was *not effective*.
- The Application for Writ of Garnishment (Non-Earnings) against **Liberty Underwriters, Inc.** was filed again on 12/5/17 at 4:38 p.m., *after* the Association's Motion to Set Supersedeas Bond filed at 12/5/2017 at 11:46 a.m. The writ of garnishment was signed on 12/5/2017; again, the Motion to Set Supersedeas Bond was already filed. The writ was then served on Garnishee through the Arizona Dept. of Insurance on 12/6/2017. Therefore, the writ and the service of the writ were *not effective*. The Court notes that Liberty Underwriters, Inc. filed an answer on 12/20/17 stating that it was not holding any money belonging to the Association.
- The Application for Writ of Garnishment (Non-Earnings) against **Tiffany & Bosco, P.A.** was filed on 12/4/17 at 4:38 p.m., prior to the Association's Motion to Set Supersedeas Bond. The writ of garnishment was signed on 12/4/2017. The Motion to Set Supersedeas Bond was filed on 12/5/2017 at 11:46 a.m. *before* the writ was served on Garnishee on 12/5/2017 at 3:15 p.m. Therefore, service of the writ was *not effective*.
- The Application for Writ of Garnishment (Non-Earnings) against **Western Alliance Bank dba Alliance Bank of Arizona** was filed on 12/4/17 at 4:38 p.m., prior to the Association's Motion to Set Supersedeas Bond. The writ of garnishment was signed on 12/4/2017. The Motion to Set Supersedeas Bond was filed on 12/5/2017 at 11:46 a.m. *after* the writ was served on Garnishee at 11:37 a.m. Therefore, service of the writ was *effective*. Garnishee Western Alliance Bank dba Alliance Bank of Arizona submitted an answer on 12/15/17 stating that it was holding \$117,018.68. Due to the stay of the proceedings, *no* Application for Judgment against Garnishee can be filed at this time.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

01/18/2018

- The Application for Writ of Garnishment (Non-Earnings) against **Yair Ben Moshe** was filed on 12/4/17 at 4:38 p.m., prior to the Association's Motion to Set Supersedeas Bond. The writ of garnishment was signed on 12/4/2017. The Motion to Set Supersedeas Bond was filed on 12/5/2017 at 11:46 a.m. The Court has no information as to whether the writ was served upon Garnishee Yair Ben Moshe because an affidavit of service has not been filed. However, the stay is in effect and no Application for Judgment against Garnishee can be filed even if the service of the writ was effective.

The Court has further reviewed the file and does not believe that a hearing is necessary. Rule 7(a)(2) of the Arizona Rules of Civil Appellate Procedure specifically states that the filing of a motion in superior court for a supersedeas bond temporarily stays enforcement of or execution on, the judgment, with the same effect as described in Ariz.R.Civ.App.P Rule 7(b). Judge Talamante's minute entry from the December 11, 2017 hearing also orders a stay on all execution and enforcement on the judgment pending his ruling on the Motion to Set Supersedeas Bond.

IT IS ORDERED that Plaintiff shall not file applications for judgment against garnishees nor any new applications for writs of garnishment.

IT IS FURTHER ORDERED that Plaintiff shall not serve any prior writs of garnishments that were not yet served.

IT IS FURTHER ORDERED that Garnishees shall not release any funds or file answers at this time.

IT IS FURTHER ORDERED that Plaintiff may not serve subpoenas in furtherance of executing or enforcing the Judgment. Plaintiff may only serve subpoenas duces tecum that are to support its position at the evidentiary hearing scheduled for February 9, 2018.

IT IS FURTHER ORDERED denying the request for hearing. The parties shall follow Judge Talamante's order and Ariz.R.Civ.App.P Rule 7(b).