

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-050542

02/08/2008

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

A TO Z PRINTING INC

ROBERT R BAUER

v.

BRUCE F WOLDRICH, et al.

BRUCE F WOLDRICH
13502 E DEL TIMBRE
SCOTTSDALE AZ 85259

JOHN M O'NEAL
ELIZABETH A WOLDRICH
4619 E CARON ST
PHOENIX AZ 85028
PENNY L KOEPKE

RULING

The Court having reviewed the Application by Plaintiff for an Award of Attorney's Fees Against Defendant Washington Mutual Bank and Statement of Costs Against Washington Mutual Bank, Defendant Washington Mutual Bank's Objection, Plaintiff's Reply, and good cause appearing,

IT IS ORDERED denying the Application by Plaintiff for an Award of Attorney's Fees Against Defendant Washington Mutual Bank but awarding Plaintiff its taxable costs in the amount of \$1,459.55 all in accordance with the formal written Judgment signed by the Court on February 8, 2008 and entered (filed) by the Clerk on February 8, 2008. This Court in denying Plaintiff's application for attorney's fees finds that while Plaintiff's claims for relief in part, arguably sound in contract, there is no privity of contract between Plaintiff and Defendant Washington Mutual, Plaintiff is in first lien position strictly by good fortune, Washington

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Mutual's defenses were pled in good faith, both Plaintiff and Washington Mutual were victims of fraud perpetrated by the Woldrichs and even if permitted under A.R.S. §12-341.01, it would be inequitable to award Plaintiff its attorney's fees.