

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-019187

02/18/2022

HONORABLE JAMES D. SMITH

CLERK OF THE COURT
K. Treftz
Deputy

SANDS SCOTTSDALE HOME OWNERS
ASSOCIATION

CHARLENE A CRUZ

v.

ESTATE OF FLOYD F GANZER, THE, et al.

ESTATE OF FLOYD F GANZER, THE
8437 E VIA DE ENCANTO
SCOTTSDALE AZ 85258

SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
40 N CENTRAL AVE STE 1800
PHOENIX AZ 85004
JUDGE J. SMITH

MINUTE ENTRY

The Court received Plaintiff's Motion for an Order Allowing Service by Publication (filed 01/27/2022) and Supplement to Motion for an Order Allowing Service by Publication (filed 02/14/2022). The Court was not concerned about the propriety of serving the unknown heirs by publication. Plaintiff met the requirements of Arizona Rules of Civil Procedure 4.1(l) and 4.1(m).

IT IS ORDERED granting Plaintiff's request to serve the unknown heirs of Floyd F. Ganzer by publication.

The Court's concern is Plaintiff's request to serve the Estate of Floyd F. Ganzer by publication. An estate is not a jural entity—it is a collection of property and debts. No one seeing a published notice would be authorized to act for the estate. In sum, we know publication would

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not be reasonably calculated to apprise someone about the litigation. And Plaintiff's supplement did not provide any authority allowing service by publication on an estate. It seems Plaintiff's path is to have a special administrator appointed. A.R.S. § 14-3614.

IT IS FURTHER ORDERED denying Plaintiff's request to serve the Estate of Floyd F. Ganzer by publication.