

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-016334

03/26/2007

HONORABLE PETER SWANN

CLERK OF THE COURT
D. Monroe
Deputy

VIZOR L L C

RICHARD L COBB

v.

KENNETH COOK, et al.

KENNETH COOK
JENNIFER COOK
2033 E WARNER RD #106
TEMPE AZ 85284

SONOMA NATIONAL BANK
NO ADDRESS ON RECORD
HAJOCA CORPORATION
NO ADDRESS ON RECORD
JEFFERY M HALL
TRUE ELEGANCE HOMES L L C
C/O KENNETH COOK
2033 E WARNER RD #106
TEMPE AZ 85284
PAXSON HOLDINGS L L C
NO ADDRESS ON RECORD
MOUNTAIN SAGE REALTY L L C
NO ADDRESS ON RECORD
WALKER & SONS INC
NO ADDRESS ON RECORD
PHILLIP D WESTLUND
NO ADDRESS ON RECORD

MINUTE ENTRY

SUPERIOR COURT OF ARIZONA
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The Court has received Defendants Ismail's Motion to Dismiss Count Five for Lien Foreclosure Against Defendants Ismail, Plaintiff's Response, and Defendants Ismail's Reply, and Defendants Ismail's Motion for Judgment on Defendants Ismail's Motion to Dismiss Count Five Due to Plaintiff's Untimely Response and Plaintiff's Response.

The Court having considered all pleadings,

IT IS ORDERED denying and Defendants Ismail's Motion for Judgment on Defendants Ismail's Motion to Dismiss Count Five Due to Plaintiff's Untimely Response.

The Response was filed in good faith, and the Court will not permit the interests of substantive justice to be subordinated to procedural gamesmanship.

IT IS FURTHER ORDERED denying Defendants Ismail's Motion to Dismiss Count Five for Lien Foreclosure Against Defendants Ismail.

Neither A.R.S. § 33-998 nor § 11-1191 require a *lis pendens* to contain the detailed description that Defendants urge here. Had the legislature intended to require such a forfeiture of a claim based on magic words in the *lis pendens*, it surely would have said so. The Court finds no basis upon which to infer such an intent from either statute.