

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-052807

03/19/2012

HONORABLE LINDA H. MILES

CLERK OF THE COURT
C. Kelly
Deputy

SOLERA CHANDLER HOMEOWNERS
ASSOCIATION INC

JOSHUA M BOLEN

v.

LEONIDAS P SPALLAS, et al.

JEREMY T BERGSTROM
NICHLAS P SPALLAS

MINUTE ENTRY

The Court has received and considered the following: (1) Stipulation to Judgment as to Defendants BAC Home Loans Servicing, LP and BAC Home Loans Servicing, LP, as Nominee for Greenpoint Mortgage Funding Inc. (hereinafter "Stipulation"); (2) Defendants Nichlas and Christine Spallas' Objection to Stipulated Judgment Between Plaintiff and Defendant BAC; (3) Plaintiff's Response to Objection to Stipulated Judgment Between Plaintiff and Defendant BAC; (4) Defendants Nichlas and Christine Spallas' Reply to Plaintiff's Response to Objection to Stipulated Judgment; and (5) Defendant Bank of America, N.A.'s Response in Opposition to Objections to Entry of Stipulation (hereinafter "Bank of America's Response to Spallas' Objection").

Plaintiff and Defendants BAC Home Loan Servicing, LP and BAC Home Loans Servicing, LP, as nominee for Greenpoint Mortgage Funding, Inc. filed the Stipulation on *October 27, 2011*. In the Stipulation and proposed form of Judgment, these parties state that (1) BAC Home Loan Servicing, LP currently holds first and second Deeds of Trust on Lot 58; (2) BAC Home Loan Servicing, LP, as nominee for Greenpoint Mortgage Funding, Inc., currently holds first and second Deeds of Trust on Lot 131; (3) BAC's second Deeds of Trust are inferior

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and subordinate to Plaintiff's assessment lien rights as to Lots 58 and 131; and (4) Plaintiff's assessment lien rights are inferior to BAC's first Deeds of Trust on both lots.¹ Bank of America's Response to Spallas' Objection states, however, that on *October 14, 2011*, MERS, on behalf of the original lender (Greenpoint Mortgage) assigned the first Deeds of Trust to Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP. Because it appears that at least some of the information in the Stipulation and proposed form of Judgment is inaccurate,

IT IS ORDERED denying the Stipulation to Judgment without prejudice to submitting a new Stipulation and proposed form of Judgment.

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.

NOTICE: Due to rotation of judicial officers, effective June 20, 2012, all civil matters assigned to the Honorable Linda H. Miles will be assumed by the Honorable Michael D. Gordon.

¹ Plaintiff also states in its Response to Spallas' Objection that "there is no question that BAC Home Loans Servicing, LP . . . holds both the first and second deeds of trust for Lot 131 and Lot 58"