

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-013650

03/05/2014

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

QUALITY LOAN SERVICE CORPORATION LAKSHMI JAGANNATH

v.

MARICOPA COUNTY TREASURER

PHILIP N BROWN
JULAN ZHU
513 E CHICAGO CIR
CHANDLER AZ 85225

HEARING

Courtroom: ECB-512

8:30 a.m. This is the time set for hearing on the competing Applications for Excess Proceeds. Applicant Foothills Club West Community Association is represented by Counsel Craig Armstrong (appearing in place of Philip N. Brown). No other party is present or represented.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Let the record reflect that Julian Zhu attempted to call in for today's hearing but was unsuccessful. The court could hear Applicant Zhu but Applicant Zhu apparently could not hear the court. The court will proceed without Applicant Zhu.

Counsel for Applicant Foothills Club West Community Association reports that its claim has been settled, and, therefore, it is withdrawing its Application for Release of Excess Proceeds.

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IT IS ORDERED deeming the November 21, 2013 Application for Excess Proceeds withdrawn.

Therefore, the only claim remaining is that filed by Applicant Zhu. The court notes that the Application of Julian Zhu was filed on October 28, 2013; however, the notice requirements of A.R.S. § 33-812(G) have not been met. The court therefore cannot grant the Application at this time.

IT IS ORDERED that this matter will be dismissed on **June 1, 2014** unless by that date Applicant Zhu complies with the requirements of A.R.S. § 33-812(G).

8:34 a.m. Matter concludes.

Later

A.R.S. § 33-812(G) requires that a person applying for excess proceeds serve each person listed by the trustee as follows:

The applicant shall mail postage prepaid by any form of mail that requires a signed and returned receipt a copy of the application to the county treasurer and all persons at each of the addresses named on the list of persons that is incorporated in or attached to the complaint and to any other address of the persons that is known to or ascertained by the applicant or the applicant's agent.

Subsection (G) further requires the a person applying for excess proceeds to file an affidavit demonstrating service. The statute contains very specific requirements for what that affidavit must contain, and the proof that must be attached to it.

Applicant has not complied with these statutory requirements for the following reasons: No affidavit of service has been filed.

Effective April 15, 2014 new civil rules and forms are in effect for managing cases moving to trial. Be sure to review the new Civil Rules 16, 26, 37, 38, 72 through 74 and 77.