

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

COPY

CV 2002-008702

04/04/2005

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
D. Whitford
Deputy

FILED: 04/07/2005

MONTANA DEL SOL CONDOMINIUM
ASSOCIATION

JOYCE J KAPSAL

v.

JWE SPRING OAKS LLC, et al.

JILL ANN HERMAN

JACK G BARONE
STEVEN R BARTELL
TRIPLE D COUNTER TOPS INC
ATTN: MR. CURTIS DAWE
6611 W PEORIA, #5-142
GLENDALE AZ 85302
WILLIAM H DOUGLAS
ANDREW M FEDERHAR
DOUGLAS H FITCH
MICHAEL W HERZOG
BRADLEY R JARDINE
JASON M KELLY
JOSEPH A KULA
DAVID E MCDOWELL
ANDREW PESHEK
GARY M SUNDBERG
DENNIS I WILENCHIK
CHRISTY M THOMPSON
M DUNCAN SCOTT
LAWRENCE J FELDER

SETTLEMENT

4:08 p.m. This is the time set for Oral Argument on pending motions for summary judgment.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-008702

04/04/2005

COPY

Appearances:

- Plaintiff Montana Del Sol Condominium Association is represented by counsel Joyce Kapsal.
- Defendant JWE Spring Oaks, LLC. is represented by counsel Jill Ann Herman.
- Third-Party Defendant Construction 70, Inc .is represented by counsel Christy Thompson.
- Third-Party Defendant Hart Plumbing of Texas and Third-Party Defendant Cohaco Building Specialists, Inc. are represented by counsel Christy Thompson.
- Third-Party Defendant Hart Plumbing of Arizona is represented by counsel Joseph Kula.
- Third Party Defendant Cohaco Building Specialists, Inc. is represented by counsel Joseph Kula.
- Third-Party Defendant Parra Drywall, Inc. is represented by co-counsel Jason Kelly.
- Defendant Creekstone Builders, Inc. is represented by counsel David E. McDowell.
- Third-Party Catalina Roofing & Supply, Inc. is represented by counsel M. Duncan Scott.
- Third-Party Defendant Hilty's International, Inc. is represented by counsel M. Duncan Scott.
- Third-Party Defendant United Subcontractors, Inc., d/b/a Mesa Insulation Specialists is represented by counsel M. Duncan Scott.
- Third-Party Defendant Kenro Turner Construction, Inc. is represented by counsel Lawrence Felder.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

Counsel advise the Court that the parties have reached a settlement agreement.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

COPY

CV 2002-008702

04/04/2005

The settlement agreement is recited on the record by the Court, with additions and corrections by counsel.

Each counsel and each party who is present is asked by the Court if the Settlement Agreement recited on the record is accurate, if they understand that the agreement is binding and if it is acceptable. Each counsel answers individually that they do.

Counsel will submit a formal written Stipulation by close of business on **June 3, 2005** consistent with the Settlement Agreement recited on the record.

IT IS ORDERED vacating any pending hearings.

4:25 p.m. Matter concludes.

Pursuant to Rule 80(d), the signing of this minute entry constitutes an enforceable order of the Court.

/s/ **HONORABLE KENNETH L. FIELDS**
SUPERIOR COURT JUDGE