

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-015308

04/03/2007

HON. EDWARD O. BURKE

CLERK OF THE COURT
W. Yank
Deputy

NORTH CANYON RANCH OWNERS
ASSOCIATION

AUGUSTUS H SHAW IV

v.

RENEE A BERRY, et al.

RENEE A BERRY
4005 W AVENIDA DEL SOL
GLENDALE AZ 85310

LEADER MORTGAGE COMPANY,
THE
C T CORPORATION SYSTEM,
STATUTORY AGENT
3225 N CENTRAL AVE
PHOENIX AZ 85012
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
ATTN: SINGLE FAMILY NOTES
BRANCH
451 SEVENTH ST, SW
WASHINGTON DC 20410

MINUTE ENTRY

The court has received and reviewed defendant Renee A. Berry's February 5, 2007, Motion for Reconsideration and plaintiff's Response thereto. No reply is allowed. Rule 7.1(e) of Civil Procedure.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-015308

04/03/2007

The court also received on April 2, 2007 a pleading entitled "Response to Plaintiff's Response to Motion for Reconsideration and Relief Under Rule 59, Arizona Rules of Civil Procedure and Response to Plaintiff's Reply to Motion to Set Aside Judgment and Request for Hearing". This pleading is not allowed by the Rules of Civil Procedure and was not considered.

Plaintiff is correct in its assertion that the court did not actually grant defendant's Motion for Reconsideration. What the court meant was that the court, being new to this calendar, would consider defendant's Motion for Reconsideration and the plaintiff's Response if plaintiff elected to file one after receiving the court's order giving plaintiff the right to do so.

Defendant raised the following points in her motion;

1. Plaintiff did not serve copies of their pleadings on defendant;
2. Defendant has a just and valid defense;
3. Plaintiff was not a corporation at the time its complaint was filed; and
4. Plaintiff's motion for alternate service should not have been granted.

The court rules as follows on the points raised by defendant:

1. The motion is denied. Judge Schneider has ruled on this issue and defendant's credibility is questionable considering that she at one time claimed not to have received plaintiff's Motion for Summary Judgment but responded to it.
2. This issue has been foreclosed by Judge Schneider's judgment in this case. Any consideration by this judicial officer would be a horizontal appeal which is prohibited, except under very limited circumstances which do not exist in this case.
3. This issue has been foreclosed by Judge Schneider's judgment in this case. Any consideration by this judicial officer would be a horizontal appeal which is prohibited, except under very limited circumstances which do not exist in this case.
4. This issue has been foreclosed by Judge Schneider's judgment in this case. Any consideration by this judicial officer would be a horizontal appeal which is prohibited, except under very limited circumstances which do not exist in this case.

For the foregoing reasons, Defendant Renee A. Berry's Motion for Reconsideration is DENIED.

The court has also received and reviewed defendant Renee A. Berry's Motion to Set Aside Judgment and Request for Hearing. The motion is DENIED. There was no default

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-015308

04/03/2007

hearing on January 22, 2007, which involved defendant or anyone else. Judge Schneider entered judgment in this case in conformity with his November 30, 2006, ruling.

The court's attention has also been drawn to defendant Renee A. Berry's document entitled: "Request for Information and Motion to Continue". That motion is DENIED as moot. Plaintiff's request for relief against defendant Berry was withdrawn at the hearing and there is nothing for the court to consider in regard to that pleading.

IT IS FURTHER ORDERED approving and settling formal written Amended and Final Judgment on Foreclosure signed by the court April 2, 2007 and filed (entered) by the clerk April 3, 2007.

Pursuant to Rule 3.2(i), the Clerk's office is required to notify **all** parties when an order is signed by the Court, either by mailing a conformed copy, or by minute entry. In the future, please provide envelopes when submitting an order for the court's signature so that all parties receive a copy of the signed order.