

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-097181

04/15/2015

HON. MARK F. ACETO

CLERK OF THE COURT  
M. Scott  
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS  
ASSOCIATION INC

JAVIER B DELGADO

v.

CHIEMI L BOJORQUEZ, et al.

CHIEMI L BOJORQUEZ  
23229 W. KIMBERLY DRIVE  
BUCKEYE AZ 85326-8618

ARTHUR BOJORQUEZ  
23229 W. KIMBERLY  
BUCKEYE AZ 85326-8618  
DAVINA DANA BRESSLER  
COUNTY COLLECTION UNIT  
301 W. JEFFERSON  
SUITE 960  
PHOENIX AZ 85003

MINUTE ENTRY

On February 25, 2015, the Maricopa County Finance Department, Collections Unit (“applicant”) filed an “Application for Excess Proceeds”. If there are any excess proceeds remaining after sale of the subject property, applicant may very well be entitled to recover the amount it seeks from said excess proceeds. That said, the court makes note of the following:

- The only legal authority cited by applicant is A.R.S. §33-812.
- §33-812 applies when (1) a trustee’s sale has been conducted; (2) after the costs of sale and the obligations secured by the trust deed are paid, excess proceeds remain; (3) the trustee has deposited the excess proceeds with the county

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treasurer; and (4) the trustee commences a civil action in Superior Court naming the county treasurer as defendant.

The court further makes note of the following:

- The plaintiff in this case is not seeking an order authorizing a trustee's sale. Rather, the plaintiff in this case is seeking an order authorizing a sheriff's sale.
- Applicant has presented no evidence that the subject property has been sold in a trustee's sale.
- Applicant has presented no evidence that excess proceeds were yielded by a trustee's sale.
- There is no indication that any such excess proceeds were deposited with the county treasurer.
- A civil action as discussed in §33-812 (D) has not been initiated under this case number.
- Applicant has not yet provided any legal authority establishing that §33-812 applies under the circumstances presented.

Under the circumstances,

**IT IS ORDERED** denying the above-identified "Application for Excess Proceeds".