

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-090274

03/27/2018

COMMISSIONER MARGARET BENNY

CLERK OF THE COURT

J. L. Johnson

Deputy

DESERT GARDEN HOMEOWNERS
ASSOCIATION INC

MARK W WALDRON

v.

M W HOMES L L C, et al.

DENNIS J WORTMAN

2005 RESIDENTIAL TRUST 3-2

ERIC L COOK

BANK OF AMERICA NATIONAL
ASSOC

NO ADDRESS ON RECORD

PACIFIC WESTERN BANK

NO ADDRESS ON RECORD

TERRY HARBECK

NO ADDRESS ON RECORD

ARROWHEAD LAKES HOMEOWNERS
ASSOCIATION INC

NO ADDRESS ON RECORD

CITY OF PHOENIX

NO ADDRESS ON RECORD

MORTGAGE ELECTTRONIC

REGISTRATION SYSTEMS INC

NO ADDRESS ON RECORD

MINUTE ENTRY

Courtroom 303 – SEA

SUPERIOR COURT OF ARIZONA
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11:09 a.m. This is the time set for Oral Argument regarding Defendant M.W. Homes, LLC's Motion to Release Excess Funds Pursuant to A.R.S. § 12-1562 and 2005 Residential Trust 3-2's Motion to Intervene as Defendant. Counsel Dennis Wortman is present on behalf of Defendant M.W. Homes, LLC. Counsel Eric Cook is present on behalf of Intervenor 2005 Residential Trust 3-2.

A record of the proceedings is made digitally in lieu of a court reporter.

Mr. Cook and Mr. Wortman address the Court regarding their respective Motions.

Mr. Wortman advises the Court that he was not provided with a copy 2005 Residential Trust 3-2's Motion to Intervene.

Mr. Cook is advised that the Motion to Intervene will be denied if it is not served to all parties.

LET THE RECORD REFLECT that Mr. Wortman is provided with a copy of the Motion to Intervene this date.

IT IS ORDERED that Defendant M.W. Homes shall provide Mr. Cook with its bankruptcy case number within one week of today's hearing.

IT IS ORDERED granting Counsel time to brief these motions.

IT IS ORDERED that Counsel file their respective responses by **April 17, 2018**. Replies shall be due **April 27, 2018**.

IT IS ORDERED continuing the Oral Argument to **May 4, 2018 at 9:00 a.m.** in this division, Maricopa County Superior Court, Southeast Facility, Courtroom 303, 222 E. Javelina Ave., Mesa AZ 85210.

IT IS FURTHER ORDERED that Counsel from Maxwell and Morgan be present at the next hearing.

IT IS ORDERED that the Clerk of the Court shall continue to hold the excess funds.

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11:42 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/index.asp>

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. All parties requesting to purchase a copy of a CD of a hearing in a courtroom are directed to call **602-506-7100 (leave details on voice mail)** or **email** your request to: ers@superiorcourt.maricopa.gov