

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-010957

04/15/2020

HONORABLE DAVID W. GARBARINO

CLERK OF THE COURT
D. Henderson
Deputy

CROSS RIVER HOMEOWNERS
ASSOCIATION

CHANDLER W TRAVIS

v.

YOUNG SIN KIM, et al.

C ADAM BUCK

COMM. GARBARINO

MINUTE ENTRY

Courtroom: ECB 813.

11:02 a.m. This is the time set for a Telephonic Oral Argument. Plaintiff, Cross River Homeowners Association, is represented by counsel, Chandler Travis, who appears telephonically. Defendants, Young Sin Kim and Bun Hee Kim (collectively, the "Defendants"), are represented by counsel, C. Adam Buck, who appears telephonically.

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

Argument is held regarding Defendants' Motion for Relief from Judgment.

Based on the matters presented,

IT IS ORDERED scheduling an Order to Show Cause Return Hearing (fifteen minutes) on **May 8, 2020 at 9:00 a.m.** at which time third-party Maricopoly L.L.C. ("Maricopoly") shall appear in this division and show cause why the Judgment and Decree of Foreclosure relating to the property located at 12034 W. Morning Dove Drive, Sun City, Arizona 85373 (the "Property"), entered against Defendants on November 21, 2018, should not be set aside for lack

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of service on Defendants. The Property was the subject of a sheriff's sale held on July 11, 2019, at which Maricopoly was the prevailing bidder and purchaser. The purpose of the Return Hearing will be to allow Maricopoly to participate in the litigation of Defendants' Motion for Relief from Judgment, and determine whether further briefing and/or discovery is appropriate to allow Maricopoly an opportunity to defend its interests in the Property.

IT IS FURTHER ORDERED that the parties may appear telephonically for the above scheduled event. **The parties are directed to contact this division at least five minutes prior to the hearing using either the Court's bridge line (602-506-9695, participant code 366920#) or the Court's direct line (602-372-2403).** The call should be placed from a telephone in an area with no background noise as this will prevent the parties from hearing the proceedings in the courtroom.

IT IS FURTHER ORDERED that Defendants shall cause this minute entry and a copy of Defendants' Motion for Relief from Judgment and all subsequent briefing thereof to be served upon Maricopoly within five calendar days of the filing date of the minute entry as required by Arizona Rule of Civil Procedure 4.1.

IT IS FURTHER ORDERED setting an Evidentiary Hearing on **May 29, 2020 at 9:00 a.m.** (1 ½ hours, allotted) in this Division:

Maricopa County Superior Court
East Court Building
101 W. Jefferson
Courtroom 813
Phoenix, AZ 85003

The Court anticipates that the evidentiary hearing will be limited to facts relevant to whether Defendants "actually resided" at the Property as the time of service. *See Bowen v. Graham*, 140 Ariz. 593, 597, 684 P.2d 165, 169 (App. 1984) ("We agree that constitutional due process notice requires that substituted service at the defendant's 'usual place of abode' must be at the place where the defendant normally actually resides so that service will be 'substantially ... likely to bring home notice' to the party affected." (Quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315, 70 S.Ct. 652, 658, 94 L.Ed. 865, 874 (1950))).

IT IS FURTHER ORDERED appointing a Korean interpreter from Court Interpretation and Translation Services to the case to assist Young Sin Kim and Bun Hee Kim with all proceedings. The next scheduled proceeding is set on **May 29, 2020 at 9:00 a.m.**

11:44 p.m. Matter concludes.

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