

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-014672

06/09/2003

HON. GARY E. DONAHOE

CLERK OF THE COURT
D. Fitzpatrick
Deputy

FILED: 06/16/2003

LANDINGS HOMEOWNERS ASSOCIATION

ALLISON B MURRAY

v.

BRIAN K MOORE, et al.

CHARLES L FIRESTEIN

ORAL ARGUMENT SET

Pending before the Court is Plaintiff's "Motion for Summary Judgment." The Court has considered the pleadings. Oral argument is requested. Because the pleadings are so comprehensive and the issue so narrow, the Court does not believe oral argument will assist the Court in resolving the issue. However, if any party wishes oral argument after reviewing this minute entry, that party or its attorney should, within ten days of the "filed" date on this minute entry, arrange and initiate a conference call with all other counsel to this Court's Judicial Assistant (Jennine, 602-506-3712) to schedule a mutually convenient time for oral argument.

Because Defendant admits that he owes some amount of assessments, but disputes the amount actually owed,

IT IS HEREBY ORDERED granting, in part, Plaintiff's "Motion for Summary Judgment" and finding that (1) Defendant Moore is delinquent in paying some portion of his assessments, (2) the Association has a right to a Judgment and Decree of Foreclosure once the amount is established, and (3) the Association has a right to a deficiency judgment against Defendant Moore personally should the property be sold at a foreclosure sale.

IT IS FURTHER ORDERED setting an evidentiary hearing before this Court at 101 W. Jefferson, Courtroom 412, Phoenix, Arizona on **July 18, 2003 at 1:30 p.m.** for the purpose of establishing the amount of the delinquency. (Time limit: 2 hours.)

Judge Thomas Dunevant will be taking this calendar in mid-June, 2003, so he will hear this case.

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The proceeding will take place in the Superior Court's new "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$20.00 charge. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address and telephone number. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.