

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-022029

06/09/2008

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
S. Brown
Deputy

NORTH CANYON RANCH OWNERS
ASSOCIATION

MARK E LINES

v.

THOMAS L COLVIN

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3805 W CAMINO DEL RIO
GLENDALE AZ 85310

MINUTE ENTRY

The Court has considered Plaintiff's proposed form of Judgment lodged May 14, 2008. The Court finds and rules as follows.

There are two issues with the proposed form of Order. Paragraphs 2 and 3 refer to the Association's lien as a first lien. While paragraph 2 suggests that it is a first lien only vis-a-vis these Defendants, it could be read as subordinating the rights of existing lienholders, if there are any. The word "first" must be deleted (in fact, it does not appear in the Complaint). Paragraph 6 directs the Sheriff to sell, not only the real property and fixtures, but "any and all personal property." Even if this is taken to include only personal property present at the place of sale – i.e., not removed by Defendant – it goes beyond what was sought in either the Complaint or the Motion for Summary Judgment.

Therefore, IT IS ORDERED denying Plaintiff's proposed form of Judgment and Decree On Foreclosure and Order Of Sale without prejudice, and filing same unsigned.

FILED: Judgment unsigned