

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-054659

06/10/2016

COMMISSIONER BRIAN S. REES

CLERK OF THE COURT
A. Wood
Deputy

FIRST AMERICAN TITLE INSURANCE
COMPANY

JAMIN S NEIL

v.

MARICOPA COUNTY TREASURERS OFFICE

MARC S GLADNER
JON R HULTGREN
LEONARD J MCDONALD
NIKITA VERMA PATEL
J ROGER WOOD
MARICOPA COUNTY TREASURER

MINUTE ENTRY

Courtroom 105-NE

11:20 a.m. This is the time set for hearing on four pending applications for Release of Excess Proceeds. Appearing telephonically, Counsel Jamin Neil on behalf of Plaintiff First American Title Insurance Company, Counsel Marc Gladner on behalf of Claimant Government Employees Insurance Company, Counsel Nikita Patel on behalf of Claimant Crimson Crossing Homeowners Association, and Counsel James Wood on behalf of Trustor Michael Denofre. Counsel Jon Hultgren appearing on behalf of Claimant Ishpeming Community Federal Credit Union. Counsel Leonard McDonald appearing on behalf of Claimant USAA Federal Savings Bank.

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

Discussion is held.

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THE COURT FINDS that on agreement of the parties, there is a sufficient fund of money remaining to pay all of the claims and return some money back to the Trustor (former owner) Denofre. The priority of claims, therefore, is not relevant.

Without objection the Court determined that 45 days has passed since the last date of mailing of all of the existing claims. Therefore, Denofre has waived any objections to the existing claims. Accordingly,

IT IS ORDERED awarding Judgments to GEICO, USAA and Ishpeming as requested. They make no claims for attorney's fees.

The Court has a form of Judgment for Ishpeming and issues that Judgment. The Court notes that it is still awaiting forms of Judgment from USAA and GEICO.

As to the Crimson claim, there are assessments being made that may be disputed. Likewise, the attorney fees claim is not yet final. In this regard the Trustor and the HOA will confer and a Judgment will be submitted accordingly. In the alternative, the Court will accept further pleadings or argument as necessary.

As to the claim for the residual to the Trustor, the Court will waive the mailing requirement and accept a simple application and form of order, once the final amount has been determined.

THE COURT FINDS that it has been 180 days from the date that the Complaint in this matter was filed; that proper notice has been given to all interested parties; that no objections have been made; and good cause appearing,

IT IS FURTHER ORDERED granting the Application for Release of Excess Proceeds, all in accordance with the formal written Order for Release of Excess Proceeds to be submitted to the Court for review within 10 days.

11:38 a.m. Matter concludes.