

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-015308

07/26/2006

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
W. Yank
Deputy

FILED: 07/31/2006

NORTH CANYON RANCH OWNERS
ASSOCIATION

AUGUSTUS H SHAW IV

v.

RENEE A BERRY, et al.

RENEE A BERRY
4005 W AVENIDA DEL SOL
GLENDALE AZ 85310

LEADER MORTGAGE COMPANY,
THE
C T CORPORATION SYSTEM, STATUT
3225 N CENTRAL AVE
PHOENIX AZ 85012
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
ATTN: SINGLE FAMILY NOTES BRAN
451 SEVENTH ST, SW
WASHINGTON DC 20410

MINUTE ENTRY

The court has received Defendant Renee Berry's Motion to Dismiss and Plaintiff's Response. No reply has been received within the time permitted. No oral argument has been requested.

IT IS ORDERED DENYING Defendant Renee Berry's Motion to Dismiss.

Of all the issues attempted to be raised in the motion, the one issue that is not clear is Plaintiff's status as a corporation or not. The caption of the complaint indicated that Plaintiff is an Arizona non-profit corporation. Paragraph two of the complaint alleges that, Plaintiff is a

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non-profit corporation and a homeowner's association. Defendant argues that Plaintiff is no longer a corporation. Plaintiff's response argues that Plaintiff's status is not relevant.

While Plaintiff's status is not relevant to whether Defendant is indebted, it is relevant as to who is the proper party.

IT IS FURTHER ORDERED DIRECTING Plaintiff to file a motion to amend caption and complaint to reflect the actual status of the Plaintiff. Plaintiff shall file the motion to amend within twenty (20) days of this minute entry. If no motion to amend is filed, the complaint shall be dismissed.