

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-014991

07/03/2018

COMMISSIONER LINDSAY P. ABRAMSON

CLERK OF THE COURT
B. Lopez-Mori
Deputy

CHRISTINA HARPER

CHRISTINA M HARPER

v.

MARICOPA COUNTY TREASURER, et al.

MARICOPA COUNTY TREASURER
NO ADDRESS ON RECORD

STATE OF ARIZONA
NO ADDRESS ON RECORD
W WILLIAM NIKOLAUS
MICHAEL J ZDANCEWICZ
COMM. ABRAMSON

MINUTE ENTRY

The Court has received and reviewed the Memorandum submitted by the attorneys for Ronald and Maureen Van Hess. The memorandum states that “the agreement between Applicants and Dove Valley should not be of concern to the Court.”

A.R.S. § 33-812 sets forth the process that the Court and applicants must follow in releasing excess proceeds in the State of Arizona. This Court does not see any authority that would allow this Court to permit Dove Valley Ranch Community Association to bypass the statute, the application process, and the mailing requirements of the statute. Although parties in excess proceeds cases may of course stipulate to priority of liens, this can only occur *after* all requirements of the statute have been satisfied.

The mailing list in this case includes Green Tree Servicing LLC, as well as the current occupant of 4425 E. Smokehouse Trail, so there are other potential parties who may have an

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interest in the excess proceeds. As of the date of this minute entry, Dove Valley Ranch Community Association has not filed an actual Application for Release of Excess Proceeds, nor has Dove Valley Ranch Community Association filed the affidavit of mailing required by A.R.S. §33-812 (G). Dove Valley Ranch Community Association is not currently a party in this case, and so the Court cannot release funds to Dove Valley.

Therefore,

IT IS ORDERED DENYING the Stipulation for Entry of Order for Release of Excess Proceeds.