

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-093715

08/24/2007

COMMISSIONER VIRGINIA L. RICHTER

CLERK OF THE COURT
L. Gauna
Deputy

VILLAS EAST FIVE ASSOCIATION INC

CHARLES E MAXWELL

v.

JOSE LUIS ESTRADA, et al.

JOSE LUIS ESTRADA
NO ADDRESS ON RECORD

ARIZONA FEDERAL CREDIT UNION
333 N 44TH ST
PHOENIX AZ 85008
FUTURE MANAGEMENT L L C
NO ADDRESS ON RECORD
AG-CHILD SUPPORT-EAST VALLEY
OFFICE

MINUTE ENTRY

This matter having been under advisement, the Court now enters its ruling,

On April 10, 2006 Plaintiff obtained a judgment for unpaid assessments, which was secured by a lien against the property located at 444 E. Pueblo Avenue, Phoenix Arizona. The judgment declared that the lien was foreclosed and directed that the property be sold at public auction, subject to a six month redemption period. On April 28, 2006 the property was sold at a trustee's sale, which extinguished Plaintiff's lien. Plaintiff, as a subordinate lien holder had been provided notice of that sale. The trustee's deed conveying the property to the purchaser was recorded on May 3, 2006. Intervener Action Acquisitions was the high bidder at the sheriff's sale held on June 1, 2006, pursuant to Plaintiff's writ of special execution. Plaintiff received \$18,608.17 of the bid paid by Intervener and the remainder has been held as excess proceeds.

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After the expiration of the six month redemption period Intervener was issued a sheriff's deed and discovered that the property had been previously sold, on April 28, 2006.

It is undisputed that Plaintiff's lien had been extinguished by the April 26, 2006 trustee's sale and that at the time of the Sheriff's sale on June 1, 2006 Plaintiff held no lien upon which execution could issue. All subsequent proceedings, including execution, are null and void.

IT IS THEREFORE ORDERED Intervener is entitled to the return of all monies paid.