

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-007971

10/20/2004

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
L. Muhammad
Deputy

FILED: 10/21/2004

CAPITAL TITLE AGENCY INC

EARL E BERG

v.

MARICOPA COUNTY TREASURER

DERYCK R LAVELLE

THE M.P.R. HOMEOWNERS ASSOC.
3820 E RAY RD, SUITE 28
PHOENIX AZ 85044

DALE HUIH
1891 W APACHE TRAIL
APACHE JUNCTION AZ 85220

GRACE A LANGE TRUST
15811 N. 5TH DRIVE
PHOENIX AZ 85023

RANDE A LEONARD
KATHERYN A LEONARD
2740 E VERBENA DRIVE
PHOENIX AZ 85048

KRISTEN L ROSENBECK

BETH MULCAHY

MARK J WENKER

MARICOPA COUNTY TREASURER

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MINUTE ENTRY

IN CHAMBERS

8:30 a.m. This is the time for hearing competing claims of I.R.S. and Homeowners Association to excess proceeds. Counsel for Homeowners Association never got notice of this hearing, but was telephoned on October 18, 2004 by the court's staff and is appearing today.

Present on conference telephone are Kristen L. Rosenbeck on behalf of defendant Homeowners Association; and Mark J. Wenker on behalf of defendant I.R.S. All other counsel waive their appearances.

Court reporter: Judie Bryant.

After oral argument and for reasons fully set forth on the record,

IT IS ORDERED granting the application of the I.R.S., finding it in first priority position in this matter and superior to the Homeowner's Association.

IT IS ORDERED that the United States' Application for Excess Proceeds is granted; IT IS FURTHER ORDERED that the Maricopa County Treasurer's office shall issue a check payable to the United States of America in the amount of \$25,613.24 upon submission of this order; the Maricopa County Treasurer's office may deduct its \$30.00 processing fee from the amount of the check, all in accordance with the formal written order of distribution of excess proceeds from trustee's sale pursuant to A.R.S. § 33-812 signed by the court and filed (entered) by the clerk October 20, 2004.

Matter in chambers concludes.