

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-015508

10/05/2005

COMMISSIONER PHEMONIA L. MILLER

CLERK OF THE COURT  
P. Valenzuela  
Deputy

FILED: 10/06/2005

AUGUSTA RANCH COMMUNITY MASTER  
ASSOCIATION

CHARLES E MAXWELL

v.

GARY L CHRISTIAN, et al.

MINUTE ENTRY

The Court has had under advisement the Motion and Affidavit for Entry of Judgment by Default, filed by Charles Maxwell, attorneys for Plaintiff.

Based upon the testimony of counsel, and the pleadings filed,

The Court finds that Defendants Gary L. Christian was personally served with a copy of the Summons and Complaint on August 21, 2004, and failed to answer said Complaint;

That Conseco Finance Servicing was personally served a copy of the Summons and Complaint on August 23, 2004, and failed to answer said Complaint;

That Terry Goddard, Arizona Attorney General, was personally served with a copy of the Summons and Complaint on August 16, 2004, and failed to answer said Complaint;

That the Application for Entry of Default was mailed to Defendants Gary L. Christian, Conseco Finance Servicing and Terry Goddard on September 14, 2004, and Defendants failed to respond to said Application. Therefore,

IT IS ORDERED granting judgment against Defendants Gary L. Christian, Conseco Finance Servicing and Terry Goddard, Arizona Attorney General, in favor of Plaintiff. Mr. Maxwell shall lodge a form of judgment for the Court's signature.

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Division staff review: **October 26, 2005**

The Court finds that Plaintiff has not exercised due diligence in attempting to locate Defendants Richard Lauer and Sharon Lauer. According to Plaintiff's Affidavit of Due Diligence, the process server tried to serve the Defendants at 1543 NW Midlake Lane, Beaverton, Oregon, but learned that the Defendants no longer lived at that address. It was noted in the Affidavit of Due Diligence that the Defendants' daughter manages the complex. However, no efforts were made to question the daughter about the whereabouts of the Defendants. No other attempts were made to locate the Defendants in Oregon.

The Court further finds that Plaintiff has not exercised due diligence in attempting to locate Martha Kleykamp. According to Plaintiff's Affidavit of Service (Exhibit A), the process server tried to serve the Defendant at 6468 S. 26 Street, Phoenix, Arizona, and learned on two occasions that Defendant moved to California. No attempts were made to locate the Defendant in California. Therefore,

IT IS ORDERED resetting the hearing on Plaintiff's Motion for Judgment by Default as it relates to Richard Lauer and Sharon Lauer and Martha Kleykamp on **November 17, 2005 at 1:30 p.m.**

IT IS FURTHER ORDERED that Plaintiff shall attempt to locate and personally serve Richard Lauer and Sharon Lauer in Oregon and Martha Kleykamp in California. If the Plaintiff is unable to personally serve the Defendants, Plaintiff shall file an Amended Affidavit of Due Diligence stating the efforts made to locate the Defendants.