

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-006132

10/01/2008

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT  
D. Whitford  
Deputy

LANDINGS HOMEOWNERS ASSOCIATION

CHANDLER W TRAVIS

v.

WAYNE Y TSUCHIMOTO

WAYNE Y TSUCHIMOTO  
NO ADDRESS ON RECORD

**RULING**

The Court received Motion for Substitution of Counsel filed September 24, 2008. This case was dismissed without prejudice on September 16, 2008, for failure to timely serve defendant (See attached minute entry of 9/16/08.) Therefore, the Court denies Motion for Substitution of Counsel as moot.

**LET THE RECORD REFLECT** that the attached Minute Entry dated September 16, 2008 is as follows:

**RULING  
CASE DISMISSED**

The Court has considered the Plaintiff's Motion to Extend Time for Service, pursuant to ARCP Rule 4 (i), filed September 5, 2008. The Court finds that the plaintiff has not demonstrated the exercise of due diligence in trying to secure service on the defendant.

On June 27, 2008, Plaintiff filed his first Motion to Extend Time for Service. The Court then ordered that service be extended until August 30, 2008. In the June 27, 2008 Motion, Plaintiff said that a private investigator had been hired and Plaintiff needed an extension of time to serve defendant at a different address. In the Plaintiff's September 5, 2008 Motion, he claims that he

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must serve defendant Tsuchimoto by publication. No explanation of efforts made and findings discovered by the private investigator have been made to the Court. The Court finds that, without more, these statements are not good cause to extend the time for service. IT IS ORDERED DENYING PLAINTIFF'S UNTIMELY (filed September 5, 2008, deadline for service was August 30, 2008) MOTION TO EXTEND TIME FOR SERVICE AND DISMISSING THE COMPLAINT AGAINST DEFENDANT WAYNE Y. TSUCHIMOTO WITHOUT PREJUDICE.