

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-001993

10/19/2016

COMMISSIONER MICHAEL L. BARTH

CLERK OF THE COURT
A. Aycock
Deputy

QUALITY LOAN SERVICE CORP

KRISTIN E MCDONALD

v.

MARICOPA COUNTY TREASURER

RONALD M HORWITZ
CHARLES B SELLERS
MARK A WINSOR

MINUTE ENTRY

Courtroom: ECB 812.

10:24 a.m. This is the time set for Status Conference. Counsel, Janessa Koenig, appears telephonically on behalf of Applicant, Wells Fargo Bank, NA. Counsel, Matthew Palfreyman, appears telephonically on behalf of Applicant, TruEquity, LLC. Counsel, Charles Sellers, appears telephonically on behalf of Applicant, Recreation Center of Sun City, Inc. Counsel, Chad Gallagher, appears telephonically on behalf of Applicant, Sun City Home Owners Association.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding priority. Counsel indicates the parties have reached a stipulation regarding priority as follows: Wells Fargo Bank, NA has first priority, Recreation Center of Sun City, Inc. has second priority, Sun City Home Owners Association has third priority, and TruEquity, LLC is entitled to the remaining balance of the funds.

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LET THE RECORD REFLECT the 180 days from the filing date of the Complaint has run.

LET THE RECORD FURTHER REFLECT Wells Fargo Bank, NA, Recreation Center of Sun City, Inc., and TruEquity, LLC have lodged Orders. Wells Fargo Bank, NA and TruEquity, LLC's Orders are consistent with the stipulation reached as to the amounts reflected on the record.

The Court will grant Wells Fargo Bank, NA and TruEquity, LLC's Orders upon compliance with A.R.S. § 33-812(G).

The Applicants state no objection to the proposed forms of Order.

Counsel for Wells Fargo Bank, NA waives the notice requirements of A.R.S. § 33-812(G) as to Recreation Center of Sun City, Inc.'s Affidavit of Mailing.

IT IS ORDERED excusing Recreation Center of Sun City, Inc. from the mailing requirements of A.R.S. § 33-812(G) to Trustee for reasons stated on the record.

IT IS FURTHER ORDERED, however, rejecting Recreation Center of Sun City, Inc.'s Order as premature due to lack of service on Trustee as required by Arizona Rules of Civil Procedure. Recreation Center of Sun City, Inc. may lodge a new Order and shall serve same on counsel for Trustee in accordance with Rules of Civil Procedure.

10:39 a.m. Matter concludes.

LATER:

In view of the foregoing,

THE COURT FINDS that it has been 180 days from the date that the Complaint in this matter was filed; that proper notice has been given to all interested parties; that no objections have been made; and good cause appearing,

IT IS ORDERED granting Claimant Wells Fargo Bank, N.A.'s Application for Release of Excess Proceeds, all in accordance with the formal written Order for Release of Excess Proceeds signed by the Court on October 19, 2016 and filed (entered) by the clerk on October 19, 2016.

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IT IS FURTHER ORDERED granting Claimant TruEquity, LLC's Application for Release of Excess Proceeds, all in accordance with the formal written Order for Release of Excess Proceeds signed by the Court on October 19, 2016 and filed (entered) by the clerk on October 19, 2016.

The Court notes that Recreation Center of Sun City, Inc. is in compliance with A.R.S. § 33-812(G).