

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-018801

11/15/2011

HONORABLE HUGH HEGYI

CLERK OF THE COURT
K. Ballard
Deputy

SCHAUMBURG BANK & TRUST COMPANY
N A

ANTHONY CALI

v.

ARCITERRA NOTE FUND I I INVESTMENT
COMPANY L L C, et al.

JIMMIE W PURSELL JR.

GRAYHAWK COMMUNITY
ASSOCIATION
C/O CAPITAL CONSULTANTS MGMT
8360 E VIA DE VENTURA STE L-100
SCOTTSDALE AZ 85258
RETREAT VILLAGE ASSOCIATION
AT GRAYHAWK, THE
C/O CAPITAL CONSULTANTS MGMT
8360 E VIA DE VENTURA STE L-100
SCOTTSDALE AZ 85258
DOCKET-CIVIL-CCC

HEARING

Courtroom: ECB-611

9:21 a.m. This is the time set for Order to Show Cause Return Hearing regarding Plaintiff's October 19, 2011 Application for Appointment of Receiver. Plaintiff Schaumburg Bank & Trust Company, N.A. is represented by Counsel Scott A. Klundt and Anthony P. Cali. With Messrs. Klundt and Cali is Tim Huff, a representative of the proposed Receiver, Case, Huff & Associates, Inc. Defendants Arciterra Note Fund II Investment Company, LLC, Arciterra

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DPF Letourneau, LLC, and Arciterra Realty, LLC are represented (telephonically) by Counsel Jimmie W. Pursell, Jr. No other party is present or represented.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Plaintiff's counsel advises the Court that the parties have reached an agreement with regard to the appointment of a receiver with the appearing Defendants. With regard to the remaining Defendants, Grayhawk Community Association and The Retreat Village Association at Grayhawk, counsel indicates that they are finalizing a judgment with those Defendants and have been advised that they also do not oppose the appointment of a receiver in this matter.

Affidavits of service with regard to the Grayhawk Defendants are provided to the Court for review. As it appears the documents were filed at the night depository and have not yet appeared in the Docket,

IT IS ORDERED directing the courtroom clerk to file the copies of the Affidavits of Service in this matter.

FILED: Affidavits of Service (2)

Plaintiff requests to proceed with today's hearing by default with respect to the Grayhawk Defendants based on their failure to appear today.

IT IS ORDERED granting that request.

On the parties' agreement,

IT IS FURTHER ORDERED approving and settling the formal written Order Appointing Receiver (appointing Case, Huff & Associates, Inc.) signed by the Court on November 15, 2011 and filed (entered) by the clerk on November 15, 2011.

9:37 a.m. Matter concludes.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.