

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-012062

11/18/2011

HONORABLE DEAN M. FINK

CLERK OF THE COURT
S. Brown
Deputy

WELLS FARGO BANK N A

CHRISTOPHER H BAYLEY
BENJAMIN REEVES

v.

F 6 HOMES L L C, et al.

CORTESSA COMMUNITY
ASSOCIATION
ATT: PERI SWNSON
6303 SOUTH RURAL ROAD
TEMPE AZ 85283
JOSHUA M BOLEN
CHRISTOPHER L CALLAHAN
VAL VISTA CLASSIC COMMUNITY
ASSOCIATION
ATT: SILVA TETROASHVILI
1600 W BROADWAY RD, SUITE 200
TEMPE AZ 85282
VAL VISTA CLASSIC PARCEL 1
CONDOMINIUM ASSOCIATION
ATT: SILVA TETROASHVILI
1600 W BROADWAY RD, SUITE 200
TEMPE AZ 85282
VAL VISTA CLASSIC PARCEL 2
CONDOMINIUM ASSOCIATION
ATT: SILVA TETROASHVILI
1600 W BROADWAY RD, SUITE 200
TEMPE AZ 85282
VAL VISTA CLASSIC PARCEL 3
CONDOMINIUM ASSOCIATION
ATT: SILVA TETROASHVILI

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1600 W BROADWAY RD, SUITE 200
TEMPE AZ 85282
SEAN K MCELENNEY
POWER RANCH NEIGHBORHOOD 9
CONDOMINIUM ASSOCIATION
ATT: PAULA KENNEDY
1600 W BROADWAY RD, SUITE 200
TEMPE AZ 85282
QUENTIN T PHILLIPS
LARRY K UDALL
THOMAS E LORDAN
KYLE WESTFALL HALLSTROM
LORI A LEWIS
MARICOPA COUNTY CLERK OF
BOARD
ATT: FRAN MCCARROLL
301 W JEFFERSON, 10TH FLOOR
PHOENIX AZ 85003
CITY OF PEORIA MUNICIPAL
COMPLEX
ATT: CITY CLERK
8401 W MONROE STREET
PEORIA AZ 85345
BUCKEYE MAGISTRATE COURT
ATT: CITY CLERK
530 E MONROE AVENUE
BUCKEYE AZ 85326
SURPRISE CITY COURT
ATT: CITY CLERK
16000 N CIVIC CENTER PLAZA
SURPRISE AZ 85374

HEARING SET

OCH Courtroom 202

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9:20 a.m. This is the time set for hearing on the Receiver's Motion for Order to Authorize Receiver to Sell Property of Receivership Estate and the objections filed thereto. Plaintiff Wells Fargo Bank is represented by counsel, Benjamin Reeves. Receiver, Ron Groeneveld is present and represented by counsel, Sean McElenney. Intervenor, The Town of Gilbert is represented by counsel, Larry Udall. Blandford Homes, LLC is represented by counsel, Thomas Lordan with party-representative Grant Helgeson. Tartesso Community Association is represented by counsel, Kyle Hallstrom. The Maricopa County Treasurer is represented by counsel, Lori Lewis.

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

The Court notes the Receiver's Motion for Order Directing Filing of Confidential Business Records Under Seal is waiting for the Response time to run before a ruling can be issued.

With respect to The Town of Gilbert's Application to Permit Intervention, there being no objections,

IT IS ORDERED granting The Town of Gilbert's Application to Permit Intervention in accordance with the Order Permitting Intervention signed by the Court November 18, 2011 and filed (entered) by the clerk November 18, 2011.

Discussion is held regarding the revised red-lined Order Authorizing Receiver to Sell Property of Receivership Estate submitted to the Court this date.

Counsel for Maricopa County and Tartesso Community Association state they have no objection to the revised order but reserve their right to review any further changes made to the Order.

Argument is presented on the objections to the Receiver's Motion filed by The Town of Gilbert and Blandford Homes.

Ron Groeneveld is sworn and testifies.

Receiver's exhibits 1 and 2 are marked for identification and received in evidence.

IT IS ORDERED sealing exhibits 1 and 2 not to be opened without further order of the Court.

10:12 a.m. Court stands at recess.

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10:25 a.m. Court reconvenes with the parties and respective counsel present.

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Grant Helgeson is sworn and testifies.

Blandford Homes' exhibits 3 and 4 are marked for identification and received in evidence.

Closing statements are presented.

With respect to the lack of standing objection by the Receiver and Wells Fargo Bank,

IT IS ORDERED overruling the objection.

For the reasons stated on the record,

IT IS ORDERED overruling Blandford Home LLC's objection to the Receiver's Motion.

Discussion is held on The Town of Gilbert's request for additional time to review the revised order.

Counsel for the Receiver is instructed to submit a new order for the Court's approval that includes the approved changes for the non-Gilbert properties.

Counsel for The Town of Gilbert is instructed to submit the order pertaining to the Gilbert properties with any proposed changes by December 2, 2011. To the extent changes are required other than what is in the current order, The Town of Gilbert is responsible for providing the necessary notice and obtaining either signatures or objections from all other parties who have already agreed to the revised order. Counsel shall make the effort to contact other counsel personally in order to expedite the review of any changes.

IT IS FURTHER ORDERED setting a hearing on **December 5, 2011 at 3:00 p.m.** for the purpose of resolving any issues regarding proposed language in the order for the properties in Gilbert. If counsel reach an agreement as to the order, they may request to vacate the hearing. Counsel are requested to make sure all interested parties receive notice of the hearing.

11:09 a.m. Matter concludes.

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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.