

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-096851

11/05/2015

COMMISSIONER MARGARET BENNY

CLERK OF THE COURT
T. Haaser
Deputy

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION

MARK W WALDRON

v.

JORGE A RUIZ, et al.

ERIN SELENE IUNGERICH

GREGORY W SEIBT
DW SMALL
OPUS EQUITY FUND LLC
PO BOX 8471
SCOTTSDALE AZ 85252

MINUTE ENTRY

The Court has received General Mills Federal Credit Union's Motion to Intervene; and Joinder in Plaintiff Tapestry on Central Condo. Assoc.'s Objection to Petition for Release of Excess Funds. The Credit Union objects to Defendant Jorge Ruiz's Peition for Release of Excess Funds from Sheriff's Sale based upon its superior interest in the funds.

THE COURT FINDS that General Mills Federal Credit Union ("General Mills FCU") does not need to intervene as it is already a defendant in this action. General Mills FCU stipulated to judgment against it on August 2, 2014 in favor of Plaintiff Tapestry on Central agreeing that its interests in the subject real property were subordinate to those of the Plaintiff. The order based upon the stipulation was signed on August 5, 2014.

IT IS ORDERED that Defendant General Mills Federal Credit Union may join Plaintiff's Objection to Petition for Release of Excess Funds if it chooses; *however*, the Court

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does not see an Objection to Petition for Release of Excess Proceeds filed by Plaintiff Tapestry on Central Condominium Association in the court's file.

The Court has become aware of an Objection to Petition for Release of Excess Funds from Sheriff's Sale was filed by DW Small on behalf of Opus Equity Fund, LLC. He alleges that Opus Equity Fund, LLC is the buyer of the property as a result of the Sheriff's Sale. However, Opus Equity Fund, LLC is not a party to this action and has not asked to intervene. Opus Equity has not asked to be substituted as successor-in-interest to Tapestry on Central Condominium Association, nor has it endorsed the judicial officer on its filing as required (plus the endorsement refers to the wrong filing). DW Small is not an attorney and therefore, cannot represent Opus Equity Fund, LLC in superior court proceedings. Limited liability companies cannot appear on their own behalf (in propria persona) nor can a member who is not an attorney represent them in court.

Therefore,

IT IS ORDERED that the Court will not consider the objection filed by Opus Equity Fund, LLC at this time.

IT IS ORDERED permitting General Mills FCU to file its own objection if it chooses.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court.

/ s / COMMISSIONER MARGARET BENNY

JUDICIAL OFFICER OF THE SUPERIOR COURT