

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-054659

11/15/2016

COMMISSIONER BRIAN S. REES

CLERK OF THE COURT
T. Pavia
Deputy

FIRST AMERICAN TITLE INSURANCE
COMPANY

JAMIN S NEIL

v.

MARICOPA COUNTY TREASURERS OFFICE

MARK R ATCHLEY
MARC S GLADNER
JON R HULTGREN
LEONARD J MCDONALD
NIKITA VERMA PATEL
J ROGER WOOD

MINUTE ENTRY

The court has a request for release of excess proceeds from the ex-wife, Brandi Nelson, of the Trustor, Michael Denofre. The court denies the request, without prejudice. The court will hold the file for 75 days to allow for a renewed motion.

ARS § 12-812 does not allow for the distribution of proceeds to any party other than an HOA, those who hold liens against the title at the time of the sale, or the Trustor. In this case, the applicant holds a judgment or order against the Trustor. There is no indication that it was recorded as a lien prior to the sale. Rather, in paragraph 9 of the application the applicant states that she will be making application in the family court case for a writ of execution against the Trustor's interest. The court does not have any information that this has been accomplished. In the alternative, the application, pursuant to an OSC in Family court could seek a judicial

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assignment of the Trustor's interest. In either way, the court cannot move forward on this application without further order of the court.