

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-002282

10/30/2018

HONORABLE LINDSAY P. ABRAMSON

CLERK OF THE COURT
M. Corriveau
Deputy

TERRAMAR HOMEOWNERS ASSOCIATION KATHRYN A BATTOCK

v.

STEVEN R HOUSTON, et al.

COMM. ABRAMSON

MINUTE ENTRY

Courtroom: ECB 812

1:30 p.m. This is the time set for Default Hearing. Plaintiff is represented by counsel, Kathryn A. Battock. Defendant is neither present nor represented by counsel.

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

Kathryn A. Battock is sworn and makes a statement to the Court.

Discussion is held regarding proof of service.

For reasons as stated on the record,

IT IS ORDERED taking this matter under advisement.

1:34 p.m. Matter concludes.

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LATER:

The Court took under advisement Plaintiff's Motion for Default Judgment.

Ariz. R. Civ. P. 4.2 (c) (2) (C) requires that a party serving by mail out of state receive a signed return receipt and attach that to the affidavit. While the Court understands that the lack of return receipt was likely the fault of the United States Postal Service in this case, the Court finds no legal authority that would allow it to grant a default judgment without the signed return receipt. Accordingly,

IT IS ORDERED denying Plaintiff's Request for Default Judgment.