

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-095102

11/01/2024

HONORABLE MARY C. CRONIN

CLERK OF THE COURT
K. Cabral
Deputy

BELLA VITA CONDOMINIUM
HOMEOWNERS ASSOCIATION

JEFFREY B CORBEN

v.

BRUCE E ROSENBERG, et al.

BRUCE E ROSENBERG
585 MOSHER LANE
PRESCOTT AZ 86301

LORRAINE C ROSENBERG
5995 N 78TH ST UNIT 1078
SCOTTSDALE AZ 85250
COMM. CRONIN
JUDGE RYAN-TOUHILL

MINUTE ENTRY

The Court has received and reviewed Defendant's Motion to Set Aside the Default Judgment entered in this matter. No response has been received. Based on the arguments contained in Defendant's Motion and the accompanying exhibits, the Court finds that service was not proper since the person served at the Condominium was not Defendant's wife as represented in the affidavit of service. Lorraine Rosenberg passed away on 10/24/2017. Furthermore, the HOA and their counsel knew that Defendant's permanent address was in Prescott. Defendant had provided the Prescott address to the HOA in 2014 and to the Law Firm in 2017. The Application for Entry of Default was not mailed to the Prescott address. Rather all the pleadings and letters from the HOA were sent to the wrong address in Scottsdale. The Court finds the Defendant has established by clear and convincing evidence that service was not proper and pursuant to Rule 60(b)(4) the Default Judgment is void.

IT IS ORDERED granting Defendant's Motion to Set Aside the Default Judgment.

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IT IS FURTHER OrDERED referring this matter back to the Honorable Jennifer Ryan-Touhill for all further proceedings.