

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-006990

12/19/2012

COMMISSIONER MICHAEL L. BARTH

CLERK OF THE COURT
W. Thompson
Deputy

WINDMILL VILLAGE HOMEOWNERS
ASSOCIATION INC

KELLIE J CALLAHAN

v.

H T LIMITED L L C

DONALD J NEWMAN

MINUTE ENTRY

This Court received Judgment Debtor's Motion for Order to Release Excess Proceeds on December 13, 2012.

A.R.S. §12-1561(A), which Judgment Debtor cites in support of its Motion, does not appear to be on point and does not have a subparagraph (A). This Court assumes Judgment Debtor intended to cite 12-1562(A), which appears to apply to the situation at hand.

However, A.R.S. §12-1562(A) does not authorize this Court to grant the relief requested. "Any excess in the proceeds over the judgment and costs shall be returned" by the Officer executing the general execution "to the judgment debtor unless otherwise directed by an order of the Court."

Judgment Debtor does not assert that the Officer refused to return the excess funds or that an order was issued directing the Officer not to return the excess funds.

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Because the authority for returning said funds lies with the Officer executing the general execution,

IT IS ORDERED denying said Motion.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 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.