

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

TJ 2010-000258

05/08/2013

COMMISSIONER JAMES R. MORROW

CLERK OF THE COURT  
S. Stulz  
Deputy

VILLAS AT TIERRA BUENA HOMEOWNERS ASSOCIATION      CHARLES E MAXWELL

v.

BRET A TEWALT, et al.

DANIELLE K TEWALT  
7372 W SHANGRI CA RD  
PEORIA AZ 85345

MINUTE ENTRY

In conjunction with the April 19, 2013, hearing on Judgment Debtor's garnishment objection, the Court heard argument concerning Judgment Creditor's application for post-judgment fees. Judgment Creditor filed on March 29, 2013, a Motion for Confirmation of Reasonableness of Fees Awarded Pursuant to Judgment (Application) combined with its Response to Request for Hearing. Judgment Debtor requested leave to file a post-argument memorandum concerning the Application, and the Court granted leave and set a deadline of April 26, 2013, for the response. The Court did not receive a response.

Having considered the Application, supporting affidavit, and the arguments presented on April 19, 2013,

THE COURT FINDS that Judgment Creditor is entitled to \$2,570 in post-judgment fees and \$244.65 in costs, for a total of \$2,814.65.

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Judgment Debtor indicated at the garnishment hearing that she was not aware of this lawsuit in the Justice Court. To the extent Judgment Debtor is asserting that the judgment against her is void because she was not properly served with the summons and complaint, that issue would be more properly pursued in the Justice Court that issued the judgment. This Court does not have a motion properly before it with respect to that issue.

As Judgment Debtor was successful in having her objection to the garnishment sustained with respect to Judgment Creditor's calculation of the amount due, Judgment Debtor is entitled to an award of her costs of \$223.00 in filing the Request for Hearing. A.R.S. §§ 12-1598.07(E), 12-341.

IT IS ORDERED granting, in part, the Application.

IT IS FURTHER ORDERED awarding Judgment Creditor post-judgment fees and costs against Bret A. Tewalt and Danielle K. Tewalt in the amount of \$2,814.65, plus accruing interest at the rate of 4.26% from this date until paid.

IT IS FURTHER ORDERED awarding Judgment Debtor Danielle K. Tewalt costs against Villas at Tierra Buena Homeowners Association in the amount of \$223.00, plus accruing interest at the rate of 4.26% from this date until paid.

/ s / COMMISSIONER JAMES R. MORROW

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JUDICIAL OFFICER OF THE SUPERIOR COURT

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.