

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TJ 2013-003854

10/10/2013

COMMISSIONER JAMES R. MORROW

CLERK OF THE COURT
S. Stulz
Deputy

VELDA ROSE ESTATES HOMEOWNERS
ASSOCIATION

CHARLES E MAXWELL

v.

EDITH POGGI

C ADAM BUCK

KATHY COLE
6429 E UNIVERSITY DR, #1
MESA AZ 85205
JAMES HANLEY
6429 E UNIVERSITY DR
2
MESA AZ 85205
NONI JOHNSON
6429 E UNIVERSITY, #3
MESA AZ 85205
EDITH POGGI P L L C
4111 N 54TH ST
CAVE CREEK AZ 85331
COLETTE M THOMPSON
6429 E UNIVERSITY DR
#4
MESA AZ 85205

MINUTE ENTRY

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Judgment Debtor Edith Poggi filed a Motion to Stay Sheriff's Sale in combination with her Rule 60(c) Motion to Set Aside Judgment. A conditional stay was granted (Minute Entries filed September 19 and 20, 2013). Plaintiff filed a Motion Regarding Jurisdiction on September 25, 2013, and the Court has reviewed the response and reply memoranda.

To the extent she wishes to do so, Defendant needs to pursue her motion to set aside the judgment before the court that issued the judgment. Plaintiff relied on *Marquez v. Perez*, 14 Ariz. App. 451, 484 P.2d 220 (1971), to support its argument that "only the court wherein the judgment was rendered may vacate and set it aside in a proper case." Defendant did not distinguish the present situation from that addressed in *Marquez*. Based on the information presented, *Marquez* is controlling.

IT IS ORDERED denying Defendant's Motion to set Aside Judgment filed on September 13, 2013, without prejudice to Defendant raising these arguments before the court that issued the judgment.

IT IS FURTHER ORDERED granting Plaintiff's Motion Regarding Jurisdiction.

IT IS FURTHER ORDERED lifting the stay of the Sheriff's Sale previously ordered in minute entries filed on September 19 and 20, 2013.

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.