

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TJ 2013-003854

11/07/2014

COMMISSIONER JAMES R. MORROW

CLERK OF THE COURT
S. Ortega/W. Thompson
Deputy

VELDA ROSE ESTATES HOMEOWNERS
ASSOCIATION

CHARLES E MAXWELL

v.

EDITH POGGI

EDITH POGGI
4132 N 3RD AVE #2
PHOENIX AZ 85327

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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The parties filed a Stipulation to (1) Vacate All Judgments, Garnishments, Orders and Decrees and (2) to Dismiss with Prejudice (Stipulation) on October 17, 2014.¹

This matter is before this Court as a transcript of a judgment rendered by another court. This Court's authority concerning the judgment rendered by another court is limited. For example, although the superior court may strike off a transcribed judgment when it shows on its face that it is void for want of jurisdiction, *Field Enterprises Educational Corp. v. Golatt*, 199 Pa.Super. 422, 185 A.2d 666 (1962), it has no jurisdiction to do so when the judgment is valid on the face of the record, and only the court wherein the judgment was rendered may vacate and set it aside in a proper case. *Howard v. Boyce*, 245 N.C. 255, 118 S.E.2d 897 (1961); *Keys v. Schultz*, 212 Minn. 109, 2 N.W.2d 549 (1942); 49 C.J.S. Judgments s 235; 21 C.J.S. Courts s 501. See, *Marquez v. Perez*, 14 Ariz. App. 451, 484 P.2d 220 (1971). The parties did not include citation to any legal authority to the contrary in their Stipulation. Therefore, this Court leaves it to the parties to re-urge their Stipulation to vacate and set aside the judgment rendered by the Justice Court in the proper forum.

With respect to the collection matters litigated in this Court based on the transcript of judgment, the Court grants the relief requested by the parties.

IT IS ORDERED vacating any writs and/or collection orders issued in this matter, pursuant to the Stipulation of the parties.

IT IS FURTHER ORDERED that any bonds currently held by the Clerk of the Superior Court in this matter are exonerated and may be released to Defendant through her attorney pursuant to the Stipulation of the parties (Defendant's attorney to submit a proposed form of order by November 24, 2014, specifying the bonds/monies Defendants seeks to have released by the Clerk in this matter).

IT IS FURTHER ORDERED that this matter is dismissed with prejudice, each party to bear their own attorneys' fees and costs.

/ s / COMMISSIONER JAMES R. MORROW

JUDICIAL OFFICER OF THE SUPERIOR COURT

¹ The Stipulation was filed by attorneys Kent S. Berk and Clint G. Goodman on behalf of their respective clients. The Court is not aware of either attorney previously appearing in this matter.