

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-000652

08/07/2015

HONORABLE JO LYNN GENTRY

CLERK OF THE COURT
L. Gilbert
Deputy

MAYRA HURTARTE

HERSHEL BER

v.

YOSVANY GUERRERO VASQUEZ, et al.

YOSVANY GUERRERO VASQUEZ
5444 N 79TH AVE
GLENDALE AZ 85303

CITS - CCC SPANISH

TRIAL MINUTE ENTRY

East Court Building – Courtroom 414

Prior to commencement of trial, Plaintiff's exhibits 1-15, and Defendant's exhibits 16-21, are marked for identification.

10:17 a.m. Trial to the Court. Plaintiff is present and represented by counsel, Hershel Ber. Defendant is present on his own behalf and assisted by Monica Licea Castro of Court Interpretation and Translation Services.

A record of the proceedings is made by audio/videotape in lieu of a court reporter.

Discussion is held.

Mayra Hurtarte and Yosvany Guerrero Vasquez are sworn.

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The parties stipulate that they have equal ownership in the property located at 5444 N. 79th Ave, Glendale, AZ, 85303.

Mayra Hurtarte testifies.

Plaintiff's exhibit 12 is received in evidence.

Plaintiff rests.

Yosvany Guerrero Vasquez testifies.

Defendant's exhibit 16 is received in evidence.

Defendant rests.

IT IS ORDERED the parties shall submit no later than August 28, 2015, a list of two appraisers each. Upon receipt, the Court will blindly select one appraiser to have the home at issue appraised.

Upon appraisal and issuance of a report, a copy of the report shall be provided to the Court.

IT IS FURTHER ORDERED Defendant shall provide to the Court a copy of all current loan statements for the last six months, March 2015 through August 2015, or February 2015 through July 2015 if the August 2015 statement is not yet available. Upon receipt of said reports, the Court will then determine the equity in the home.

If it is found that there is negative equity in the home, the Court will order the Plaintiff to sign a quit claim deed.

If it is determined that there is equity in the home, Defendant shall pay to Plaintiff one half of the equity within 45 days of the Court's order. If Defendant fails to pay Plaintiff one half of the equity, and the parties fail to arrange payment in full or reach a payment plan, the Court will order that the house be sold.

Upon receipt of Plaintiff's one half of the equity, Plaintiff will sign a quit claim deed to be filed by Defendant with the Maricopa County Recorder's Office.

With respect to the Dodge truck at issue,

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IT IS ORDERED awarding said truck to Defendant. Plaintiff shall remove her name from the title. Defendant will then assume all financial obligations on the truck loan.

As to the truck trailer at issue,

IT IS ORDERED awarding Plaintiff the trailer. Plaintiff shall pay to Defendant \$5,500 as reimbursement for his interest in the trailer which will be deducted from Plaintiff's equity in the home at issue.

IT IS ORDERED setting a Status Conference on **October 14, 2015 at 8:45 a.m. (time allotted: 30 minutes)**, in this division.

**HONORABLE JO LYNN GENTRY
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 W. JEFFERSON
4TH FLOOR, COURTROOM 414
PHOENIX, AZ 85003
602-372-3091**

The parties shall be prepared to discuss the value of the home, the value of the truck, and what attempts have been made to make payment to Plaintiff for her one half of the equity in the home and what arrangements have been made to pay the truck loan in full.

The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the Court must receive a written request at least three

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(3) court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

PLEASE NOTE: This division requires that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

Pursuant to the orders entered by the Court, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

ISSUED: Exhibit Release Form (2)

FILED: Exhibit Worksheet

11:34 a.m. Matter concludes.