

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-023496

01/09/2003

THE HONORABLE ANNA M. BACA

CLERK OF THE COURT  
J. Escarcega  
Deputy

FILED: 01/14/2003

LINDA SIMMONS

LOREN MOLEVER

v.

LIZBETH PERRY

KENNETH B VAUGHN

MINUTE ENTRY

1:49 p.m. This is the time set for a continued telephonic status conference. Plaintiff is represented by counsel Loren Molever. Defendant is represented by counsel Kenneth Vaughn.

Court reporter Tara Kramer is present.

The Court is advised that counsel for Defendant, Ken Vaughn, has conferred with his client and states that his clients feel that they want possession of property and he has instructed them to proceed with the appraisal. However, they are concerned with the upcoming mortgage payment, in the amount of about \$1,500.00.

**IT IS ORDERED** pursuant to the earlier discussions that the Court put on the record previously with regards to Plaintiff's Motion for Expedited Declaratory Summary Judgment, the Court has been informed by the counsel for Defendant that he would need sufficient time to obtain service of an expert and file his Response to that motion. In view of that, the Court is going to set up the briefing schedule previously talked about: the Response to the Motion not later than close of business day on **February 12, 2003** and a Reply not later than close of business day on **February 17, 2003**. Copies of pleadings are to be either handed over or faxed the same day as filing so that counsel has them immediately.

**IT IS FURTHER ORDERED** setting oral argument on **February 20, 2003 at 9:00 a.m.** for thirty minutes.

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**IT IS FURTHER ORDERED** that counsel for Plaintiff Simmons provide either \$1,500.00 or the exact amount of the mortgage payment for February on particular property delivered to defense counsel Mr. Vaughn who will hold it in a trust account. This shall be the February payment on the property.

**IT IS FURTHER ORDERED** that on the date the mortgage payment is due, defense counsel shall ensure the \$1,500.00 is taken from the trust account and payment is made. Furthermore, if there are any delays in Mr. Vaughn's ability to get his expert appraiser to give him the information to comply with this briefing schedule, counsel needs to notify the Court about scheduling changes. If this process goes into March 2003, it will be ordered that Plaintiff will immediately proffer the funds for the March mortgage payment.

**IT IS FURTHER ORDERED** that Defendants notify the sheriff's office not to execute on or serve the Writ of Restitution, thereby effectively staying the Writ issued by Commissioner Woodburn against the Plaintiff Linda Simmons' home until further orders of the Court.

1:57 p.m. Matter concludes.