

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/25/2002

02/20/2002

CLERK OF THE COURT
FORM V000A

HONORABLE COLLEEN MCNALLY

K. Ballard
Deputy

CV 2001-017941

FILED: _____

TIMOTHY WRIGHT

STEPHEN L DUNCAN

v.

WASHINGTON MUTUAL BANK FA

MARC KALISH

RULING

On November 16, 2001, the Court heard argument from counsel regarding whether as a matter of law, Plaintiff would be entitled to specific performance and injunctive relief if the Court made the requisite evidentiary findings. The Court provided counsel an opportunity to further brief the issues.

This matter involves a purchase contract for real property. Plaintiff alleges that Defendant breached the contract by failing to maintain and repair the premises, among other things. Plaintiff seeks specific performance and requests this Court to enter injunctive orders to require Defendant to repair the premises so that Plaintiff may proceed with appraisal and financing.

The Court finds that Plaintiff has an adequate remedy through damages. The Court further finds that enforcement of specific performance in this matter would be difficult and unproductive.

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IT IS THEREFORE ORDERED denying Plaintiff's application for
a preliminary injunction granting specific performance.