

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-029082

10/23/2009

HONORABLE JOSEPH B. HEILMAN

CLERK OF THE COURT  
L. Muhammad  
Deputy

NATIONAL BANK OF ARIZONA

JASON P SHERMAN

v.

PETER NEWMARK, et al.

PETER NEWMARK  
3663 CAMINO BELLA ROSA  
SIERRA VISTA AZ 85650

KAREN NEWMARK  
3347 N SILVERADO  
MESA AZ 85215  
JUDGE GAMA

**MINUTE ENTRY**

Parties who are not represented by counsel in litigation are required to understand and follow the Rules and applicable law. If a party is in need of legal assistance, consultation with an attorney may be arranged by contacting the Maricopa County Lawyer Referral Service at 602-257-4434.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/index.asp>

The Court conducted an informal telephonic conference with Jason P. Sherman, attorney for National Bank of Arizona, and Ms. Newmark, the Defendant in this matter.

During the conference, the Court indicated to both parties that the Court would be recusing itself from further hearing in this case, as it has become an unwilling witness in the action.

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The parties will recall that the Court, with approval of the parties, visited the site of the property in view of the wide disparity of the testimony between the parties relating to whether the subject property was in fact a vacant residential lot or an actual residence.

At the site of the property at 2570 East 9th Avenue, Apache Junction, Arizona 85219, the Court determined that in fact the appraisal submitted by Mr. Pipher of Miller Pipher, Inc. was entirely incorrect and that the appraisal was for the wrong parcel of property. The Court reached this conclusion after talking to the real owner of the property, Mr. James Mello, whose address is indicated as 863 South Stagecoach Road, Apache Junction, Arizona 85119. Mr. Mello can be reached at 860-608-2096.

Mr. Mello was made aware of the scheduled hearing in this Court on **October 30, 2009 at 10:30 a.m.** Mr. Mello indicated his willingness to be present during the course of that hearing and offered testimony relating to this matter. Mr. Mello is the person who purchased Ms. Newmark's property during the course of the trustee's sale scheduled by the bank.

Mr. Mello informed the Court that the property has had for the past 10 years a residence situated upon it and that the property that the Court was reviewing that matched the property set out in the appraisal was in fact his property and always had been his property for the last 15 years.

The Court apprised both parties of this situation.

IT IS ORDERED referring this matter to the Civil Presiding Judge for reassignment.

IT IS FURTHER ORDERED requesting the Civil Presiding Judge to set this case in a division that can entertain the hearing presently set on **October 30, 2009 at 10:30 a.m.**

**HONORABLE JOSEPH B. HEILMAN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 WEST JEFFERSON  
8th FLOOR, COURTROOM 814  
PHOENIX, AZ 85003  
602-506-0292 TEL**

This case is eFiling eligible: <https://efiling.clerkofcourt.maricopa.gov>

**C CIVIL PRESIDING JUDGE  
HONORABLE J. RICHARD GAMA  
WITH LOOSE PAPERS**