

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-002517

10/27/2014

HONORABLE MARK H. BRAIN

CLERK OF THE COURT
T. Springston
Deputy

BARRY LEEBOVE

SHELTON L FREEMAN

v.

RONALD LEEBOVE

RANDALL S YAVITZ

BARBARA KATHLEEN GILBERTSON
ISABEL M HUMPHREY

UNDER ADVISEMENT RULING

On August 29, 2014, the court heard argument on Plaintiff's Motion for Partial Summary Judgment (filed June 13, 2014) and Defendant Ronald Leebove's Motion for Summary Judgment (filed June 16, 2014). Having fully considered the parties' papers and arguments, plaintiff's motion is DENIED and defendant's motion is GRANTED.

The court notes in passing that although the parties' agreement indicates that it is an agreement between a trustee (Ronald) and a beneficiary (Barry), in fact, the transaction was between two beneficiaries who were attempting to wind up the trust. Through the agreement, Barry waived the protections of the trust document (including a professional appraisal), and he did so while represented by counsel. Moreover, the record is devoid of evidence that Ronald was acting with superior knowledge regarding the value of the home (which, incidentally, involves an opinion that is necessarily subject to judgment and debate), nor that he misrepresented his opinion to Barry.