

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006637

06/04/2003

HONORABLE TOBY MAUREEN GERST

CLERK OF THE COURT
S. Haynes
Deputy

FILED: 06/10/2003

HOMEcomings FINANCIAL NETWORK

LEONARD J MCDONALD

v.

VIRGINIA SMITH

VIRGINIA SMITH
653 S LOS FELIZ DR
CHANDLER AZ 85226

MINUTE ENTRY

4:40 p.m. This is the time set for hearing on Defendant's Emergency Motion to Stay Execution on Judgement. Counsel, Leonard McDonald, is present on behalf of Plaintiff. Defendant, Virginia Smith, is present on her own behalf.

Court reporter is not present.

Matters are discussed.

Virginia Smith is sworn and testifies.

The Court is advised as follows:

1. Mr. McDonald has advised the Court that the sheriff's office will not be able to proceed with the writ of restitution until Tuesday, June 10, 2003.
2. Counsel advises that he spoke with the eviction department of Litton Loan Servicing, Inc., Plaintiff, and he was advised that Litton wished to go forward with the forcible entry and detainer.
3. Ms. Smith testifies that she has spoken with Chris McCormick an R.E.O. with Litton Loan Servicing Inc., and was advised by Ms. McCormick, pursuant to Ms. Smith's testimony under oath, that Litton was willing to sell the home to her.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006637

06/04/2003

4. Ms. Smith testifies that she has complete financing for the home under the first appraisal through 3 finance companies.
5. Ms. Smith testifies that one loan company has approved a loan for for \$80,000.
6. Ms. Smith testifies that two remaining financial institutions have agreed to finance the balance due the home subject to a second appraisal.
7. Ms. Smith testifies that an appraisal was ordered "last week" by a person named Cory at American Bank Trust.
8. Ms. Smith advises that it takes approximately 5 to 7 business days for an appraisal.
9. Mr. McDonald advises that he will verify with Litton whether two separate departments within the company are or are not communicating regarding whether the sale maybe approved by Litton.

Accordingly,

IT IS ORDERED granting a stay until June 17, 2003.

Counsel advises the writ of restitution may issue on June 18, 2003 if the sale is not approved.

Counsel has advised that, if Litton wishes to sell the property to Ms. Smith, counsel will make every effort to facilitate the closing prior to the writ date. Ms. Smith understands that Mr. McDonald is representing Litton.

Counsel advises that if Litton determines it wishes to move forward with the forcible entry and detainer the writ of restitution may issue at the expiration of the stay.

4:57 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court this date.

/S/ HONORABLE TOBY MAUREEN GERST

JUDICIAL OFFICER OF THE SUPERIOR COURT