

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-023807

06/01/2011

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
M. Sahli
Deputy

FIRST HORIZON HOME LOAN
CORPORATION

JEFFREY D WOLFE

v.

CYPRESS GARDENS 2007 L L C, et al.

RICHARD W HUNDLEY

MINUTE ENTRY

9:00 a.m. This is the time set for Oral Argument re Plaintiff's Motion for Partial Summary Judgment. Plaintiff is represented by counsel, Jessica Laginess. Defendants are represented by counsel, Richard Hundley.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is presented to the Court.

The Court finds as follows:

- 1) First Horizon Home Loan Corporation is the holder and owner of the Note and Guarantee.
- 2) The loan document is a binding legal document.
- 3) First Horizon Home Loan is the first-priority lien holder

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- 4) Defendants are in default of the loan documents.
- 5) Guarantors are liable for the loan under the signed guarantee.
- 6) The valuation/appraisal fees are properly included as costs pursuant to ¶ 13 of the promissory note.

The court further finds a dispute of material fact exists regarding the interest. Therefore,

IT IS ORDERED granting the Motion in part and denying the motion in part.

IT IS ORDERED the parties shall pursue settlement talks, either private mediation or a settlement conference before a court-appointed judge pro tem. If a settlement cannot be reached, the parties shall file stipulated deadlines and either a Motion to Set or a request for an Evidentiary Hearing to determine the Fair Market Value and the correct interest calculation.

IT IS FURTHER ORDERED holding the matter of the attorney's fees in abeyance pending the resolution of the case.

DUE TO JUDICIAL ROTATIONS, EFFECTIVE JUNE 27, 2011, THIS CASE WILL BE ASSIGNED TO:

**THE HONORABLE SALLY S. DUNCAN
MARICOPA COUNTY SUPERIOR COURT
CENTRAL COURT BUILDING
201 WEST JEFFERSON
7TH FLOOR, COURTROOM 702
PHOENIX, AZ 85003
PHONE: 602-506-9042**

9:30 a.m. Matter concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.