

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-001690

10/13/2017

HONORABLE DAVID B. GASS

CLERK OF THE COURT
L. Stogsdill
Deputy

ELVIA CASTILLO

MICHAEL E HURLEY

v.

ANTONIO CASTILLO

ANTONIO CASTILLO
6913 S 8TH ST
PHOENIX AZ 85042

CITS - CCC SPANISH

MINUTE ENTRY

Courtroom 914 - ECB

1:46 p.m. This is the time set for Oral Argument re: Plaintiff's Motion for Summary Judgment. Plaintiff is represented by counsel, Michael E. Hurley. Defendant appears on his own behalf. Sylvia Fisher of Court Interpretation and Translation Services is assisting both parties.

A record of the proceedings is made digitally in lieu of a court reporter.

The court explains the concept of partition to both parties.

The Defendant indicates to the court that he would be able to apply for a mortgage and re-finance the subject property.

Court, Defendant and Plaintiff's counsel agree to have the subject property appraised.

For the reasons stated on the record,

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IT IS ORDERED that appraisal of the subject property shall be completed by **November 17, 2017**.

IT IS FURTHER ORDERED that the parties shall agree to an appraiser **by October 22, 2017**. If the parties cannot agree on an appraiser, each party will submit a blind list of 3 names of a realtor to the court. Each party can write 2 sentences why they prefer each realtor.

IT IS FURTHER ORDERED that the blind list shall be submitted to the court by **October 30, 2017**.

IT IS FURTHER ORDERED the court will issue its order appointing an appraiser by **October 31 2017**.

IT IS FURTHER ORDERED Defendant shall apply for and obtain a mortgage by **January 19, 2018**.

IT IS FURTHER ORDERED if the parties cannot reach an agreement regarding the foregoing, the court will appoint a real estate commissioner to list the subject property for sale.

The court encourages both parties to cooperate with regard to listing the subject property.

IT IS FURTHER ORDERED Defendant shall pay the title insurance, recording fees and all other associated costs associated with obtaining the mortgage.

IT IS FURTHER ORDERED Plaintiff's counsel shall submit a proposed form of order to the court, consistent with the above ruling, by **October 20, 2017**.

IT IS FURTHER ORDERED setting this matter for an **in person** Status Conference on **January 26, 2018 at 9:00 a.m.** (time allotted: 15 minutes.) The **in person** Status Conference is set before:

Honorable David Gass
East Court Building, Courtroom 914
101 West Jefferson Street
Phoenix, AZ 85003
(602) 372-3592

IT IS FURTHER ORDERED appointing a Spanish language interpreter from Court Interpretation and Translation Services to provide Spanish language services to Plaintiff, Elvia

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Castillo and for Defendant Antonio Castillo for the in person status conference on January 26, 2018 at 9:00 a.m. in this division.

IT IS FURTHER ORDERED granting Plaintiff's Motion for Summary Judgment.

IT IS FURTHER ORDERED that discovery is stayed in this matter until after the issue regarding subject property is resolved.

2:18 p.m. Matter concludes.

NOTE: This Court utilizes FTR for an electronic record of the proceedings. However, any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

IMPORTANT NOTICE REGARDING ONLINE PROFILE

Judge Gass maintains an online profile that answers many questions about courtroom and division procedures. Litigants and their attorneys should familiarize themselves with the online profile. You can find the online profile at the following link:

<https://www.superiorcourt.maricopa.gov/JudicialBiographies/judges/profile.asp?jdgID=260&jdgUSID=9111>.