

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-038618

12/03/2010

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

M & I MARSHALL & ILSLEY BANK

LEONARD J MCDONALD

v.

ROSEMARIE FERNANDEZ-EDWARDS

THOMAS N SWIFT II

**EVIDENTIARY HEARING
RULING**

Courtroom ECB 511

Plaintiff's Exhibit 1 and Defendant's Exhibit 2 are marked for identification prior to commencement of the hearing.

10:06 a.m. This is the time set for Evidentiary Hearing re fair market value. Counsel Leonard J. McDonald appears on behalf of Plaintiff M & I Marshall & Ilsley Bank. Counsel Thomas N. Swift appears on behalf of Defendant Rosemarie Fernandez-Edwards.

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

Plaintiff's counsel invokes the Rule of Exclusion.

Plaintiff's Exhibit 1 and Defendant's Exhibit 2 are received in evidence pursuant to

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stipulation.

Plaintiff's case:

Stewart Lynn Arthur is sworn and testifies.

Plaintiff rests.

Defendant's case:

Sue Miller is sworn and testifies.

Defendant rests. Both sides rest.

Closing arguments are presented.

Defendant's counsel stipulates that Plaintiff's Motion for Summary Judgment may be granted subject only to the offset for the fair market value found by the Court.

IT IS HEREBY ORDERED taking this matter under advisement.

10:54 a.m. Matter concludes.

FILED: Exhibit Worksheet.

Later

The Court has considered the testimony of the witnesses and reviewed the appraisal reports. The Court finds that the fair market value of the subject property on the date of the trustee's sale was \$417,000.00.

Counsel for Plaintiff is requested to submit a proposed form of judgment, affidavit of attorney's fees and statement of taxable court costs no later than **December 23, 2010**.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>