

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-010349

07/20/2007

JUDGE ROBERT E. MILES

CLERK OF THE COURT  
K. Ballard  
Deputy

WESTERN UNITED LIFE ASSURANCE  
COMPANY

CHRISTOPHER KAUP

v.

NASSER FARROKH, et al.

DAVID W DOW

BENCH TRIAL

Prior to the commencement of trial, Plaintiff's exhibits 1-5 are marked for identification. The exhibits having been offered via the declarations filed in this matter, and Defendants having asserted no objections,

Plaintiff's exhibits 1-5 are received in evidence.

9:31 a.m. This is the time set for Bench Trial. Plaintiff is represented by counsel, Christopher Kaup and Lance R. Broberg. Defendants are represented by counsel, David W. Dow. Defendant Nasser Farrokh is also present.

A record of the proceeding is made electronically (FTR) in lieu of a court reporter.

Discussion is held regarding the scope of today's trial. The trial will be limited to the valuation of the Scottsdale property.

The Court has reviewed the declaration of Michael Brixey, Jan Sell, and Dana Taitch. The Court will accept those declarations as direct testimony in this matter.

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Plaintiff requests consideration of its pending motion regarding Defendant's failure to comply with the Court's orders relating to the preparation of today's trial. Court and counsel discuss the pending motion. Based thereon, the Court will continue today's trial if Plaintiff needs additional time to prepare for trial. Plaintiff's counsel advises the Court that Plaintiff wishes to proceed with trial today as scheduled.

Opening statements are presented.

**Plaintiff's case:**

Michael Brixey is sworn and testifies (telephonically).

Jan Sell is sworn and testifies.

Plaintiff rests.

**Defendants' case:**

Nasser Farrokh is sworn and testifies.

Defendants rest.

**Rebuttal:**

Jan Sell retakes the stand and testifies further.

Closing arguments.

Defendants' counsel advises the Court that he is no longer seeking to re-open (at some later date) regarding the prior appraisal referenced during Jan Sell's testimony.

**IT IS ORDERED** taking this matter under advisement.

FILED: Trial Worksheet

11:33 p.m. Trial concludes.

**LATER:**

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Upon the Court's consideration of the Brixey and Sell declarations, the testimony presented during the trial, and the arguments of counsel, the Court finds that the value of the Scottsdale property, as of May 31, 2005, was \$13,500,000.00.

FILED: Exhibit Worksheet