

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-009644

12/06/2004

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
M. Johnson
Deputy

FILED: 12/08/2004

ADVANTAGE APPRAISAL SERVICE INC

WILLIAM A KOZUB

v.

DAVID CREED, et al.

TIMOTHY J THOMASON

MICHAEL F PATTERSON

MINUTE ENTRY

Defendant Lori Webster's Motion for Summary Judgment has been under advisement. The Court has considered all memoranda submitted and the arguments of counsel.

The Court finds that questions of material fact exist which preclude summary judgment at this time. Plaintiff has requested additional time to conduct discovery under Rule 56(f), including taking the deposition of defendant Lori Webster. The Court finds that this request is well taken, since discovery is in an early stage and all parties have not yet been deposed.

At this time there appears to be questions of material fact as to whether defendant Webster's license was sold or transferred and if so, what her intent was by the transaction as well as whether a joint venture/partnership was created by Webster and Creed for the operation of Suncrest Mortgage.

In addition, additional legal authority is required for determination, at some stage of the proceedings but not now, as to the meaning of "interested person" under ARS §9-603(A).

Based on the above questions of material fact and the need for additional discovery,

IT IS ORDERED denying Defendant Lori Webster's Motion for Summary Judgment.