

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-009644

12/07/2004

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
M. Johnson
Deputy

FILED: 12/13/2004

ADVANTAGE APPRAISAL SERVICE INC

WILLIAM A KOZUB

v.

DAVID CREED, et al.

TIMOTHY J THOMASON

MICHAEL F PATTERSON

MINUTE ENTRY

Defendant Creed's Motion for Summary Judgment has been under advisement. The Court has considered all memoranda submitted.

The Court finds that there are questions of material fact that preclude summary judgment at this time. These questions of fact include but are not limited to 1) whether he and defendant Webster created a joint venture, partnership or other legal entity for the operation of Suncrest Mortgage, 2) what type of authority he was granted by Suncrest, if he was actually an agent of Suncrest, 3) what were the terms of any agreement with Advantage Appraisal, 4) how was Creed paid by Suncrest, 5) whether Creed's alleged agency was ever disclosed, 6) who ordered appraisals from Advantage Appraisal and on whose behalf were the appraisals ordered.

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