

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-000408

07/25/2005

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT  
C. Johnston  
Deputy

FILED: 07/27/2005

WILLIAM MALKOVICH

JEROME K ELWELL

v.

ADOBE TOWERS LTD

G GREGORY EAGLEBURGER

RULING

This matter has been under advisement.

**IT IS ORDERED GRANTING** Plaintiff's Motion and **DENYING** Defendant's cross-motion.

**IT IS FURTHER ORDERED** that by virtue of the election made during argument, Plaintiff shall be granted specific performance.

The basis of this ruling is the court's opinion that Plaintiff did not breach the obligation to pay for the appraisal, but satisfactorily performed by arranging for it to be paid by the lender. Alternatively, if there were a breach, it was not material.

**IT IS FURTHER ORDERED** that Plaintiff shall lodge a proposed judgment, application for attorney's fees (if applicable), and statement of costs in accordance with applicable statutes and rules within ten (10) days of this minute entry.