

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-014776

11/06/2006

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
D. Whitford
Deputy

TIM MOORE, et al.

TIM MOORE
P O BOX 27316
TEMPE AZ 85285

v.

JOHN CHRISTAKIS, et al.

JOHN CHRISTAKIS
721 N 22ND ST
MESA AZ 85213

TIM MOORE JR.
P O BOX 27316
TEMPE AZ 85285

TRIAL TO THE COURT/CONTINUED

Prior to trial, Plaintiff's Exhibits 1 through 6 are marked for identification.

9:28 a.m. This is the time set for Trial to the Court. Plaintiffs Tim Moore, Sr. and Tim Moore, Jr. are present, representing themselves. Defendant John Christakis is present on his own behalf.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

LET THE RECORD REFLECT that the parties agree that the approximate value of the well drilling machine, equipment and all the accessories is \$10,000.00.

Plaintiffs' Exhibit 7 is marked for identification.

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Based on the matters presented,

IT IS ORDERED that Plaintiff Tim Moore, Jr. and Defendant John Christakis confer during the next recess and select a certified property appraiser to be appointed to appraise each of the seven lots, as stated on the record. If they cannot agree on an appraiser, they are to provide the Court with the names of three appraisers, and the Court will select one. They shall provide the Court with the date that the appraisal can be completed, and the Court will schedule a trial in 10 days.

IT IS FURTHER ORDERED that Plaintiff Tim Moore, Jr. and Defendant John Christakis shall each pay 50% of the appraisal fee.

9:51 a.m. Court stands at recess.

10:23 a.m. Court reconvenes with respective parties present.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

The parties provide the Court the names of appraisers and phone numbers.

Based on the matters presented,

IT IS ORDERED that each party shall have the lots appraised within the next 30 days.

IT IS FURTHER ORDERED continuing trial to the Court to **December 15, 2006 at 10:00 a.m. (ALLOTTED TIME: 2 Hours):**

Before:

The Honorable Kenneth Fields
Maricopa County Superior Court
Central Court Building
Courtroom 704
Phoenix, AZ 85003
PHONE: 602-506-2060

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IT IS FURTHER ORDERED that Defendant may view the well digging machine over the fence or have a third-party person go in and inspect it within the next 30 days at 700 West Margo in Tempe. The well digging machine may not be removed from the property.

10:50 a.m. Hearing concludes.

Exhibits

Counsel shall deliver to the Division the parties' exhibits along with a description of each exhibit [a hard copy plus (IF POSSIBLE) on an IBM-Compatible, 3.5 diskette in Microsoft Word 95 or 97] no later than **7 working days prior to trial**. Counsel may e-mail the list of exhibits with their descriptions the clerk (then no need for diskette) at dwhitfor@COSC.maricopa.gov. Identify each exhibit with its number; for example, attach a Post-it Note to each exhibit or separate each exhibit with a colored sheet of paper with the exhibit number written on it. If counsel have more than 100 exhibits each, submit exhibits in a three-ring binder with numbered-tabbed sheets separating each. A second copy of the exhibits is appreciated for use by Judge Fields.

(1) Counsel shall call (602-506-7857) before the above date to inform the clerk, of the number of exhibits and the date counsel intend to deliver the exhibits, along with their list with a description of each exhibit on it prior to trial. When counsel calls, the clerk shall provide counsel with a block of numbers for numbering that party's exhibits. If counsel intend to submit more than 25 exhibits each, counsel shall make arrangements with the clerk to provide assistance with attaching the exhibit tags to the exhibits at the time the exhibits are delivered to the division prior to trial or counsel may send a runner to the Division to pick up the tags in order for counsel to attach the tags to the exhibits at counsel's office (inform the clerk of this election prior to pickup).

(2) Keep the descriptions of the exhibits **simple (name of document; date)**. Don't use a description that can't be verified by looking at the document. For example, if you have a doctor's report, but it doesn't say "doctor's report" on the document, use another description or add a title page that says "doctor's report".

(3) Number the exhibits serially -- 1, 2, 3 etc., (**not** 1(a), 1(b)). **Don't skip numbers.**

(4) Counsel shall do their best to eliminate duplication of exhibits.

(5) **Do not list depositions** on the Exhibit Description Form; they are filed in separately by the clerk.

(6) List **only** the exhibits delivered to the clerk prior to trial. Do **not** list exhibits to be delivered at a later date, introduced at trial, or opposing party's exhibits.

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EXAMPLE FOR PLAINTIFF

Caption: John Doe v. Jane Doe Cause No.: CV1999-000210

Plaintiff's Exhibits (*All exhibits are copies unless noted*)

1. Letter to John Doe from Jim Smith, 1/1/98
2. Medical records of John Henry Hospital, 1994-98
3. Deed to 1101 N. Central Avenue, Phoenix, AZ, 1/1/98

EXAMPLE FOR DEFENDANT

Caption: John Doe v. Jane Doe Cause No.: CV 1999-000210

Defendant's Exhibits (*All exhibits are copies unless noted*)

4. Letter to Henry Johnson from Carol Smith, 1/1/99
5. Medical records from Dr. J. Brown, 1994-98
6. Deed to 7201 N. Washington St, Phoenix, AZ, 1/1/98

(7) Please email the completed Exhibit Description List as soon as possible to the clerk: dwhitfor@COSC.maricopa.gov. Then arrange with the clerk (Deb: 602-506-7857) to bring the completed Exhibit Description List and numbered exhibits to Judge Fields' Division (CCB 704; Suite 7-D) along with the description of all exhibits on disk.

(8) If there are any questions **concerning exhibits**, please call. All other questions are to be directed to the Division's Judicial Assistant.

(9) Keep the descriptions simple. Include title and type of document and date of document.

(10) **Don't include the bate #s** (should you use bate #s) in your descriptions of the exhibits.

(11) **Please provide descriptions of exhibits on a floppy disk when you bring the exhibits to the clerk at least 5 days prior to trial/hearing.**

Thank you for your cooperation.
Clerk of Judge Fields' Division (602-506-7857)

10:51 a.m. Conference concludes.

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ELECTRONIC ("E") COURTROOM

A record of the proceedings may be made by videotape in lieu of a court reporter. Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video-recording system before requesting a court reporter.

If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.

NOTICE

New Fee for Copies of Electronically Recorded Proceedings

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or kcrensa@superiorcourt.maricopa.gov

Request for Daily Copy of Electronically Recorded Proceedings

Obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service

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Center. Attach the receipt showing payment of fee and present both the receipt and the form to the courtroom clerk or bailiff. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

9:52 a.m. Court stands at recess.