

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-016190

06/23/2009

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
C.I. Miller
Deputy

CITY OF AVONDALE

DAVID A PENNARTZ

v.

HUMMINGBIRD MANUFACTURED
HOUSING COMMUNITIES L L C, et al.

HUMMINGBIRD MANUFACTURED
HOUSING COMMUNITIES L L C
C/O HELLEN CARTER
5425 E BELL RD, STE 101
SCOTTSDALE AZ 85254

CHAD ROBERT KAFFER
RICHARD WILLIAM GARNETT

HEARING MINUTE ENTRY

COURTROOM 303-OCH

Prior to commencement of the hearing, Plaintiff's exhibits 1 through 5 inclusive are marked for identification.

9:09 a.m. This is the time set for Evidentiary Hearing on Plaintiff's Order to Show Cause Re Application Immediate Entrance onto Property. Plaintiff is represented by counsel, David Pennartz and Eric McGlothlin. Defendant Dr. Hellen J. Carter is present in her own behalf and capacity as owner of Hummingbird Manufactured Housing Communities. Defendant Paula DeMore is represented by counsel, Chad Kaffer. Deputy County Attorney Mary Cronin waived her appearance for Defendant Maricopa County.

Amy Stewart, Court Reporter, is present, and also a record of the proceedings is made by audio and/or videotape.

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Plaintiff's counsel presents statements to the court. Dr. Carter advises that she was not personally served nor was her new statutory agent, Donna Gilbrech, properly served.

In an effort to allow the parties to confer, the court will take a short recess.

9:16 a.m. Court stands at recess.

9:22 a.m. Court reconvenes with respective parties and counsel present.

Amy Stewart, Court Reporter, is present, and also a record of the proceedings is made by audio and/or videotape.

Dr. Carter advises that she and Mr. Pennartz have conferred and requests a short continuance to seek counsel regarding the City of Avondale's request to condemn a portion of her property. The court reminds Dr. Carter that the LLC must be represented by a lawyer. Plaintiff has no objection and advises the court regarding certain construction constraints. The court also notes that the proposed bond to be posted by Avondale will be in the appraisal amount of \$69,000.00. Therefore, good cause appearing,

IT IS ORDERED vacating the Order to Show Cause Hearing set this date and resetting same for **July 6, 2009, at 2:00 p.m., for one (1) hour**, before:

**HONORABLE JEANNE GARCIA
JUDGE OF THE SUPERIOR COURT
OLD COURT HOUSE
125 W. WASHINGTON
THIRD FLOOR, COURTROOM 303
PHOENIX, AZ 85003
(602) 372-0610 TELEPHONE**

Any motion or stipulation for continuance must be filed with the court no later than four court days prior to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

Regarding Exhibits to be presented for the hearing, the parties may contact this Division's clerk to make arrangements for presentation and the court's preferences **Telephone (602) 506-3813**.

9:34 a.m. Hearing concludes.

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