

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-009373

09/22/2014

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
C. Keller
Deputy

WELLS FARGO BANK N A

JACOB A MASKOVICH

v.

YOEL INY, et al.

GARY GREENWALD

RULING

A motion for summary judgment regarding the fair value of the Makena property was filed on behalf of plaintiff Wells Fargo Bank, N.A. The court has considered the motion, the response filed on behalf of the various defendants, Wells Fargo's reply, and the statements of fact submitted by the parties. The court has concluded that the motion cannot be granted.

The motion urges that, because "[t]he only admissible evidence regarding the fair market value of the Makena Property is Wells Fargo's expert appraisal report," the motion must be granted. [Motion at 2] The defendants have, however, in their opposition, presented at least enough evidence that both survives an objection and demonstrates that the value of the property is a genuinely disputed issue of material fact. And, because evidence on summary judgment must be viewed in the light most favorable to the non-moving party, denial of the motion is required. *E.g., Esplendido Apartments v. Olsson*, 144 Ariz. 355, 361, 697 P.2d 1105, 1111 (App. 1985) (stating that, on summary judgment, the court must "view the facts in the light most favorable to [the party opposing summary judgment]," and must "assume the truth of [that party's] allegations").

IT IS ORDERED denying Wells Fargo's motion for summary judgment regarding the fair value of the Makena property.