

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-023496

01/08/2003

THE HONORABLE ANNA M. BACA

CLERK OF THE COURT
J. Escarcega
Deputy

FILED: 01/13/2003

LINDA SIMMONS

LOREN MOLEVER

v.

LIZBETH PERRY

KENNETH B VAUGHN

STATUS CONFERENCE

10:46 a.m. This is the time set for a telephonic status conference. Plaintiff is represented by counsel Loren Molever. Defendant is represented by counsel Kenneth Vaughn.

Court reporter Tara Kramer is present.

Mr. Vaughn, counsel for Defendant, will file an Answer to the complaint and a Notice of Appearance by the end of this date or early January 9, 2003.

This complaint is for a Declaratory Judgment and Quiet Title.

The Court has received an Application and Notice for Entry of Default received in chambers January 7, 2003, which has been filed per Plaintiff counsel. Defense will file an answer, which will render them moot because the answer will be filed before the timeline runs.

Plaintiff's request for an expedited response time for defense counsel to respond to the Plaintiff's Motion for Summary Declaratory Judgment and an expedited hearing on the Motion for Summary Declaratory Judgment is argued to the Court, with both side stating their positions.

Defendant states there are some factual disputes that may require expert testimony. One is the value of the property at the time of the sheriff's sale in April 2002. An appraiser may be needed. Discovery will be needed regarding the mortgage company to find out what the status of Plaintiff's mortgage was.

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Defendant states it may take thirty days to obtain an appraiser for the property. Plaintiff states that his client is willing to make the February mortgage payment if necessary.

The Court proposes to set an oral argument and decision date in about forty-five (45) days. Defense counsel will confer with his clients and report back to the Court their position.

The Court proposes February 10, 2003 for Defendant's expert opinions to be filed and the Response to Motion by February 12, 2003. A Reply would be due February 17, 2003. A hearing could be set on oral argument and decision between February 18 and 21, 2003.

The Court will review the laws on whether this can be done, given the forcible detainer.

11:15 a.m. Court is in recess to 3:00 p.m.

3:10 p.m. Court reconvenes with respective counsel present telephonically.

Court reporter Tara Kramer is present.

Defense counsel was unable to contact his client but has a meeting with her Thursday, January 9, 2003. He has contacted Plaintiff counsel and agreed not to serve the Writ until on or after Monday, January 13, 2003. He will meet with his clients and get back to the Court by noon.

The Court advises counsel that after conferring with one of the experienced judge in forcible detainer matters and researching the law, there will be nothing to preclude the Court from doing what it proposes to do, which is to give the extension time to do discovery, get a briefing schedule and set for oral argument and determination. The Court would have the Plaintiff provide funds to make sure the February mortgage payment is paid. Should the appraisal take longer, more funds could be provided for the March payment also.

IT IS ORDERED continuing the conference to **January 9, 2003 at 1:30 p.m.** to give defense counsel a chance to meet and confer with his client.

3:16 p.m. Matter concludes.