

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-001611

05/21/2003

THE HONORABLE ANNA M. BACA

CLERK OF THE COURT
L. Falkenburg
Deputy

FILED: 05/23/2003

CLIFFORD C STRAIT

DOUGLAS F DIEKER

v.

STATE FARM FIRE AND CASUALTY
COMPANY

DAVID J DAMRON

MINUTE ENTRY

The Court has received and reviewed the Petition for Appointment of Umpire, the Motion to Compel Arbitration¹ and the Motion to Dismiss the Petition for Appointment of Umpire, Responses and Replies.

The parties requested oral argument. Pursuant to Rule 7.1(c)(2) A.R.Civ.P. in order to expedite its business, the court may make provision by rule or order for the submission and determination of motions without oral hearing. The Court declines to hear oral argument and will rule on the documents submitted.

THE COURT FINDS that the terms of the insurance policy require Plaintiff to “prepare an inventory of damages or stolen personal property. Show in detail the quantity, description, actual cash value and amount of loss.” The Court was not provided a copy of any inventory, as required and therefore finds that Plaintiff has failed to comply with this term of the policy. Plaintiff claims that this would be burdensome; however, the inventory is a required provision of the policy. Therefore,

IT IS ORDERED denying the Petition for Appointment of Umpire as premature.

¹ Although titled Motion to Compel Arbitration, the substance of the Motion requests an appraisal and the Court has treated the Motion as a Motion to Compel Appraisal.

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IT IS FURTHER ORDERED denying the Motion for Appraisal.

IT IS FURTHER ORDERED that Plaintiff compile the required inventory within sixty (60) days of filing of this minute entry.