

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-004885

02/25/2009

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT  
S. Brown  
Deputy

LEWIS EDWARD OBERMILLER

MARILEE MILLER CLARKE

v.

CARRIE MARIE YOUNG

BLAKE E WHITEMAN

**UNDER ADVISEMENT RULING**

(Defendant/Counterclaimant's Objection To Appraisal Obtained By Plaintiff; Motion For Independent Appraisal; Motion To Enforce Settlement; and Motion For Accelerated Telephonic Oral Argument)

Pursuant to the parties' stipulation, Mr. Patton was appointed by the Court to select an appraiser. He did so. The appraisal obtained through the stipulated procedure is binding on both parties. The Court believes that the terms of the Stipulated Judgment are sufficiently clear that the parties acting in good faith will be able to comply with them without further instruction by the Court.

Accordingly, the Court declines at this time to address the ancillary issues addressed in Plaintiff's responsive brief without prejudice to renew as a proper motion in the event the parties cannot resolve the issue.

**IT IS ORDERED:**

1. Defendant/Counterclaimant's Objection To Appraisal Obtained By Plaintiff is denied.
2. Defendant/Counterclaimant's Motion For Accelerated Telephonic Oral Argument is denied.

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3. Defendant/Counterclaimant's Motion To Enforce Settlement is granted only as to Plaintiff's counsel sending the title to the Mercedes to Defendant's attorney who shall send it to Defendant.
4. Both parties' request for attorney's fees is denied.
5. Plaintiff/Counderdefendants' Request for Relief is denied without prejudice.