

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-015867

02/14/2011

HON. SAM J. MYERS

CLERK OF THE COURT
L. Firriello
Deputy

CITY OF PHOENIX, THE

DIANE M MILLER

v.

MISSION PRESERVE ASSOCIATES LIMITED PARTNERSHIP, et al. ROBERT V KERRICK

JAY DUSHOFF
ADRIAN MICHAEL GOUGH

MINUTE ENTRY

The Court has received Defendant Mission Preserve Associates Limited Partnership's ("Defendant") Itemized Statement of Costs, Disbursements, and Expenses Pursuant to Arizona Revised Statute §12-1129(B), the City of Phoenix's Response, and the Reply. Although oral argument was requested, the Court will proceed without oral argument pursuant to Rule 7.1(c), ARCP.

A.R.S. §12-1129(B) provides: The court having jurisdiction of a condemnation action under this article shall award the owner with any right to, title to or interest in the property that is the subject of the action an amount that will reimburse the owner for the owner's reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred because of the condemnation proceeding if either of the following occurs: (1) The final judgment is that the plaintiff cannot acquire the real property by condemnation, or (2) The proceeding is abandoned on a motion by the plaintiff.

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The parties do not dispute Defendant's entitlement to fees pursuant to this statute; Plaintiff disputes the reasonableness of the fees requested.

The Court finds pursuant to A.R.S. §12-1129(B) that Defendant is entitled to reasonable fees as indicated by the statute. The Court has reviewed Defendant's billing ledgers and has evaluated the reasonableness of Defendant's fees.

IT IS ORDERED awarding statutory fees to Defendant in the amount of \$92,385.95.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>