

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-000652

11/18/2015

HONORABLE JO LYNN GENTRY

CLERK OF THE COURT
B. Randhawa
Deputy

MAYRA HURTARTE

HERSHEL BER

v.

YOSVANY GUERRERO VASQUEZ, et al.

YOSVANY GUERRERO VASQUEZ
5444 N 79TH AVE
GLENDALE AZ 85303

CITS - CCC SPANISH

MINUTE ENTRY

East Court Building – Courtroom 414

9:20 a.m. This is the time set for a Status Conference on Plaintiff's October 13, 2015 Motion to Continue (Expedited Ruling Requested). Plaintiff, Mayra Hurtarte, is present and represented by counsel, Hershel Ber. Defendant, Yosvany Guerrero Vasquez, is present on his own behalf. Court Interpreter, Martin Zamora Hernandez, is present to assist Defendant in the Spanish language.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding appraisal on the home. The Court is advised that the first appraiser appointed by the Court was not able to complete the appraisal of the subject home as he deals with commercial property only. The Court appointed a second appraiser, however, before said order was issued, the parties agreed to use a different appraiser - James O'Donnell. Email correspondence evidencing such agreement between Plaintiff's counsel and Defendant is provided to the Court for review.

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Plaintiff's counsel also provides the Court with a copy of Mr. O'Donnell's Appraisal of 5444 N. 79th Avenue, Glendale, valuing said property at \$185,000.00.

Defendant provides the Court with a Loan Statement dated 10/29/15 from Cenlar Central Loan Administration & Reporting.

Based on the receipt of said documentation and the Court's previous Order,

THE COURT FINDS:

- The appraisal value of the home is \$185,000.00.
- The loan statement indicates an outstanding principal of \$138,935.29.
- The balance of equity in the home is \$46,065.00. This amount divided equally results in each party receiving \$23,032.50 equity in the home.
- The Court's previous Order states that Plaintiff owes to Defendant \$5,500.00 for the trailer.

After all deductions are made, this results in Defendant owing to Plaintiff \$17,532.00 as her one half equity in the home.

IT IS ORDERED that Defendant shall have until **January 4, 2016** to work with a bank or other type of lender in order to secure the amount of \$17,532.00 owed by him to Plaintiff. If Defendant does not abide by the Court's order and secure such funds by January 4, 2016, the Court shall appoint a real estate commissioner to sell the home and divide those proceeds with each party paying one half of the costs of selling the home.

IT IS FURTHER ORDERED that Defendant shall **not** pay Plaintiff via payment plan, unless implicitly agreed to by Plaintiff.

IT IS FURTHER ORDERED that if Defendant pays Plaintiff the full amount owing by check prior to the Court's next proceeding on January 4, 2016, then the Plaintiff shall sign a quit claim deed. In that case, Defendant shall also file with the Court a copy of said check **prior** to the hearing.

IT IS FURTHER ORDERED setting a **Telephonic Status Conference** on **January 4, 2016 at 9:00 a.m. (time allotted: 15 minutes)**, in this division to determine the status of payment owing by Defendant to Plaintiff.

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**HONORABLE JO LYNN GENTRY
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 W. JEFFERSON
4TH FLOOR, COURTROOM 414
PHOENIX, AZ 85003
602-372-3091**

NOTE: Counsel for the Plaintiff is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this division at the scheduled time.

NOTE: Defendant, Yosvany Guerrero Vasquez, shall join the telephonic conference through counsel for the Plaintiff. Plaintiff's counsel will contact Defendant at the above-noted date and time. Defendant shall ensure that Plaintiff's counsel has his correct contact information in order to effectuate the telephonic conference. A court interpreter in the Spanish language will be made available telephonically for Defendant at the appointed time.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for up to three hours and \$280 for any hearing in excess of three hours. This fee does not include preparation of transcripts.

Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.**

PLEASE NOTE: This division requires that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

9:54 a.m. Matter concludes.