

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-011864

09/07/2018

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
G. Verbil
Deputy

BNC NATIONAL BANK

LORENA E VAN ASSCHEE

v.

SNAP BOOTH A C C, et al.

MICHAEL J FAZIO
9341 E CARMEL AVE
MESA AZ 85208
ALEXANDRA YOUNG
3419 N. SONORAN HILLS
MESA AZ 85207
JUDGE MAHONEY

MINUTE ENTRY

Courtroom 411 – East Court Building

10:30 a.m. This is the time set for an Order to Show Cause Hearing on Plaintiff's Application for Attachment. Plaintiff, BNC National Bank is represented by counsel, Lorena E. Van Asschee. Ron Castro, West Valley President of BNC National Bank, is present. Defendant Michael J. Fazio is present, appearing on his own behalf. Defendant Kenneth Brackley, who is also husband of Defendant Alexandra Young, is present.

A record of the proceedings is made digitally in lieu of a court reporter.

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LET THE RECORD REFLECT that Kenneth Brackley is the John Doe Young listed in this case. Defendant Alexandra Young (n/k/a Alexandra Brackley) waives her appearance for today's proceeding, because she needed more advanced notice for childcare.

The Court notes that the Replevin was already granted.

Plaintiff informs the Court that this is a breach of contract matter arising from a promissory note that matured in July. The collateral for the note is photo booths owned by Defendant. However, Plaintiff does not believe the collateral covers the note balance. A rental home owned by Defendants and ordered to be sold in their divorce decree, is pending sale as of August 28, 2018, and Plaintiff believes that proceeds from the sale will cover the deficiency. Defendant Fazio states that an appraisal is expected next week and he estimates closing to take place on or about September 28, 2018.

IT IS ORDERED setting a hearing in this matter on **September 20, 2018 at 11:00 a.m.** (time allotted: 30 minutes) in this Division before:

Honorable Margaret R. Mahoney
East Court Building
101 West Jefferson, Courtroom 411
Phoenix, Arizona 85003-2202
Telephone: (602) 506-0387

IT IS FURTHER ORDERED that if there is a possibility that the closing will take place prior to the hearing date, Defendants are to notify the Court and Plaintiff's counsel so a prompt telephonic conference can be scheduled. The Defendants have an obligation to alert the Court if closing is to occur prior to the hearing date set above.

Defendants provide contact information as follows:

Michael Fazio
9341 E. Carmel Avenue
Mesa, AZ 85208
snapboothaz@gmail.com
(480) 540-6238

Alexander Young and Kenneth Brackley
3419 N. Sonoran Hills
Mesa, AZ 85207

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alexbrackley.rn@gmail.com

kcbrackley@gmail.com

Alexandra Young cell: (805) 558-3409

Kenneth Brackley cell: (480) 204-0146

The Court recommends Defendants confer with Plaintiff and counsel in an attempt to resolve the issue.

11:12 a.m. Matter concludes.

Later on 9/7/18:

Plaintiff's counsel contacts Court staff by phone and files a request for an *ex parte* hearing, asserting that the property closing is to occur on 9/17/18, not 9/28/18.

IT IS ORDERED denying the request that an *ex parte* hearing be set.

IT IS FURTHER ORDERED Plaintiff's counsel shall provide by email today to all Defendants the filing provided to the Court described above.

IT IS FURTHER ORDERED setting a Telephonic Status Conference on **September 11, 2018 at 2:30 p.m.**

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 **(602) 506-0387** at the scheduled time.