

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/09/2001

04/02/2001

CLERK OF THE COURT
FORM V000A

HON. PAUL A KATZ

B. Navarro
Deputy

CV 1998-006976

FILED: _____

ROB ROY M PATTERSON, et al.

R JOHN LEE

v.

JAY M PATTERSON, et al.

MACK E TARWATER

JOHN GREG COULTER
STEPHEN K CLARKE
LANCASTER CONSULTING
202 E MORRIS
PHOENIX AZ 85012

MINUTE ENTRY

The Court having previously discussed the possible appointment of a special master with the parties; having contacted Stephen K. Clarke with Lancaster Consulting who expressed his willingness to serve as a special master in these proceedings; and good cause appearing,

IT IS ORDERED, pursuant to Rule 53, A.R.Civ.P., appointing Stephen K. Clarke in this matter for purposes of preparing a plan to implement the settlement agreement that was entered into by and between the parties on January 11, 2000, as reflected by the reporter's transcript of the court proceeding on January 11, 2000, a copy of which will be forwarded to the newly appointed Special Master.

IT IS FURTHER ORDERED that the Special Master, in order to prepare such report, is authorized to conduct an accounting of

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/09/2001

04/02/2001

CLERK OF THE COURT
FORM V000A

HON. PAUL A KATZ

B. Navarro
Deputy

CV 1998-006976

the two corporations as well as the other assets which are to be divided or exchanged between the parties to determine their respective values as of the date of the settlement, and to determine whether or not any of these entities or assets were wasted, misappropriate or diminished in value as of the date of the settlement, as the result of the conduct of any of the settling parties.

IT IS FURTHER ORDERED that the Special Master is authorized to conduct an accounting and/or valuation of any of the assets which are to be divided or exchanged between the parties to determine whether there has been a diminution or increase in any of their values since the January 11, 2000 date of settlement or to determine whether any of the assets of the two corporations have, in any way, been misappropriated or mishandled by any of the settling parties.

IT IS FURTHER ORDERED that the Special Master is authorized to determine whether or not the parties have taken any actions to improve, or otherwise alter, the value of any of the real property or corporate assets which were contemplated to be divided or exchanged between the parties with respect to settlement and to determine what, if any, adjustments need to be made to compensate for any changed valuation of the assets to be apportioned which is the result of the misconduct, wasting or misappropriation of any of these assets.

IT IS FURTHER ORDERED that the parties shall equally bear the costs of fees and expenses charged or incurred by the Special Master, and, pursuant to their agreement, they are authorized to have either of the two corporate entities which are part of the subject matter of this dispute pay such fees and costs.

IT IS FURTHER ORDERED that the parties and this counsel shall fully cooperate with the Special Master in producing for him any items, books, records or accounts that he may request in reference to any of the assets which may be in dispute in these proceedings, and, if necessary, the parties shall produce full

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/09/2001

04/02/2001

CLERK OF THE COURT
FORM V000A

HON. PAUL A KATZ

B. Navarro
Deputy

CV 1998-006976

and complete copies of their personal bank records and tax returns so that the Special Master may verify that no inappropriate expenditures have been made by any of the parties from assets which were to be divided between them, pursuant to the settlement agreement.

The Special Master is granted all powers under Rule 53, A.R.Civ.P., that may be necessary for him to gather required information to complete his accounting, and submit an action plan to the Court.

IT IS FURTHER ORDERED that the parties shall have **thirty (30) days** from this date to provide the Special Master with any documents or tangible evidence that they wish him to consider in the preparation of his report, with the Special Master to be empowered to obtain any other necessary documents that he may require from any of the parties.

IT IS FURTHER ORDERED that the Special Master shall present a draft report and recommendations to the parties on or before **July 1, 2001**, with the parties to have **two (2) weeks** from that date to provide the Special Master with any comments or objections to the same.

IT IS FURTHER ORDERED that the Special Master's report shall be produced to the Court for review on or before **August 1, 2001**.

IT IS FURTHER ORDERED that this Court shall accept the Special Master's findings of fact and recommendations unless it receives written objections from the parties on or before **August 15, 2001**, or unless this Court finds that the findings and recommendations to be clearly erroneous.

IT IS FURTHER ORDERED that the Special Master shall serve a copy of the final report upon all counsel of record on the date that it is filed with this Court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/09/2001

04/02/2001

CLERK OF THE COURT
FORM V000A

HON. PAUL A KATZ

B. Navarro
Deputy

CV 1998-006976

IT IS FURTHER ORDERED setting a **Status Conference** for
September 10, 2001 at 9:30 a.m., in this division.