

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013315

04/15/2019

HON. ROSA MROZ

CLERK OF THE COURT
D. Charbagi
Deputy

PERLA BARRIOS

PERLA BARRIOS
113 N 87TH AVE
TOLLESON AZ 85353

v.

ALEX RIVERA

ALEX RIVERA
P O BOX 46371
PHOENIX AZ 85063

JUDGE MROZ

MINUTE ENTRY

East Court Building– Courtroom 414

9:17 a.m. This is the time set for Oral Argument on Plaintiff's Motion for Hearing, Entry of Judgment and Appointment of Special Real Estate Commissioner filed on February 4, 2019. Plaintiff, Perla Barrios is present on her own behalf. Defendant, Alex Rivera is present on his own behalf.

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

Discussion held regarding Plaintiff's partition action.

The parties are sworn.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013315

04/15/2019

The parties agree to the following facts: The parties bought a house titled in joint tenancy with right of survivorship on March 15, 2017. The down payment was \$7,000. Defendant Rivera paid \$4,000, and Plaintiff Barrios paid \$3,000 of the down payment. Barrios moved out of the house on September 25, 2017, and has not been able to go back to the house because Rivera obtained an order of protection against her. Rivera has been paying the mortgage by himself since October 1, 2017. Currently, the monthly mortgage payment is \$1,322.88.

The Court explains the two different options the parties have: (1) Rivera can buy Barrios out of her share of the house; or (2) sell the house. The parties can also get an appraisal first and decide which of the two options is financially feasible.

The Court gives the parties guidance on what Barrios may be entitled to: **(NOTE: the Court gave a different formula in court. However, upon reflection, the formula needed to be adjusted. The formula in this minute entry is the more appropriate formula. The Court recommends that the parties run the numbers using different scenarios to see if they are able to settle this case without spending more money.)**

	Appraisal value
Less:	Remaining mortgage
Less:	Cost of sales (such as commission, closing costs) – this cost is relevant only under the sell option
Equal:	Net profit on the house
Times:	43% (representing Barrios' share of the house)
Equal:	Barrios' share of the profit
Less:	43% of the amount Rivera paid for mortgage from October 1, 2017 (representing Barrios' responsibility for the mortgage payments)
Plus:	43% of fair market value of the rent on the house from October 1, 2017 (representing what Barrio would have received if the house was rented) Equal: Amount Rivera pays to Barrios

IT IS ORDERED that the parties shall communicate with each other regarding this lawsuit via email and shall be respectful to each other in the email. The parties shall write to each other as if they are writing to their own grandmother.

The parties need a real estate appraiser. The Court will appoint one for them. The report will be completed by **May 15, 2019**. The parties shall pay the cost of the appraisal equally.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013315

04/15/2019

IT IS FURTHER ORDERED setting another in-person status conference for **June 13, 2019 at 9:00 a.m. (time allotted: 15 minutes)** to discuss the outcome of the appraisal and the parties' plan for moving forward.

**HONORABLE JUDGE ROSA MROZ
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 W. JEFFERSON
4TH FLOOR, COURTROOM 414
PHOENIX, AZ 85003
602-372-0384**

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. If a CD or videotape is requested, please obtain a form 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 courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

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 a half-day and \$280 for a full day.

NOTE: Preferred communication with this Division is via email to my Judicial Assistant, Sandra Nageotte, at nageottes@superiorcourt.maricopa.gov. We are able to respond much quicker to an email. Please make sure you endorse all parties involved in the case.

9:56 a.m. Matter concludes.

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney. **The law requires the court to hold all persons representing themselves to the**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013315

04/15/2019

same standard as a licensed attorney. Self-represented litigants are encouraged to review the Arizona Rules of Civil Procedure, paying particular attention to Rule 26.

Before the judge can consider anything you send her, you must show her that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the clerk's job to keep an independent record of everything that happens at the court. The court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This is so all parties have a fair chance to tell the judge what they think before she makes a decision.

Because of that, if you want the judge to consider something you send her, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this division (that is, to the judge, using her specific courtroom address)

HONORABLE JUDGE ROSA MROZ
101 W. JEFFERSON
4TH FLOOR, COURTROOM 414
PHOENIX, AZ 85003
602-372-0384

and mail or deliver a copy to all opposing parties. In addition, on each document you must include a signed certificate that says whether you mailed or hand delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand delivered each copy. If a party is represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed orders submitted to this division must include copies of the order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the clerk or other parties to the judge.

If you want to file papers with the Clerk of the Court by mail, please send them to:

Clerk of the Superior Court's Office
Civil File Counter
201 W. Jefferson
Phoenix, AZ 85003

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013315

04/15/2019

The clerk's guidelines for filing by mail can be found at:

<http://www.clerkofcourt.maricopa.gov/filing-by-mail.asp>

If you are not represented by a lawyer you must contact this division immediately and give us a current address, telephone number, and email address. If your address, phone number, or email address changes in the future, you must file a notice of change of address/phone number/email address. That form can be downloaded at no charge from the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>