

FILED
April 26, 2010 - 9:10 am
MICHAEL K. JEANES, Clerk
By *L. Ferrillo*
Deputy

COPY
CERTIFICATION

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5 Attorneys for the Receiver

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 STATE OF ARIZONA ex rel. LAUREN)
9 KINGRY, Superintendent of the Arizona)
Department of Financial Institutions,)
10 Plaintiff,)
v.)
11 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)
12 Defendant.)
13)
14)

Cause No. CV2009-020595
ORDER RE: PETITION NO. 13
(Assigned to Judge Sam Myers)

15
16 The Receiver having filed Petition No. 13, and the Court having considered same, and
17 it appearing to the Court that the matters requested by Petition No. 13 are reasonable, just and
18 appropriate:

19 NOW, THEREFORE, IT IS HEREBY ORDERED:

20 1. Confirming the sale of the real property located at 9980 North Shannon Road,
21 Tucson, Arizona and legally described in the attached Exhibit 1 ("Property") for the price and

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1 in accordance with the terms set forth in Purchase Agreement attached as Exhibit 2 to the
2 Receiver's Petition No. 13;

3 2. Directing the Receiver to hold the net sale proceeds from the sale of the
4 Property in a segregated account pending further order of the Court;

5 3. The sale of the Property shall be free and clear of all liens and interest including
6 without limitation those set forth below, with such liens and interest (if any) attaching to the
7 net sales proceeds:

8 a. Equitable claims of persons participating in the loan by Landmarc for
9 which the Property was the security;

10 b. Security interests of WCF Investors; or

11 c. The *Notice of Lis Pendens* recorded by SEM Investments, LLC,
12 ("SEM") on this Property on December 29, 2008 with the Pima county Recorder at
13 Docket 13463, Page 639.

14 4. Authorizing Thomas Giallanza, as Deputy Receiver, to execute all necessary
15 documents in connection with the sale of the Property confirmed by this Order.

16 Dated this 26 day of April, 2010.

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1157-001(94255)

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Judge of the Superior Court

Sam J. Myers
The foregoing instrument is a full, true
and correct copy of the original document.

Attest April 26, 2010

MICHAEL K. JEANES, Clerk of the
Superior Court of the State of Arizona, in
and for the County of Maricopa.

By L. Turvello Deputy

PARCEL 1:

All that portion of the Northwest one quarter of the Southwest one quarter of Section 16, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

Commencing at the Southwest corner of said Section 16, being a brass stem in concrete;

Thence North along the West line of the Southwest quarter of said Section 16 and being the basis of bearing for this legal description a distance of 2640.43 feet (2640.44 record) to a brass capped survey monument in concrete with a punch mark marking the West one quarter corner of said Section 16 (the basis of bearing is shown in Book 41 of Maps and Plats at page 44);

Thence South 89° 54' 30" East along the North line of the Southwest one quarter of said Section 16, a distance of 75.01 feet to a ½ inch iron pin with a brass tag stamped "RLS 35111" on the East sideline of Shannon Road as shown in Book 41 of Maps and Plats at page 44 and being the TRUE POINT OF BEGINNING for said Parcel 1 (South 89° 57' 31" East 75.00 feet record);

Thence South 89° 57' 31" East along the North line of the Southwest one quarter of said Section 16 a distance of 556.04 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745" (South 89° 57' 31" East record);

Thence South 00° 02' 58" West a distance of 246.39 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745";

Thence South 78° 50' 23" West a distance of 566.19 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745" said point being on the East sideline of said Shannon Road as recorded in Docket 10138, page 3350;

Thence North 00° 03' 03" East along said East line of said Shannon Road as recorded in Docket 10138, page 3350, a distance of 356.35 feet to the TRUE POINT OF BEGINNING of said Parcel 1 (North 00° 04' 05" West record);

Except all that portion lying within the following described parcel:

All that portion of the Northwest one quarter of the Southwest one quarter of Section 16, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

Commencing at the Southwest corner of said Section 16, being a brass stem in concrete;

Thence North along the West line of the Southwest quarter of said Section 16 and being the basis of bearing for this legal description a distance of 2640.43 feet (2640.44 record) to a brass capped survey monument in concrete with a punch mark marking the West one quarter corner of said Section 16 (the basis of bearing is shown in Book 41 of Maps and Plats at page 44);

Thence South 89° 54' 30" East along the North line of the Southwest one quarter of said Section 16, a distance of 75.01 feet to a ½ inch iron pin with a brass tag stamped "RLS 35111" on the East sideline of

Shannon Road as shown in Book 41 of Maps and Plats at page 44 (South 89° 57' 31" East 75.00 feet record);

Thence South 89° 57' 31" East along the North line of the Southwest one quarter of said Section 16 a distance of 556.04 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745" and the TRUE POINT OF BEGINNING for (South 89° 57' 31" East record);

Thence continuing South 89° 57' 31" East along the North line of said Southwest one quarter of said Section 16 a distance of 25.00 feet to a ½ inch iron pin with a brass tag stamped "RLS 35111";

Thence South 00° 02' 58" West along the West line of Linda Vista Estates II, Lots 429 thru 430 and Lots 485 thru 487 as recorded in Book 41 of Maps and Plats at page 44 a distance of 352.11 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745" (South 00° 07' 13" East record);

Thence South 59° 10' 24" West a distance of 418.03 feet to a ½ inch iron with a brass tag stamped "RLS 38745";

Thence North 00° 03' 17" East a distance of 254.00 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745";

Thence North 75° 50' 23" East, a distance of 311.91 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745";

Thence North 39° 26' 46" East a distance of 44.58 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745";

Thence North 00° 02' 58" East, a distance of 217.55 feet to a ½ inch iron pin with a brass tag stamped "RLS 38745", and the TRUE POINT OF BEGINNING.