

COPY FOR
CERTIFICATION

CERTIFIED COPY

1 Guttilla Murphy Anderson
Patrick M. Murphy (Ariz. No. 002964)
2 City North
5415 E. High St., Suite 200
Phoenix, Arizona 85054
3 Email: pmurphy@gamlaw.com
Phone: (480) 304-8300
4 Fax: (480) 304-8301

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)
KINGRY, Superintendent of the Arizona)
Department of Financial Institutions,)

Cause No. CV2009-020595

9 Plaintiff,)

10 v.)

ORDER RE: PETITION NO. 41

11 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)

(Assigned to Judge Lisa Flores)

12 Defendant.)
13)

14 The Arizona Court of Appeals having directed this Court to grant the *Motion to Vacate*
15 *Order Re: Petition No. 41 for Improper Notice* (“*Motion to Vacate*”) previously filed by
16 Landmarc Capital Partners, LLC (“Partners”) and the Receiver having filed the *Receiver’s*
17 *Supplement to Petition No. 41 and Request for Hearing*, and the Court having considered
18 same:

19 NOW, THEREFORE, IT IS HEREBY ORDERED:

- 20 1. Granting the *Motion to Vacate*.
21 2. Declaring that the two Affidavits of Erroneous Recording recorded with the

Maricopa County Recorder as Instrument Nos. 2009-0055772 and 2009-0055773 are invalid

Guttilla Murphy Anderson, P.C.
City North
5415 E. High Street, Suite 200
Phoenix, AZ 85054
(480) 304-8300

1 and that fee title in the real property described in the attached Exhibit "1" is vested in LCI-
2 Westgate, LLC, as of December 31, 2008.

3 3. Ratifying and approving the *Restated Articles of Organization of LCI-Westgate,*
4 *LLC* dated July 16, 2010 and filed with the Arizona Corporation Commission on or about
5 August 24, 2010 and attached as Exhibit "2" to the *Receiver's Supplement to Petition No. 41*
6 *and Request for Hearing.*

7 4. Approving the Operating Agreement of LCI-Westgate, LLC attached as Exhibit
8 "3" to the *Receiver's Supplement to Petition No. 41 and Request for Hearing* with the
9 following exception: approval or disapproval of Section 21.3 of the Operating Agreement is
10 deferred until this Court has resolved the First Out Litigation between Partners and the
11 Oxford Investors.

12 5. Nothing contained herein is intended nor shall it be construed to resolve or
13 determine the issues raised by the parties in the First Out Litigation.

14 Dated this 16th day of May, 2013.

15
16 
17 _____
18 Judge of the Superior Court
19 Lisa Daniel Flores
20

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Southwest quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a Found City of Glendale Brass Cap at the Northwest corner of said Section 9;

THENCE North 87 degrees 56 minutes 15 seconds East, an assumed bearing, 2641.99 feet along the North line of the Northwest quarter of said Section 9 to a found MCDOT Aluminum Cap at the Northeast corner of the Northwest quarter of said Section 9;

THENCE South 87 degrees 56 minutes 15 seconds West, 419.81 feet along the North line of the Northwest quarter of said Section 9;

THENCE South 01 degrees 47 minutes 39 seconds East, 285.83 feet along the West line of Lot 1B, FINAL PLAT OF WESTGATE, according to Book 745 of Maps, page 14, records of Maricopa County, Arizona, to a set 1/2" rebar capped RLS 42924 and the Point of Beginning;

THENCE North 88 degrees 12 minutes 21 seconds East, 36.92 feet, to a set 1/2" rebar capped RLS 42924;

THENCE South 49 degrees 51 minutes 53 seconds East, 233.06 feet, to a set 1/2" rebar capped RLS 42924 on the Easternmost line of said Lot 1B;

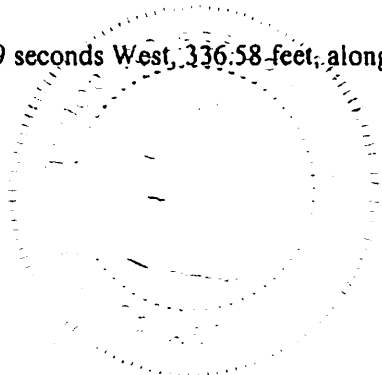
THENCE South 41 degrees 55 minutes 46 seconds West, 110.04 feet, along the Easternmost line of said Lot 1B to a found 1/2" rebar capped RLS 36888 at the beginning of a curve concave to the Southeast having a radius of 560.00 feet, to which the radius bears South 48 degrees 04 minutes 14 seconds East;

THENCE Southerly 192.69 feet along said curve through a central angle of 19 degrees 42 minutes 53 seconds to a set nail tagged RLS 42924 which bears from the radius North 67 degrees 47 minutes 07 seconds West;

THENCE North 59 degrees 14 minutes 47 seconds West, 50.50 feet along the Southernmost line of said Lot 1B to a found 1/2" rebar tagged RLS 42924;

THENCE North 24 degrees 29 minutes 02 seconds East, 34.26 feet along the Westerly line of said Lot 1B to a found 1/2" rebar capped RLS 37259;

THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.



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

Attest May 14th 2013
MICHAEL K. JEANES, Clerk of the Superior Court of the
State of Arizona, in and for the County of Maricopa.

By Suzanne Deputy

