

FILED
4-1-16 8:35am
MICHAEL K. JEANES, Clerk
By Aguintana
Deputy

FOR CERTIFIED COPY

1 **Guttilla Murphy Anderson, P.C.**
2 **Patrick M. Murphy** (Ariz. No. 002964)
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4 Phoenix, Arizona 85054
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CERTIFIED COPY

8 Attorneys for the Receiver

9 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

10 IN AND FOR THE COUNTY OF MARICOPA

11 STATE OF ARIZONA ex rel. ROBERT)
12 D. CHARLTON, Interim Superintendent)
13 of the Arizona Department of Financial)
14 Institutions,)

15 Plaintiff,

16 v.)

17 LANDMARC CAPITAL &)
18 INVESTMENT COMPANY,)

19 Defendant.)

Cause No. CV2009-020595

ORDER RE: PETITION NO. 93

ORDER APPROVING SALE OF REAL
PROPERTY LOCATED AT 5744 EAST
CHENEY DRIVE, PARADISE VALLEY,
ARIZONA 85253

(Assigned to Judge Patricia Starr)

20 The Receiver having filed Petition No. 93, *Petition to Confirm Sale of Real Property*
21 *Located at 5744 East Cheney Drive, Paradise Valley, Arizona* and the Court having
considered same, and it appearing to the Court that the matters requested by Petition No. 93
are reasonable, just and appropriate:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Confirming the sale of the real property located at 5744 East Cheney Drive, Paradise Valley, Arizona and legally described in the attached Exhibit "1" ("Property") for

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

1 the price and in accordance with the terms set forth in Purchase Agreement attached as
2 Exhibit 2 to the Receiver's Petition No. 93;

3 2. Directing TBM Associates, LLC ("TBM") to execute a deed to the Receiver or
4 the Buyer conveying TBM's interest in the Property;

5 3. Authorizing Thomas Giallanza, as Deputy Receiver, to execute all necessary
6 documents in connection with the sale of the Property confirmed by the Court;

7 4. Authorizing the Receiver to execute all necessary documents in connection with
8 the servicing of the Promissory Note by an account servicing company acceptable to the
9 Beneficial Owners; and

10 5. In the event the sale of the Property is confirmed but does not close, the escrow
11 agent holding the Earnest Money shall deliver the Earnest Money to the Receiver and the
12 Receiver shall pay \$7,500 of the Earnest Money to the receivership estate as reimbursement
13 for costs incurred in connection with the proposed sale and this petition, and apply as
14 necessary the balance to the payment of taxes, insurance or HOA Assessments on the
15 Property.

17 April 1st, 2016
18
19 Pte Starr

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

21 Attest April 1, 2016

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

By Aguiñana Deputy

JUDGE PATRICIA STARR

1 LEGAL DESCRIPTION

2 Exhibit "1"

3 The land referred to in this report is described as follows:

4 Lot 17, La Place Du Somment, according to Book 250 of Maps, Page 44, records of Maricopa
5 County, Arizona:

6 Except any portion thereof lying within that certain property conveyed to the town of
7 Paradise Valley by Deed recorded in Document No. 83-129233, records of Maricopa County,
8 Arizona;

9 Except all coal and other mineral reserved by patent.
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20 Exhibit "1"