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OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
Virginia Ross

DATE/TIME: 07/19/2021 1236

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When recorded mail to:

SHAW & LINES LLC
4523 E BROADWAY ROAD
PHOENIX, ARIZONA 85040

(The above space reserved for recording information)

**DEFAULT JUDGMENT
ON FORECLOSURE**

DOCUMENT TITLE

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RECORDER'S OFFICE.**

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6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7
8 **IN AND FOR THE COUNTY OF PINAL**

9 **ALTERRA HOMEOWNERS**
10 **ASSOCIATION, an Arizona nonprofit**
11 **corporation,**

11 **Plaintiff,**

11 **vs.**

12 **EMILIO G. FERNANDEZ; ELIO**
13 **RAFAEL DIAZ; SECRETARY OF**
14 **HOUSING AND URBAN**
15 **DEVELOPMENT (HUD); CAPITAL**
16 **ONE BANK USA, N.A.; MIDLAND**
17 **FUNDING, LLC.; UNKNOWN HEIRS**
18 **AND DEVISEES OF DEFENDANT, IF**
19 **DECEASED,**

18 **Defendants.**

No. CV202001621

DEFAULT JUDGMENT
ON FORECLOSURE

19 This matter having come regularly on Plaintiff Alterra Homeowners Association
20 ("Plaintiff" or "Association") Application for Judgment by default against Defendants
21 Emilio G. Fernandez, Elio Rafael Diaz, Capital One Bank USA, N.A. and Midland
22 Funding, all of whom having been duly served and failed to plead or otherwise defend
23 this matter; default of the foregoing defendants having been duly entered; a stipulation
24 for entry of judgment having been entered with Defendant Secretary of Housing and
25 Urban Development (HUD), as set forth in this Court's Order entered December 21,
26
27
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1 2020, and incorporated herein by this reference; and Plaintiff now seeking entry of a final
2 judgment as to all claims and parties herein; the foregoing is hereby confirmed; Plaintiff
3 having proven the material allegations of the Complaint; and, good cause appearing
4 therefor,
5

6 IT IS HEREBY ORDERED, DECREED AND ADJUDGED that Plaintiff have
7 judgment against the aforesaid Defendants as follows:
8

9 1. There is an indebtedness due and owing to Plaintiff under Plaintiff's
10 recorded declaration and that the entire amounts awarded herein are secured by a
11 Plaintiff's lien against the subject real property, including all fixtures thereon (the
12 "Property"), described and known as:
13

14 LOT 154, ALTERRA SOUTH, ACCORDING TO THE PLAT
15 OF RECORD IN THE OFFICE OF THE COUNTY
16 RECORDER OF PINAL COUNTY, ARIZONA,
17 RECORDED IN CABINET E, SLIDE 89 AND AFFIDAVITS
18 OF CORRECTION RECORDED AS 2004-100818 AND
19 AFFIDAVIT OF CORRECTION RECORDED AS 2005-
20 5810, BOTH OF OFFICIAL RECORDS.

19 Parcel No.: 512-37-1540

20 a. The principal sum in the current amount of \$2,558.12 (which
21 includes the principal balance of \$2,578.96 as set forth in Plaintiff's Complaint, plus
22 accruing assessments of \$62.92 per month accruing from November 1, 2020 through May
23 1, 2021, plus late charges of \$15.00 per month accruing November 15, 2020 through May,
24 15, 2021, and crediting all accruing sums for payments received from Defendant in the
25 amount of \$566.28), and also hereby awarding accruing monthly assessments and late
26
27
28

1 charges commencing as of June 1, 2021, and awarding such accruing assessments until
2 execution upon this judgment;

3
4 b. Plaintiff's costs of collection in an amount of \$1,327.22, plus
5 Plaintiff's accruing costs and expenses incurred hereafter;

6 c. Plaintiff's attorneys' fees herein in an amount of \$3,520.00, plus
7 accruing attorney fees incurred hereafter; and

8
9 d. Post-judgment interest on all amounts awarded herein at the rate of
10 4.25% per annum, pursuant to A.R.S. §44-1201(B), and until all amounts awarded herein
11 are paid in full.

12
13 2. That all such sums are secured by a lien against the Property and the lien is
14 a valid lien on the Property and the whole thereof, and prior to any right, title, interest,
15 lien, equity, claim, encumbrance and/or estate of the named defendants herein;

16
17 3. Plaintiff's lien is not subject to any homestead exemption pursuant to
18 A.R.S. §33-1807(C);

19
20 4. Plaintiff's lien is hereby foreclosed on the Property and a special execution
21 is hereby issued to the Sheriff of Pinal County, Arizona, directing him to seize and sell
22 the Property, including any fixtures, under said execution in satisfaction of all amounts
23 due to Plaintiff pursuant to the terms of this judgment and A.R.S. § 12-1566;

24
25 6. The Court further finds that the Property is not used primarily for
26 agriculture or grazing purposes and therefore, pursuant A.R.S. § 12-1282, defendants'
27 statutory redemption period is six (6) months after the date of sale, or any applicable
28 successive periods for all creditors as provided by law;

1 7. Upon the sale of the Property, the Sheriff is ordered to issue a certificate of
2 sale to the purchaser, and after the expiration of the statutory redemption period
3 referenced herein, if redemption is not made, the Sheriff shall execute a deed to the
4 purchaser or his assigns;
5

6 8. Pursuant to A.R.S. § 33-727(B), after expiration of the time for redemption,
7 if redemption is not made and if the defendant(s), or defendant's assigns in possession of
8 the Property, refuse thereafter to deliver possession of the foreclosed Property to the
9 purchaser or his assigns, the Court shall order a writ of possession issued placing the
10 purchaser or his assigns in possession of the Property;
11

12 9. That any personal property present at or in the Property at the time of the
13 foreclosure sale will be deemed abandoned and sold as part of the Property if not removed
14 prior to the time the purchaser elects to take possession.
15

16 10. This judgment resolves all claims as to all parties, no further matters remain
17 pending and, therefore, this is a final judgment entered pursuant to Rule 54(c), Ariz. R.
18 Civ. P.
19

20
21
22 eSigned by Fuller, Steven 06/28/2021 11:51:57 5c9-0Bqn
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STATE OF ARIZONA } SS
COUNTY OF PINAL

I, REBECCA PADILLA, Clerk of the Superior Court, State of

Arizona, in and for the County of Pinal, do hereby certify that I have

compared the foregoing copy of a Warrant Judgment CR

and of the endorsement thereupon, with the original records of the same

remaining in this office, and that the same correct transcripts

therefrom, and the whole of said original records.

Witness my hand and seal of said Court, this 14 day of July, 2021

REBECCA PADILLA, Clerk

By [Signature] Deputy Clerk