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City/State/Zip: Mesa, AZ 85206

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CAPTION HEADING:

Judgment on Foreclosure

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IN THE SUPERIOR COURT

Pinal County, State of Arizona

Judge: Christopher J. O'Neil **Date: August 1, 2022**

Judicial Administrative Assistant: Erica DiGiambattista

MISSION ROYALE II HOMEOWNERS ASSOCIATION, an Arizona nonprofit corporation, **Plaintiffs,** **vs.** **CHRISTOPHER CHANNING LIEBHART and EDNA LIZETH LIEBHART, Co-Trustees of The Liebhart Family Trust dated August 12, 2016; et al.,** **Defendants.**	**S1100CV202200549** **JUDGMENT ON FORECLOSURE**

This matter having come regularly on Plaintiff's Application for Judgment by Default against Defendants Christopher Channing Liebhart and Edna Lizeth Liebhart, Co-Trustees of The Liebhart Family Trust Dated August 12, 2016, Crown Management, LLC, Midland Credit Management, Inc., and Discover Bank, and default of said Defendants having been duly entered; the same is hereby confirmed and Plaintiff having proven the material allegations of the Complaint;

IT IS ORDERED that Plaintiff have judgment against the Defendants as follows:

1. The Court finds that there is an indebtedness due and owing to Plaintiff under the contract between the parties (CC&R's) and statutes, and that all such amounts are secured by a lien against the Property (identified below) for:

Lot 2345, of PHASE 3 - PARCEL 3 OF MISSION ROYALE, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, recorded in Cabinet G, Slide 31, aka 2548 East San Isido Trail, Casa Grande, Arizona 85194.

a. The principal sum in the amount of $6,996.50, as of 2022, plus late charges of $15.00 per month, commencing July, 2022, and as more fully set forth in the underlying Complaint, with additional amounts accruing January 1, 2023, pursuant to the contract and A.R.S. § 33-1807(A), in an amount not less than $1,308.00, plus monthly late charges of $15.00;

b. Prejudgment interest from January 26, 2023 at the rate of $1.89 per diem;

c. Plaintiff's costs herein of $1,270.00, including the costs of foreclosure and title search, plus accruing costs not otherwise addressed herein upon application; and

d. Attorney fees in the amount of $4,717.50 to bring this action and to resolve the dispute, plus accruing fees not otherwise addressed herein upon application; and

e. Post Judgment interest on principal sum awarded herein at 10% per annum, pursuant to Section 4.7 of the CC&R's; and

f. Post Judgment interest on Plaintiff's costs and attorney fees awarded herein at the statutory rate, currently 5.75% per annum.

2. As to these Defendants, the Court finds that said sums are secured by a lien against the Property and that the lien is a valid first lien on the Property and on the whole thereof, which lien is not subject to any homestead pursuant to A.R.S. § 33-

1807(C), except that the lien is not superior to the first deed of trust of Mortgage Electronic Registration Systems, Inc., solely as nominee for Academy Mortgage Corporation, recorded May 25, 2012, at Document No. 2012-044550;

3. As to these Defendants, the Association's lien is adjudged to be a superior lien upon the Property and is prior and superior to any right, title, interest, lien, equity or estate of the Defendants herein; and to the extent that the Property is foreclosed pursuant to the first Deed of Trust against the Property and there are no excess proceeds, or if the Plaintiff desires to proceed directly to collect upon the unpaid monetary portions of the Judgment, the Association shall be entitled to a personal money judgment against Defendants Christopher Channing Liebhart and Edna Lizeth Liebhart, Co-Trustees of The Liebhart Family Trust Dated August 12, 2016 for the amounts set forth above or any lesser amounts to the extent of offsetting excess proceeds or interim payments;

4. The interests of the Defendants herein are hereby foreclosed, and all persons claiming under any of them, and the Defendants herein are forever barred from any or all right, title, claim, interest or lien in and to the Property or with respect thereto, except such rights of redemption as they may have by law;

5. Plaintiff's lien is hereby declared foreclosed and a special execution is hereby issued to the Sheriff of Pinal County, Arizona, directing him to seize and sell the Property as under execution in satisfaction of all amounts due Plaintiff as aforesaid;

6. It is hereby directed that if there is any personal property present at or in the Property at the time of the sale, the same will be deemed abandoned and sold as part of the Property if not removed prior to the time the purchaser of the Property elects to take possession of the Property as more fully set forth below, but no later than expiration of the redemption period, to the extent permitted by law, and that the Property to be sold at public auction, and that Plaintiff may be the purchaser at such sale;

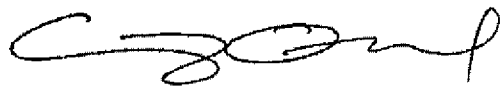
7. It is declared that the redemption period shall be six (6) months, unless the property has been abandoned, in which event the redemption period shall be 30 days;

8. Upon the sale of the Property, and in addition to the rights in paragraph 9 below, the Sheriff is ordered to issue a certificate of sale to the purchaser, and after the expiration of the statutory redemption period pertaining to real property, if redemption is not made, the Sheriff shall execute a Deed to the holder of said certificate and the grantee therein shall be let into the premises upon presentation of said Deed; and that if the grantee or its assignees are not let into possession upon presentation of said deed therefor, a writ of possession will issue without further Order of the Court; and

9. Possession of the Property shall be vested in the purchaser immediately following the Sheriff's Sale as the holder of equitable title and thus entitling the purchaser to pursue occupancy by all legal means, subject only to Defendants' right of redemption pursuant to Arizona law.

10. Dismissing this action as to the unknown heirs and devisees of Christopher Channing Liebhart and Edna Lizeth Liebhart, if deceased, due to service upon all Defendants.

There is no just cause for delay. No further matters remain pending. IT IS ORDERED that final judgment is entered as to all claims and all parties under Rule 54(c), and this file is administratively closed.



eSigned by O'Neil, Christopher 08/01/2022 10:19:50 GTed4sc8

STATE OF ARIZONA }
COUNTY OF PINAL } SS

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 CV2022200549 Judgment on foreclosure 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 affixed this 8th day of September 20 22

REBECCA PADILLA, Clerk

By Stephanie Ba[illegible] Deputy Clerk

INFORMATION STATEMENT

PURSUANT TO A.R.S. § 33-967

Pursuant to A.R.S. § 33-967, the Judgment Creditor (aka the Plaintiff on the Judgment to which this information statement is attached) hereby provides the following information:

I. The name and last known address of each Judgment Debtor:

Christopher Channing Liebhart and Edna Lizeth Liebhart, Co-Trustees of The Liebhart Family Trust Dated August 12, 2016 2548 E San Isido Trail, Casa Grande, AZ 85194; Crown Asset Management, LLC, c/o CT Corporation System, 3800 N Central Ave, #460, Phoenix, AZ 85012; Midland Credit Management, Inc., c/o Corporation Service Co., 8825 N 23rd Ave, #100, Phoenix, AZ 85021, Discover Bank, 502 E Market St., Greenwood, DE 19950

II. The address at which each Judgment Debtor received the Summons by personal service or by mail:

Christopher Channing Liebhart and Edna Lizeth Liebhart, Co-Trustees of The Liebhart Family Trust Dated August 12, 2016 2548 E San Isido Trail, Casa Grande, AZ 85194; Crown Asset Management, LLC, c/o CT Corporation System, 3800 N Central Ave, #460, Phoenix, AZ 85012; Midland Credit Management, Inc., c/o Corporation Service Co., 8825 N 23rd Ave, #100, Phoenix, AZ 85021, Discover Bank, 502 E Market St., Greenwood, DE 19950

III. The name and address of the Judgment Creditor:

Mission Royale II Homeowners Association c/o Maxwell & Morgan, P.C., Pierpont Commerce Center, 4854 East Baseline Road, Suite 104, Mesa, Arizona 85206

IV. The amount of the Judgment as entered by the Court: $ 12,983.00 *
*(The Judgment also provides for accruing amounts. *See* the Judgment.)

V. The Social Security number for each Judgment Debtor:

Unknown at this time. Date of birth is: **Christopher-12181978; Edna-12121978**

VI. Date of birth for each Judgment Debtor: **Christopher-12181978; Edna-12121978**

VII. The driver's license number for each Judgment Debtor: Unknown at this time.

VIII. Has a court precluded enforcement of the Judgment? Yes ____ No X. If yes, has the court identified a date when the stay expires. Yes ____ No ____. If yes, the stay expires on _____, 20__.

NOTE: Pursuant to A.R.S. § 33-967(B), the foregoing information is only provided "if the information is known to the judgment creditor or available to the judgment creditor from its records, its attorney's records or the court records in the action in which the judgment was entered." Said Subsection further provides that, "[i]f any of the required information is not known, the judgment creditor shall so state." Said Subsection further prohibits the judgment creditor from providing Social Security numbers unless the same have "been provided voluntarily to the judgment creditor by the judgment debtor".

Dated this 30 day of August, 2022.

_____
On Behalf of Judgment Creditor

&CIVIL COVERSHEET BWM