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CAPTION HEADING:

Judgment on Foreclosure

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Maxwell & Morgan, P.C.

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9 **W. WILLIAM NIKOLAUS - STATE BAR NO. 025657**
10 *Attorneys for Plaintiff*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF PINAL**

13 **HOMESTEAD NORTH HOMEOWNERS**
14 **ASSOCIATION, an Arizona nonprofit**
15 **corporation,**

16 **Plaintiff,**

17 **vs.**

18 **DAVID SICKLER, a married man, as his**
19 **sole and separate property; LVNV**
20 **FUNDING, LLC; THE UNKNOWN**
21 **HEIRS AND DEVISEES OF DAVID**
22 **SICKLER, IF DECEASED,**

23 **Defendants.**

No. S1100CV202300534

JUDGMENT ON FORECLOSURE
(Lien Foreclosure)

HON. ROBERT CARTER OLSON

24 This matter having come regularly on Plaintiff's Application for Judgment by Default
25 against Defendants David Sickler, a married man, as his sole and separate property, and
26 LVNV Funding, LLC, and default of said Defendants having been duly entered; the same is
27 hereby confirmed and Plaintiff having proven the material allegations of the Complaint, and
28 finding pursuant to Rule 54(c), ARCP, that no further matter remains,

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:

1 Lot 42, FINAL PLAT FOR PARCEL 6 AT HOMESTEAD NORTH,
2 according to Cabinet F, Slide 139, records of Pinal County, Arizona.

3 aka 20415 North Herbert Avenue, Maricopa, Arizona 85138.

4 a. The principal sum in the amount of \$5,543.71, as of 2023, plus late
5 charges of \$20.00 per month, commencing October, 2023, and as more fully set forth in the
6 underlying Complaint, with additional amounts accruing January 1, 2024, pursuant to the
7 contract and A.R.S. § 33-1807(A), in an amount not less than \$564.00, plus monthly late
8 charges of \$20.00;

9
10 b. Prejudgment interest from March 6, 2023 at the rate of \$0.41 per diem;

11 c. Plaintiff's costs herein of \$1,327.21, including the costs of foreclosure
12 and title search, plus accruing costs not otherwise addressed herein upon application; and

13 d. Attorney fees in the amount of \$3,432.50 to bring this action and to
14 resolve the dispute, plus accruing fees not otherwise addressed herein upon application; and

15 e. Post Judgment interest on principal sum awarded herein at 10% per
16 annum, pursuant to Section 5.9.1 of the CC&R's; and

17 f. Post Judgment interest on Plaintiff's costs and attorney fees awarded
18 herein at the statutory rate, currently 9.5% per annum.
19

20
21 2. As to these Defendants, the Court finds that said sums are secured by a lien
22 against the Property and that the lien is a valid first lien on the Property and on the whole
23 thereof, which lien is not subject to any homestead pursuant to A.R.S. § 33-1807(C), except
24 that the lien is not superior to the first deed of trust of Mortgage Electronic Registration
25 Systems, Inc. solely as nominee for Freedom Mortgage Corporation, dba Freedom Home
26 Mortgage Corporation (FN), recorded October 28, 2016, at Document No. 2016-072756;
27
28

1 3. As to these Defendants, the Association's lien is adjudged to be a superior lien
2 upon the Property and is prior and superior to any right, title, interest, lien, equity or estate of
3 the Defendants herein; and to the extent that the Property is foreclosed pursuant to the first
4 Deed of Trust against the Property and there are no excess proceeds, or if the Plaintiff desires
5 to proceed directly to collect upon the unpaid monetary portions of the Judgment, the
6 Association shall be entitled to a personal money judgment against Defendant David Sickler
7 for the amounts set forth above or any lesser amounts to the extent of offsetting excess
8 proceeds or interim payments;
9

10
11 4. The interests of the Defendants herein are hereby foreclosed, and all persons
12 claiming under any of them, and the Defendants herein are forever barred from any or all
13 right, title, claim, interest or lien in and to the Property or with respect thereto, except such
14 rights of redemption as they may have by law;
15

16 5. Plaintiff's lien is hereby declared foreclosed and a special execution is hereby
17 issued to the Sheriff of Pinal County, Arizona, directing him to seize and sell the Property as
18 under execution in satisfaction of all amounts due Plaintiff as aforesaid;
19

20 6. It is hereby directed that if there is any personal property present at or in the
21 Property at the time of the sale, the same will be deemed abandoned and sold as part of the
22 Property if not removed prior to the time the purchaser of the Property elects to take
23 possession of the Property as more fully set forth below, but no later than expiration of the
24 redemption period, to the extent permitted by law, and that the Property to be sold at public
25 auction, and that Plaintiff may be the purchaser at such sale;
26

27 7. It is declared that the redemption period shall be six (6) months, unless the
28

1 property has been abandoned, in which event the redemption period shall be 30 days;

2 8. Upon the sale of the Property, and in addition to the rights in paragraph 9 below,
3 the Sheriff is ordered to issue a certificate of sale to the purchaser, and after the expiration of
4 the statutory redemption period pertaining to real property, if redemption is not made, the
5 Sheriff shall execute a Deed to the holder of said certificate and the grantee therein shall be
6 let into the premises upon presentation of said Deed; and that if the grantee or its assignees
7 are not let into possession upon presentation of said deed therefor, a writ of possession will
8 issue without further Order of the Court; and
9
10

11 9. Possession of the Property shall be vested in the purchaser immediately
12 following the Sheriff's Sale as the holder of equitable title and thus entitling the purchaser to
13 pursue occupancy by all legal means, subject only to Defendants' right of redemption pursuant
14 to Arizona law.
15

16 10. Dismissing this action as to the unknown heirs and devisees of David Sickler,
17 if deceased, due to service upon Defendant.
18

19 11. No later than the time to file a satisfaction of the judgment following a special
20 execution on the property, the Plaintiff shall file a copy of a litigation guarantee title report
21 (detailing interested parties in the property or proceeds), which the Court requires for purposes
22 of adjudicating claims against any remaining proceeds from the Sheriff's sale.
23

24 **IT IS FURTHER ORDERED vacating all future calendar dates; closing this file; and,**
25 **finding that no further matters remain pending, entering final judgment, pursuant to Civil Rule**

26 **54(c).**

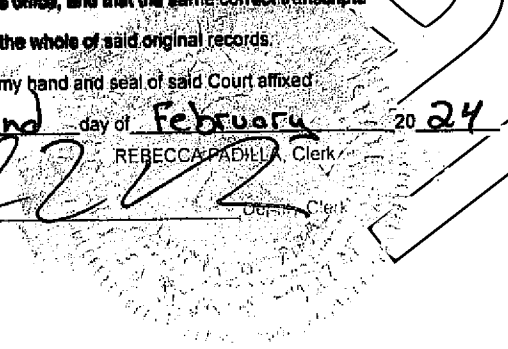
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STATE OF ARIZONA } ss
COUNTY OF PINAL

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 CV 2023 00534
Judgment on Foreclosure
and of the enforcement 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 2nd day of February 20 24

By [Signature] Clerk
REBECCA PADILLA, 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:

David Sickler 20415 North Herbert Avenue, Maricopa, Arizona 85138; LVNV Funding, LLC, c/o Corporation Service Company, 8825 N. 23rd Avenue, Suite 100, Phoenix, AZ 85021

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

D David Sickler 20415 North Herbert Avenue, Maricopa, Arizona 85138; LVNV Funding, LLC, c/o Corporation Service Company, 8825 N. 23rd Avenue, Suite 100, Phoenix, AZ 85021

III. The name and address of the Judgment Creditor:

Homestead North 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: \$ 10,427.04 *
*(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: 02181981

VI. Date of birth for each Judgment Debtor:

02181981

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 . 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 24th day of January, 2024.

[Signature]
On Behalf of Judgment Creditor