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Dana Lewis

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SHAW & LINES LLC
4523 E BROADWAY RD
PHOENIX AZ 85040

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DEFAULT JUDGEMENT ON FORECLOSURE

DOCUMENT TITLE

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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF PINAL**

12 **ALTERRA HOMEOWNERS**
13 **ASSOCIATION, an Arizona non-profit**
14 **corporation,**

15 **Plaintiff,**

16 **vs.**

17 **CHANTEL CHRISTINE AVILA and**
18 **EDWARD PEREIRA AVILA JR., wife and**
19 **husband; SECRETARY OF HOUSING**
20 **AND URBAN DEVELOPMENT;**
21 **UNKNOWN HEIRS AND DEVISEES OF**
22 **DEFENDANTS, IF DECEASED,**

23 **Defendants.**

24 Case No. CV2024-01849

25 **DEFAULT JUDGMENT**
26 **ON FORECLOSURE**

27 This matter having come regularly on Plaintiff Alterra Homeowners Association
28 ("Plaintiff" or "Association") Application for Judgment by default against Defendants
Chantel Christine Avila and Edward Pereira Avila Jr. (Defendants Avila) having been
duly served and failed to plead or otherwise defend this matter; default of Defendant
Avila having been duly entered; Defendant Secretary of Housing and Urban
Development having stipulated to Plaintiff's lien priority and entry of judgment against
them, the terms of said stipulations filed in this matter being incorporated herein as if set
forth fully; Plaintiff now seeking entry of a final judgment as to all claims and parties
herein; the foregoing is hereby confirmed; Plaintiff having proven the material
allegations of the Complaint; and, good cause appearing therefor,

1 IT IS HEREBY ORDERED, DECREED AND ADJUDGED that Plaintiff have
2 judgment against the aforesaid Defendants as follows:

3
4 1. There is an indebtedness due and owing to Plaintiff under Plaintiff's
5 recorded declaration and that the entire amounts awarded herein are secured by a
6 Plaintiff's lien against the subject real property, including all fixtures thereon (the
7 "Property"), described and known as:

8
9 Lot 491, of ALTERRA SOUTH, according to the plat of record in
10 the office of the County Recorder of Pinal County, Arizona,
recorded in Cabinet E, Slide 89.

11 a. The principal sum in the current amount of \$2,313.56 (which
12 includes the principal balance of \$2,063.06 as set forth in Plaintiff's Complaint, plus
13 accruing assessments of \$68.50 per month and monthly late charges of \$15.00 accruing
14 from August 2024 and through October 2024 totaling \$250.50, and also hereby awarding
15 accruing monthly assessments and late charges commencing November 1, 2024 until
16 execution upon this judgment;

17 b. Plaintiff's costs of collection in an amount of \$1,502.82 plus
18 Plaintiff's accruing costs and expenses incurred hereafter;

19 c. Plaintiff's attorneys' fees herein in an amount of \$4,811.00 plus
20 accruing attorney fees incurred hereafter; and

21 d. Post-judgment interest on all amounts awarded herein at the rate of
22 9.5% per annum, pursuant to A.R.S. §44-1201(B), and until all amounts awarded herein
23 are paid in full.

24
25 2. That all such sums are secured by a lien against the Property and the
26 lien is a valid lien on the Property and the whole thereof, and prior to any right, title,
27 interest, lien, equity, claim, encumbrance and/or estate of the named defendant herein;

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

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

6. The Court further finds that the Property is not used primarily for agriculture or grazing purposes and therefore, pursuant A.R.S. § 12-1282, defendants' statutory redemption period is six (6) months after the date of sale, or any applicable successive periods for all creditors as provided by law; if the Court finds the property has been abandoned, the redemption period shall be 30 days;

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

8. 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 the defendants' statutory right of redemption;

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

IT IS FURTHER ORDERED directing the Clerk of Court to enter this Judgment forthwith as there exists no just cause or reason for delay, and as no further matters remain pending, the Judgment is entered pursuant to Rule 54(c), ARCP.

IT IS FURTHER ORDERED vacating all future hearing dates and this matter is administratively closed.


signed by THE HON JOSEPH R GEORGINI, 11/25/2024 11:08:02 AM JD-bud
Honorable Joseph R. Georgini
Judge of the Pinal County Superior Court

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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 CN 202401849
Default 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 10 day of December, 2024

REBECCA PADILLA, Clerk
BY [Signature] Deputy Clerk

