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

9 CITY OF MARICOPA, a municipal
10 corporation,

11 Plaintiff,

12 v.

13 MARICOPA LAND COMPANY, LLC, a
14 Michigan limited liability company; PINAL
15 COUNTY, an Arizona political subdivision;
16 MARICOPA-STANFIELD IRRIGATION
17 AND DRAINAGE DISTRICT, an Arizona
18 irrigation district; CYPRESS INVESTORS,
19 LLC, an Arizona limited liability company;
20 GLOBAL WATER – PALO VERDE
21 UTILITIES COMPANY, an Arizona
22 corporation; JOHN and JANE DOES, I-V;
23 ABC CORPORATIONS, I-V; DEF
24 PARTNERSHIPS, 1-V; and GHI LIMITED
LIABILITY COMPANIES, I-V; unknown
heirs and devisees of the above-named
defendants; and unknown owners, tenants, and
lessees;

Defendants.

No. CV 2013-00629

STIPULATED FINAL JUDGMENT

Honorable Larry M. Wharton

(Eminent Domain)
(Not Subject to Arbitration)

25 This Stipulated Final Judgment is entered into by Plaintiff, City of Maricopa
26 (“Plaintiff”), and Defendant Maricopa Land Company, LLC (“Defendant”) as a
27 compromise and in settlement of all claims and with the desire to resolve this matter
28

1 without further litigation. The Court having read the Stipulated Final Judgment and
2 good cause appearing, the Court hereby enters judgment as follows:

- 3 1. All defendants have been properly served.
- 4 2. Plaintiff shall have judgment condemning fee title in and to the real property
5 described and depicted in Exhibit "A" (the "subject property"). Said fee title
6 shall include any and all interest owned or possessed by the Defendant in and
7 to the Honeycutt Road right of way. It is understood that to the extent the City
8 currently possesses a roadway easement in and to this right of way, pursuant
9 to this Judgment and the Final Order of Condemnation, the City shall be
10 granted and will take and own fee title.
- 11 3. Defendant shall have judgment against Plaintiff in the principal amount of
12 One-Hundred and Eleven Thousand, Five Hundred Dollars (\$111,500.00).
- 13 4. Defendant Maricopa Stanfield Drainage and Irrigation District, signed a
14 Disclaimer of Interest on or about April 17, 2013, which was filed with the
15 Court on or about April 23, 2013, such that Defendant Maricopa Stanfield
16 Drainage and Irrigation District has no right, title or interest in or to the
17 proceeds of this condemnation action.
- 18 5. Defendant Pinal County, signed a Disclaimer of Interest on or about
19 _____, 2014, which was filed with the Court on or about
20 _____, 2014, such that Defendant Pinal County and has no right,
21 title or interest in or to the proceeds of this condemnation action.
- 22 6. Judgment by default was entered against Defendants Cypress Investors, LLC
23 and Global Water – Palo Verde Utilities Company on or about _____,
24 2014, such that Defendants Cypress Investors, LLC, and Global Water – Palo
25 Verde Utilities Company have no right, title or interest in or to the proceeds of
26 this condemnation action.
- 27 7. Plaintiff deposited with the Arizona State Treasurer the sum of Sixty
28 Thousand, Four Hundred Fifty Dollars (\$60,450.00) pursuant to the Order for

1 Immediate Possession (“OIP”) dated May 3, 2013. The State Treasurer is
2 hereby ordered to release the sum of Sixty Thousand, Four Hundred Fifty
3 Dollars (\$60,450.00) to Defendant and/or its attorney of record, Doug Martin,
4 Martin Kerrick & Bell. The check or warrant from the State Treasurer shall
5 be made payable to Doug Martin, in trust for Maricopa Land Company, LLC,
6 and mailed to the attention of Doug Martin at 365 East Coronado Road, Suite
7 200, Phoenix, Arizona 85004.

8 8. The State Treasurer is hereby further ordered to release any and all accrued
9 interest to Plaintiff City of Maricopa and sent to the attention of the City
10 Attorney, Denis Fitzgibbons at Fitzgibbons Law Offices, P.L.C., 1115 East
11 Cottonwood Lane, Suite 150, Casa Grande, Arizona, 85122.

12 9. Plaintiff shall pay the additional principal sum of Fifty-One Thousand, Fifty
13 Dollars (\$51,050.00), together with accrued statutory interest on the sum of
14 One-Hundred and Eleven Thousand, Five Hundred Dollars (\$111,500.00)
15 from the date of the Order for Immediate Possession, May 3, 2013, until the
16 date of payment. The payment by Plaintiff pursuant to this paragraph shall be
17 in the same form and mailed or delivered to Doug Martin at the address set
18 forth in paragraph seven above.

19 10. Upon receipt of the additional principal sum and interest set forth above in
20 paragraph 9, Defendant shall promptly execute and file with the Court a
21 Satisfaction of Judgment.

22 11. Upon payment of the additional sum and interest payment set forth above in
23 paragraph 9, this Court shall enter its Final Order of Condemnation thereby
24 vesting fee title as described in paragraph 2 above in favor of the City of
25 Maricopa.

26 12. Each party shall bear its own costs and attorney’s fees.

27
28 DONE IN OPEN COURT this _____ day of _____, 2014.

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Honorable Larry M. Wharton
Judge of the Superior Court

Approved as to form:
SIMS MURRAY, LTD

/s/ Jeffrey T. Murray
Jeffrey T. Murray
2020 North Central Ave., Suite 670
Phoenix, Arizona 85004
Attorneys for Flood Control District

MARTIN KERRICK & BELL

/s/ Doug Martin
Doug Martin
365 East Coronado, Suite 200
Phoenix, Arizona 85004
Attorneys for Defendant
Maricopa Land Company, LLC

Original of the foregoing filed
this ___ day of _____, 2014,
with the Clerk of the Pinal County Superior Court.

Copy of the foregoing mailed this
this ___ day of _____, 2014,

Doug Martin
365 East Coronado, Suite 200
Phoenix, Arizona 85004
Attorneys for Defendant
Maricopa Land Company, LLC
