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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
corporation,

10
11 Plaintiff,

12 v.

13 ESTHER A. VIDAL; PINAL COUNTY;
14 JOHN and JANE DOES, I-V; ABC
CORPORATIONS, I-V;
15 DEF PARTNERSHIPS, 1-V;
16 and GHI LIMITED LIABILITY
COMPANIES, I-V; unknown heirs and
17 devisees of the above-named defendants; and
18 unknown owners, tenants, and lessees;

19 Defendants.

No. CV 2013-00631

STIPULATED FINAL JUDGMENT

Honorable Gilberto V. Figueroa

(Eminent Domain)
(Not Subject to Arbitration)

20 This Stipulated Final Judgment is entered into by Plaintiff, City of Maricopa
21 (“Plaintiff”), and Defendant Esther A. Vidal (“Defendant”) as a compromise and in
22 settlement of all claims and with the desire to resolve this matter without further
23 litigation. The Court having read the Stipulated Final Judgment and good cause
24 appearing, the Court hereby enters judgment as follows:

- 25 1. All defendants have been properly served.
- 26 2. Plaintiff shall have judgment condemning fee title in and to the real property
27 described and depicted in Exhibit “A” (the “subject property”). Said fee title
28 shall include any and all interest owned or possessed by the Defendant in and

1 to the Honeycutt Road right-of-way. It is understood that to the extent the
2 City currently possesses a roadway easement in and to this right of way,
3 pursuant to this Judgment and the Final Order of Condemnation, the City shall
4 be granted and will take and own fee title.

5 3. Defendant shall have judgment against Plaintiff in the principal amount of
6 Two-Hundred and Forty Thousand Dollars (\$240,000.00).

7 4. Defendant Pinal County, signed a Disclaimer of Interest on or about
8 _____, 2014, which was filed with the Court on or about
9 _____, 2014, such that Defendant Pinal County and has no right,
10 title or interest in or to the proceeds of this condemnation action.

11 5. Plaintiff deposited with the Arizona State Treasurer the sum of One Hundred
12 and Forty-Five Thousand Dollars (\$145,000.00) pursuant to the Order for
13 Immediate Possession (“OIP”) dated April 18, 2013. The State Treasurer is
14 hereby ordered to release the sum of One Hundred and Forty-Five Thousand
15 Dollars (\$145,000.00) to Defendant and/or its attorney of record, Doug
16 Martin, Martin Kerrick & Bell. The check or warrant from the State Treasurer
17 shall be made payable to Doug Martin, in trust for Maricopa Land Company,
18 LLC, and mailed to the attention of Doug Martin at 365 East Coronado Road,
19 Suite 200, Phoenix, Arizona 85004.

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

24 7. Plaintiff shall pay the additional principal sum of Ninety-Five Thousand
25 Dollars (\$95,000.00), together with accrued statutory interest on the sum of
26 Two-Hundred and Forty Thousand Dollars (\$240,000.00) from the date of the
27 Order for Immediate Possession, April 18, 2013, until the date of payment.
28 The payment by Plaintiff pursuant to this paragraph shall be made payable to

1 Martin, Kerrick & Bell in Trust and mailed or delivered to Doug Martin at the
2 address set forth in paragraph five above.

3 8. Upon receipt of the additional principal sum and interest set forth above in
4 paragraph 7, Defendant shall promptly execute and file with the Court a
5 Satisfaction of Judgment.

6 9. Upon payment of the additional sum and interest payment set forth above in
7 paragraph 7, this Court shall enter its Final Order of Condemnation thereby
8 vesting fee title as described in paragraph 2 above in favor of the City of
9 Maricopa.

10 10. Each party shall bear its own costs and attorney's fees.

11
12 DONE IN OPEN COURT this ____ day of _____, 2014.

13
14 _____
15 Honorable Gilberto V. Figueroa
16 Judge of the Superior Court

17 Approved as to form:
18 **SIMS MURRAY, LTD**

19 /s/ Jeffrey T. Murray
20 Jeffrey T. Murray
21 2020 North Central Ave., Suite 670
22 Phoenix, Arizona 85004
Attorneys for Flood Control District

23 **MARTIN KERRICK & BELL**

24 /s/ Doug Martin
25 Doug Martin
26 365 East Coronado, Suite 200
27 Phoenix, Arizona 85004
28 Attorneys for Defendant
Maricopa Land Company, LLC

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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
