

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-015763

07/03/2014

COMMISSIONER JAMES R. MORROW

CLERK OF THE COURT  
S. Stulz  
Deputy

COTTONFLOWER GOODYEAR  
COMMUNITY ASSOCIATION INC

BETH MULCAHY

v.

MALIK BEY, et al.

MALIK BEY  
2267 S 173RD DR  
GOODYEAR AZ 85338

MINUTE ENTRY

Defendant Malik Bey initially filed a document entitled Notice of Affidavit in the Nature of Motion to Set Aside the Judgment and Decree of Foreclosure on June 18, 2014. The document contains a blank mailing certificate, so it is unclear from the document whether it was mailed to Plaintiff through its attorney. Nevertheless, the Court set the motion for oral argument via a Minute Entry filed June 27, 2014. A few days before the Minute Entry was filed, Defendant filed a document on June 24, 2014, entitled Request for Emergency Hearing on Respondents' Affidavit in the Nature of Motion to Set Aside the Judgment and Decree of Foreclosure. Defendant does include a mailing certificate indicating that this document was sent to the attorney for Plaintiff by first class mail on the same date that it was filed. Then, on June 25, 2014, Defendant filed a document entitled Amended Request for Emergency Hearing on Respondents' Affidavit in the Nature of Motion to Set Aside the Judgment and Decree of Foreclosure. In this document, Defendant also includes a mailing certificate indicating that this document was sent to the attorney for Plaintiff by first class mail on the same date that it was filed and that the document filed June 18 was also mailed to the attorney for Plaintiff on June 18, 2014. It is not clear from either the Request for an Emergency Hearing or the Amended Request

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-015763

07/03/2014

for an Emergency Hearing whether the Defendant is seeking the hearing based on a specific statutory basis or if the July 29, 2014, hearing is not soon enough to address Defendant's concerns. Since the time for any responsive and reply memoranda has not yet run, the Court is hesitant to reschedule the present oral argument any sooner without a statutory basis or some indication of the emergency sought to be avoided.

IT IS ORDERED affirming the Oral Argument Re: Defendant's Motion to Set Aside the Judgment and Decree of Foreclosure on **July 29, 2014, at 3:00 p.m.** as previously scheduled.