

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-005216

10/30/2007

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
S. Brown
Deputy

GLENDALE CITY

DIANE M MILLER

v.

ARMAND C RIVERA, et al.

DOUGLAS G MARTIN

MICHAEL C BLAIR
JOHN W PAULSEN

MINUTE ENTRY

The Court has considered Defendant Auto Repair, Inc.'s Application for Disbursement of Funds and the briefs.

A.R.S. § 12-1116(M) provides that the parties may *stipulate* to the disbursement of any amount from the bond posted. However, the Rivera Family Trust does not so stipulate to Auto Repair, Inc.'s Application. Absent a stipulation, the usual procedural rules apply. Auto Repair submits only an unsworn appraisal to support its valuation of the lease and has not suggested any reason that the appraisal should not fall under the evidentiary rule excluding hearsay.

Therefore, IT IS ORDERED denying the Application for Disbursement of Funds without prejudice to applicant to request an evidentiary hearing.