

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-010320

02/15/2008

HONORABLE MICHAEL D. JONES

CLERK OF THE COURT  
T. Ross  
Deputy

S W C BASELINE & CRISMON INVESTORS L TIMOTHY J THOMASON  
L C

v.

AUGUSTA RANCH LIMITED PARTNERSHIP, DAVID B EARL  
et al.

MICHAEL K DANA  
GREGORY L DILLION  
895 DOVE ST 5TH FLOOR  
NEWPORT BEACH CA 92660  
JAMES W FRITZ  
MICHAEL J PLATI  
HENRY L TIMMERMAN

ORDER ENTERED BY COURT

**NORTHEAST COURTROOM 104**

10:35 a.m. This is the time set for hearing Oral Argument regarding Defendant City of Mesa's Motion for Summary Judgment Regarding Condemnation. Present on behalf of Augusta Ranch Limited Partnership is counsel, Don Bivens for David Earl. Present on behalf of The City of Mesa is counsel, James Fritz.

LET THE RECORD REFLECT that Michael Plati, counsel for S W C Baseline & Crismon Investors, LLC, waives his appearance in the matter set for this date.

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Court Reporter, Hilda Lopez, is present.

Argument is presented to the Court.

Based upon matters presented to the Court, and good cause appearing,

The Court finds that there are no material facts at issue. There are concerns as to the future and current property rights that all parties have as well as the specific form of an order of condemnation in reimbursement in this case that the Court will enter.

Therefore,

IT IS ORDERED granting the City of Mesa's Motion for Summary Judgment Regarding Condemnation. The appraisal that was prepared by Integra Winius Realty analysts does contemplate all of the valuation issues including the issues of concern to Augusta Ranch in making the appraisal of the property that is to be condemned in this cause.

Of concern is the continuing issue of access; and it appears to the Court that as a matter of law that Augusta Ranch, or any other owner of the remaining property which is not condemned, has clear and specified rights under the Mesa city code and its rules and regulations particularly its planning and zoning rules and regulations that will protect its rights of access to its now land-locked remaining property which has not been condemned.

IT IS ORDERED that Mr. Fritz shall consult with planning and zoning to locate the specific rules and regulations and recite by reference in the form of judgment.

IT IS FURTHER ORDERED confirming those right as existing under current law and also confirm by this judgment, the rights of access of the remaining parcel owned by Augusta Ranch and its successors.

IT IS FURTHER ORDERED counsel shall submit a form of judgment consistent with this Court's ruling, together with sufficient copies and postage-paid envelopes for each appearing counsel by March 17, 2008.

10:58 a.m. Hearing concludes.