

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-007788

05/16/2008

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

ROBERT S DILLWORTH

ROBERT S DILLWORTH
104-04 HILLSIDE AVE.
HOLLIS NY 11423

v.

RICHARD S DILLWORTH, et al.

RICHARD S DILLWORTH
71 E BEDELL STREET
FREEPORT NY 11520

REED WARREN KING
FRANK L ROSS
COURT ADMIN-CIVIL-CCC
KATY BRUEHL
REALTY EXECUTIVES
905 MONROE AVE
BUCKEYE AZ 85326

MINUTE ENTRY

9:18 a.m. This is the time set for a report of Katy Bruehl, the special commissioner and an auction of the property at issue. Plaintiff, Robert S. Dillworth is neither present nor represented by counsel. Defendant, Richard S. Dillworth is present and announces that he is licensed to practice law in the State of New York and is appearing on his own behalf, in place of Frank L. Ross. Defendant, Warren C. Gable is present and is represented by counsel, Reed Warren King. Special Commissioner, Katy Bruehl is present.

Court reporter, Scott Coniam is present and a record of the proceedings is made by audio and/or videotape.

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Defendant, Richard S. Dillworth states his concerns on the record and asks the Court to postpone the auction.

9:29 a.m. Plaintiff, Robert Dillworth joins this proceeding telephonically on his own behalf and with his court appointed guardian, Glenda Inestroza.

Argument is heard on whether to proceed with today's auction.

Ms. Bruehl, real estate commissioner in this matter, testifies to her appraisal of the property's current market value, the lack of sales 80 acre parcels in the area, and efforts made in advertising the auction of this property. Her recommendation to proceed with the auction is stated on the record.

The Court rules that the auction shall proceed as scheduled.

The bidding is open for the following parcel:

Parcel No. 1 consisting of approximately eighty (80) acres is legally described as: the East half of the Northeast quarter of Section 22, Township 1 South, Range 7 West of the Gila and Salt River Base and Meridian, except for 25% of the oil and mineral rights in this land are reserved by instrument number 88-049833 in the records of the Maricopa County Recorder.

The bidding is closed and Parcel No. 1 is sold to the highest bidder, Mr. Warren C. Gable for the sum of \$88,000.00.

IT IS ORDERED the property is sold to the highest bidder, Mr. Warren C. Gable for the sum of \$88, 000.00. Because Mr. Gable already owns an undivided one-half interest in Parcel No. 1, only one-half of the bid price plus one-half of Ms. Bruehl's 3% commission of \$2640 totaling \$45,320.00 in certified funds shall be deposited with the Clerk of the Maricopa County Superior Court by 5:00 p.m. on Monday, May 26, 2008. These funds shall be disbursed by the Clerk of Court as follows: a 3% commission shall be paid to Katy Bruehl in the amount of \$2640.00 (the commission shall be paid equally by the parties, Warren C. Gable, on one hand and Richard and Robert Dillworth, on the other, in the sum of \$1320.00 each); the remaining \$42,680.00 shall be disbursed equally in the sum \$21,340.00 to Mr. Robert S. Dillworth at 204-04 Hillside Avenue, Hollis, New York, 11423, and to Mr. Richard S. Dillworth at 71 E Beldell Street, Freeport, NY 11520.

This concludes the sale of Parcel No. 1.

Bidding is open on the following and final parcel:

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Parcel No. 2 also consisting of approximately eighty (80) acres is legally described as: the East half of the Northeast quarter of Section 25, Township 1 South, Range 7 West of the Gila and Salt River Base and Meridian.

The bidding is closed and Parcel No. 2 is sold to the highest bidder, Mr. Richard S. Dillworth for the sum of \$12,000.00.

IT IS FURTHER ORDERED the property is sold to the highest bidder, Mr. Richard S. Dillworth for the sum of \$12,000.00. Because Mr. Richard S. Dillworth already owns an undivided one-half interest in Parcel No. 2, only one-half of the bid price plus one-half of Ms. Bruehl's 3% commission of \$360.00 commission of \$180.00 totaling \$6,180.00, shall be deposited in certified funds with the Clerk of the Maricopa County Superior Court by 5:00 p.m. on Monday, May 26, 2008. These funds shall be disbursed by the Clerk of Court as follows: a 3% commission shall be paid to Katy Bruehl in the amount of \$360.00 (the commission shall be paid equally by the parties, Robert Dillworth, on one hand and Richard Dillworth, on the other, in the sum of \$180.00 each); the remaining \$5,820.00 shall be disbursed to Mr. Robert S. Dillworth at 204-04 Hillside Avenue, Hollis, New York, 11423.

After further discussion all the parties stipulated that the order that Richard S. Dillworth pay \$6180.00 for the purchase of an undivided one-half interest in Parcel No. 2 is hereby modified to state that Richard S. Dillworth's obligation to deposit \$6180.00 with the Clerk of the Maricopa County Superior Court shall be satisfied by the deduction of this sum from the \$21,340.00 which is due to him for the sale of his interest in Parcel No. 1.

This concludes the sale of Parcel No. 2.

In summary:

1. Warren C. Gable shall deposit \$45,320.0 in certified funds with the Clerk of the Court;
2. The Clerk shall thereafter issue and mail a check in the sum of \$3000.00 to Ms. Katy Bruehl, Realty Executives, 905 Monroe Ave., Buckeye, AZ, 85326;
3. The Clerk shall thereafter issue and mail a check in the sum of \$27,160.00 to Mr. Robert S. Dillworth at 204-04 Hillside Avenue, Hollis, NY, 11423.
4. The Clerk shall thereafter issue and mail a check in the sum of \$15,160.00 to Mr. Richard S. Dillworth at 71 E. Bedell Street, Freeport, NY, 11520.

IT IS FURTHER ORDERED Mr. Reed W. King, counsel for the Gable Defendants, shall provide the court with a form of judgment conveying Robert S. Dillworth's undivided one-half

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interest in Parcel No. 2 to Richard S. Dillworth and confirming the sale of Parcel No. 1 to Warren C. Gable, and a form of deed for the court to execute conveying Robert S. Dillworth and Richard S. Dillworth's undivided one-half interest in Parcel No. 1 to Warren C. Gable for the court to execute.

10:15 a.m. Hearing concludes.