

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-017113

06/21/2011

HONORABLE DEAN M. FINK

CLERK OF THE COURT
S. Brown
Deputy

BARRY B YAMRON, et al.

JAMES J PALECEK

v.

ENGLE WHITESTONE L L C, et al.

BARBARA K BERRETT
BOOKER T EVANS JR.
ALEXANDRA MIJARES NASH

MINUTE ENTRY

The Court has received and reviewed Defendant Roberts Appraisal Group's and Eric Ranta's Motion to Reconsider Ruling On Motions for Summary Judgment, filed on June 13, 2011.

The flaw in the RAG Defendants' argument is that *Sage v. Blagg Appraisal Co., Ltd.*, 221 Ariz. 33 (App. 2009), does not turn on whether the buyer justifiably relies directly on the appraisal, but on whether the lender, as its own response to the appraisal, goes through with the loan. The Court believes that the factual predicate to determine if the rule of *Kuehn v. Stanley*, 208 Ariz. 124 (App. 2002), or the *Sage* exception to it, applies must be resolved by the factfinder at trial.

Therefore, IT IS ORDERED denying Defendants Roberts Appraisal Group's and Eric Ranta's Motion to Reconsider Ruling on Motions for Summary Judgment and no response need be filed.

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ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.