

Endorsed No. 135711  
 Filed ROBERT E. MILLER, Clerk  
 At 2:19 P.M. Oct. 16, 19  
 By R. TOOKER Deputy

1                   IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 2                   IN AND FOR THE COUNTY OF ARIZONA

3  
 4   LELA M. SCHEETS and JOHN P.  
 5   SCHEETS, II, as Trustees under  
 6   the Last Will and Testament of  
 7   JOHN P. SCHEETS, deceased,

8   Plaintiffs,

9   vs.

10   FRED L. SMITH and JEAN ANN SMITH,  
 11   his wife, if they be living, and  
 12   if they be deceased, their un-  
 13   known heirs and devisees; RENE  
 14   DU PLESSIS, if she be living, and  
 15   if she be deceased, her unknown  
 16   heirs and devisees; CHARLES WALL  
 17   if he be living, and if he be de-  
 18   ceased, his unknown heirs and  
 19   devisees; ARTHUR C. WILSON and  
 20   MARGUERITE J. WILSON, if they be  
 21   living and if they be deceased,  
 22   their unknown heirs and devisees;  
 23   ARTHUR WOODROW, if he be living,  
 24   and if he be deceased, his un-  
 25   known heirs and devisees;  
 26   WASATCH LAND AND DEVELOPMENT CO.;  
 27   DEER-O-PAINTS AND CHEMICALS, LTD.;  
 28   ONE DOE; TWO DOE; THREE DOE;  
 29   FOUR DOE; and FIVE DOE,

30   Defendants.

No. 135711

JUDGMENT

31                   The above entitled action came on regularly for  
 32   hearing before the Court, plaintiffs appearing by their attorneys,  
 33   O'CONNOR, ANDERSON & WESTOVER, and defendant, DEER-O-PAINTS AND  
 34   CHEMICALS, LTD., appearing by its attorney, J. ROBERT EVANS.  
 35   It appeared to the Court that the defendants, FRED L. SMITH and  
 36   JEAN ANN SMITH, RENE DU PLESSIS, CHARLES WALL, ARTHUR C. WILSON  
 37   and MARGUERITE J. WILSON, ARTHUR WOODROW, WASATCH LAND AND  
 38   DEVELOPMENT CO., and ONE DOE through FIVE DOE were served with  
 39   a copy of summons and complaint and failed to answer within the  
 40   time prescribed by law. The Court being fully advised in the  
 41   premises finds as follows:

42                   IT IS ORDERED, ADJUDGED AND DECREED that the plaintiffs  
 43   have and they are hereby granted judgment against the defendants,

1 FRED L. SMITH and JEAN ANN SMITH, his wife, and ARTHUR WOODROW,  
 2 in the sum of SIXTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$69,400.00)  
 3 together with interest thereon at the rate of five and one-half  
 4 percent (5½%) per annum from September 1, 1961, until paid;  
 5 for the sum of SEVEN THOUSAND DOLLARS (\$7,000.00) as and for  
 6 attorneys' fees; for the further sum of ONE THOUSAND ONE HUNDRED  
 7 SEVENTY-ONE and 01/100 DOLLARS (\$1171.01) as and for real  
 8 property taxes; and the sum of FORTY-TWO AND 50/100 DOLLARS  
 9 (\$42.50) for costs of examination of title; and costs of suit  
 10 herein incurred.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
 12 plaintiffs' mortgage is a first and prior lien upon the premises,  
 13 superior to the claims and liens of all of the defendants served  
 14 herein and that their claim Unofficial Document liens are inferior to and sub-  
 15 ordinate to the claim and lien of plaintiffs.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
 17 mortgage executed by the defendants FRED L. SMITH and JEAN ANN  
 18 SMITH, dated August 3, 1961, recorded August 15, 1961, in Docket  
 19 3809 at page 425, records of Maricopa County, Arizona, be and the  
 20 same is hereby foreclosed together with all personal property  
 21 located on the premises described in said mortgage; that a  
 22 special execution be issued to the sheriff of Maricopa County,  
 23 Arizona, directing him to seize and sell said real and personal  
 24 property, as under execution, at a public auction in the manner  
 25 prescribed by law, and the practice of this court, and the proceeds  
 26 applied to the payment of the amount due to plaintiff for prin-  
 27 cipal, interest, attorneys' fees and costs of suit, as well as  
 28 expenses of sale and all accruing costs, and that the officer  
 29 making said sale, after the time allowed by law for redemption  
 30 has expired, execute a deed to the purchaser or purchasers of  
 31 the said mortgaged premises at said sale, and that the plaintiff  
 32 or any other party be permitted and allowed to bid and be a

DKT 4672 PAGE 514

1 purchaser of said mortgaged premises at said sale.

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
3 officer making said sale, out of the proceeds of said sale retain  
4 his fees, disbursements and commissions, and pay the plaintiffs  
5 out of the said proceeds the amount of this judgment together with  
6 attorneys' fees, costs, and accruing costs, all as aforesaid,  
7 including interest upon said judgment as herein specified, or so  
8 much thereof as the said proceeds of said sale may pay for the  
9 same, and the balance of the proceeds of said sale, if any, shall  
10 be paid into Court to be applied against the charges, expenses  
11 and fees of the receiver appointed in this action.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
13 defendants, and all persons claiming to have acquired any interest  
14 in said premises subsequent to the date of recordation of said  
15 mortgage, August 15, 1961, Unofficial Document never barred and foreclosed of  
16 and from any equity or claim of redemption in and to said  
17 mortgaged premises.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
19 purchaser or purchasers of the said mortgaged premises at said  
20 sale be let into possession thereof and that any party to this  
21 action who may be in possession of said premises, or any part  
22 thereof, deliver possession thereof to purchaser or purchasers,  
23 upon production of the Sheriff's Deed to said premises. The lot  
24 or parcel of land directed to be sold by the decree is described  
25 as follows, to-wit:

26  
27 Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21,  
28 Block 2, EAST GRIER PLACE, a subdivision in the  
29 City of Phoenix, Maricopa County, Arizona, re-  
30 corded in Book 24 of Maps at page 27, records  
31 of Maricopa County, Arizona.  
32

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT,  
subject to the lien of plaintiff herein, the lien of DEER-O-PAINTS  
AND CHEMICALS, LTD. is superior to the claims and liens of all of  
the other defendants herein.

DONE IN OPEN COURT this 16th day of October,  
1962.

EDWIN D. GREEN  
Judge of the Superior Court

Approved as to form:  
SHIMMEL, HILL, KLEINDIENST & BISHOP

By s/J. Robert Evans  
J. Robert Evans  
Attorneys for Defendant,  
Deer-O-Paints and Unofficial Document  
Chemicals, Ltd.  
222 North Central Avenue  
Phoenix 4, Arizona

The foregoing instrument is a full, true and correct copy of  
the original on file in this office.

Attest July 15 1963  
ROBERT E. MILLER, Clerk of the Superior Court of the State  
of Arizona, in and for the County of Maricopa.

By M. Usher Deputy

17:00  
DOK-17

136383

STATE OF ARIZONA  
County of Maricopa

I hereby certify that the within  
instrument was filed and re-  
corded at request of

In Docket 4672  
on page 512 Bis

Witness my hand and official  
seal the day and year aforesaid.

N. C. KELLY MOORE

County Recorder  
Deputy Recorder