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11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF ARIZONA**

13 In Re:
14 Mortgages Ltd.,
15 Debtor.

Case No. 2:08-bk-07465-RJH

Chapter 11 Proceedings

**LIMITED OBJECTION TO MOTION TO
SELL REAL PROPERTY**

AND

**NOTICE OF PERFECTED STATUTORY
LIENS**

[Relates to Docket No. 3255]

18 Maricopa County Treasurer ("MCT"), by and through its undersigned counsel,
19 hereby submits its objection to Debtor's *Motion to Sell Real Property* (the "Sale Motion")
20 located at the southwest corner of Miller Road and McDowell Road in Scottsdale,
21 Arizona consisting of approximately 14.29 acres known as PDG Los Arcos, and
22 provides notice of its perfected statutory liens in accordance with A.R.S. § 42-17153.

23 MCT objects to the Sale Motion because it is unclear which tax parcel numbers
24 are included in the sale. MCT has located eight (8) real property tax parcels that it

1 believes are included in the sale. Six (6) parcels of property are described in the
 2 Agreement of Sale; however, the Agreement of Sale only provides the legal descriptions
 3 of the property. Currently, the eight (8) parcels located by MCT have property taxes
 4 due in the amount of \$578,384.33 representing taxes due for tax years 2008, 2009 and
 5 2010. Interest continues to accrue at the statutory rate of 16% per annum until paid in
 6 full. In addition, the 2011 tax liens attached on January 1, 2011. The 2011 taxes will be
 7 liquidated in amount around September 1, 2011. MCT believes the following parcels
 8 are included in the sale.

Parcel	Amount Due	Property Address	Listed Owner
131-17-016D	\$15,805.43		PDG LA Loan/ETAL
131-17-016C	\$29,604.03		PDG LA Loan/ETAL
131-17-009	\$18,695.52	7401 E. McDowell Rd.	PDG LA Loan/ETAL
131-17-012	\$30,534.18	7403 E. McDowell Rd.	PDG LA Loan/ETAL
131-17-015	\$152,199.12	7409 E. McDowell Rd.	PDG LA Loan/ETAL
131-17-011	\$59,238.24	7433 E. McDowell Rd.	PDG LA Loan/ETAL
131-17-010	\$15,948.40	7455 E. McDowell Rd.	PDG LA Loan/ETAL
131-17-002E	\$256,359.41	7475 E. McDowell Rd.	PDG LA Loan/ETAL

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 18 Further, MCT contends that under A.R.S. § 42-17153(C)(2), Maricopa County's
 19 liens on Property to be sold are not satisfied or removed until one of the following
 20 occurs:

- 21 (a) The taxes, penalties, charges and interest are paid.
- 22 (b) Title to the property has finally vested in a purchaser under a sale for taxes
- 23 (c) A certificate of removal and abatement has been issued pursuant to § 42-
 24 18153.

1 WHEREFORE, Maricopa County objects to the Sale Motion and the sale of the
2 Property unless (1) the sale order lists the parcel numbers of the property included in
3 the sale, (2) provides that the lien for the 2011 taxes remains attached to the Property
4 until the real property taxes due MCT are paid in full, and (3) provides that the real
5 property taxes due for tax years 2010 and prior are fully paid at closing from the sale
6 proceeds.

7 RESPECTFULLY SUBMITTED this 14th day of July, 2011.

8 WILLIAM G. MONTGOMERY
9 MARICOPA COUNTY ATTORNEY

10 BY: /s/ Lori A. Lewis
11 LORI A. LEWIS
Deputy County Attorney
Attorney for Maricopa County Treasurer

12 ORIGINAL of the foregoing E-FILED
13 this 14th day of July, 2011 with:

14 Clerk, United States Bankruptcy Court
15 District of Arizona
230 N. First Avenue, Suite 101
Phoenix, Arizona, 85003-1706

16 COPY of the foregoing mailed/e-mailed,
this 14th day of July, 2011, to:

17 U.S. Trustee's Office
230 N. First Ave., Ste. 204
Phoenix, AZ 85003-1706
18 USTPRegion14.PX.ECF@USDOJ.GOV

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23 /s/ Shelley Cottrell

24 S:\COUNSEL\Civil\Matters\BK\2008\BK08-07465 MORTGAGES LTD\td Obj to Sale Mtn dkt 3255 Mortgages 08-07465.docx