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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR MARICOPA COUNTY

ARIZONA CORPORATION
COMMISSION,

Plaintiff,

v.

DENSCO INVESTMENT
CORPORATION, an Arizona
corporation,

Defendant.

Cause No. CV2016-014142

ORDER VACATING ORDER RE:
PETITION NO. 142

(Assigned to the Honorable John Hannah)

The Court having reviewed the *Receiver's Motion to Vacate Order re: Petition No. 142* and good cause appearing:

NOW, THEREFORE, IT IS HEREBY ORDERED vacating Order re: Petition 142.

Dated this ____ day of ____, 2019.

Judge of the Superior Court

eSignature Page 1 of 1

Filing ID: 17201275 Case Number: CV2016-014142
Original Filing ID: 17065197

Granted as Submitted

Judicial Officer Comments

When the Receiver makes a request for permission to pay out assets under the Receiver's control, the order granting permission is an interim order, not a final judgment. See Johnson v. Superior Court, 68 Ariz. 72, 199 P.2d 827, 830 (1948). Rule 60 therefore does not limit the Court's authority to vacate the order approving Petition No. 142.

The Court's view is that the the question whether, and to what extent, it is prudent to distribute receivership assets to the victim creditors, at any given time, is primarily a matter for the Receiver's judgment. The Receiver avers that, in his judgment, the appropriate course of action at this time in light of the possible fee award is to refrain from making the distribution requested in Petition No. 142. The Court has no good reason to second-guess that decision.

The Court has intentionally delayed entering this order to allow time for objections. No response or objection to the Motion has been filed.

The Motion to Vacate Order Re: Petition No. 142 is granted for these reasons.



/S/ John Hannah Date: 1/17/2024
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2016-014142

SIGNATURE DATE: 1/17/2024

E-FILING ID #: 17201275

FILED DATE: 1/18/2024 8:00:00 AM

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