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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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M&I Marshall & Ilsley Bank,

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No. CV09-1983-PHX-NVW

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Plaintiff,

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ORDER

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vs.

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Kyle Wright et al.,

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Defendants.

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Before the Court is Plaintiff's Application for Entry of Default as to Defendant Camelback Title Agency (doc. #25). Plaintiff served Heidi Cooling, paralegal for Scott Freeman, on November 5, 2009, at 6909 East Main, Scottsdale, AZ 85251. (Doc. #11) However, Plaintiff's affidavit does not indicate whether Ms. Cooling is "an officer, a managing or general agent, or [an] agent authorized by appointment or by law to receive service of process," as required by Fed. R. Civ. P. 4(h)(1)(B). Moreover, Plaintiff's application for default lists Mr. Shelton L. Freeman, located at 731 N. 16th St., #330, Phoenix, AZ 85020, and not Scott Freeman, as the agent for service of process for Camelback Title Agency. Plaintiff's proof of service is therefore insufficient and does not satisfy Fed. R. Civ. P. 4(l)(1).

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1 IT IS THEREFORE ORDERED that the Clerk's Entry of Default (doc. #27) is
2 vacated.

3 IT IS FURTHER ORDERED that Plaintiff's Application for Entry of Default
4 against Camelback Title Agency (doc. #25) is denied.

5 IT IS FURTHER ORDERED extending the time for service of Defendant
6 Camelback Title Agency to March 1, 2010.

7 DATED this 29th day of January, 2010.

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Neil V. Wake
United States District Judge