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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE Mortgage Electronic Registration) Systems (MERS) Litigation MDL 09-2119-PHX-JAT)	CV 10-1549-PHX-JAT
_____)	ORDER
Gary Coleman, an individual)	
Plaintiff,)	
v.)	
Provident Funding Associates, LP, a))	
Foreign Limited Partnership, et al.,)	
Defendants.)	
_____)	

Pending before the Court are Defendants Provident Funding Associates, LP and Max Default Services Corporation’s Motion to Quash Lis Pendens (Doc. 6) and Defendants’ Request for Summary Disposition (Doc. 8). The Court now rules on the Motions.

I. PROCEDURAL BACKGROUND

On October 14, 2009 Plaintiff filed a Complaint in Maricopa County Superior Court alleging claims against Defendants related to the property located at 2571 East Palm Beach Drive, Chandler, Arizona 85249 (the “Property”). The action was later removed to this Court. Plaintiffs’ claims were then transferred into the Mortgage Electronic Registration Systems, Inc. Multi-District Litigation. This Court then remanded claims that were unrelated to the Multi-District Litigation, and those claims were dismissed on November 4, 2010.

On October 3, 2011, this Court dismissed Plaintiff’s remaining claims with prejudice.

1 During the pendency of the litigation, Plaintiff recorded two lis pendens regarding the
2 Property. The first was recorded on October 14, 2009 and the second was recorded on
3 January 8, 2010. Defendants now seek to quash these two lis pendens. Plaintiff filed no
4 Response to Defendants' Motion to Quash.

5 **II. ANALYSIS**

6 Pursuant to Arizona Revised Statutes section 12-1191(A), when an action affects title
7 to real property, a lis pendens may be filed in the office of the county recorder to give notice
8 of the pendency of an action or a defense. Ariz.Rev.Stat. § 12-1191(A). Because the entirety
9 of Plaintiff's Complaint has been dismissed with prejudice, the lis pendens regarding this
10 action must be quashed. *See, e.g., Vollmer v. Present*, No. CV-10-1182-PHX-MHM, 2011
11 WL 1379220, at *1 (D. Ariz. April 12, 2011) ("Because their complaint was dismissed,
12 Plaintiffs are not engaged in any pending action against Defendants. Therefore, Plaintiffs
13 have no statutory basis on which to premise a *lis pendens*.").

14 **III. CONCLUSION**

15 Based on the foregoing,

16 **IT IS ORDERED** that Defendants Provident Funding Associates, LP and Max
17 Default Services Corporation's Motion to Quash Lis Pendens (CV 10-1549-PHX-JAT, Doc.
18 6) is granted as follows:

19 The lis pendens recorded with the Maricopa County Recorder on October 14, 2009 as
20 document no. 2009-0950914 is quashed.

21 The lis pendens recorded with the Maricopa County Recorder on January 8, 2010 as
22 document no. 2010-0015786 is quashed.

23 **IT IS FURTHER ORDERED** that Defendants' Request for Summary Disposition
24 (CV 10-1549-PHX-JAT, Doc. 8) is denied as moot.

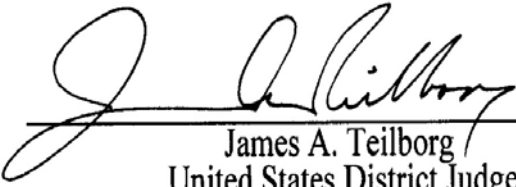
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1 The Clerk of the Court shall file a copy of this Order in MDL 09-2119-PHX-JAT and
2 CV 10-1549-PHX-JAT.

3 Dated this 21st day of May, 2012.

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9 James A. Teilborg
10 United States District Judge
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