

November 2011

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MONROE McDONOUGH
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SOUTHERN ARIZONA'S REAL
ESTATE SPECIALIST

Welcome to the MMGM Newsletter

HISTORY OF PUMPKIN PIE

There is a great tradition of serving Pumpkin Pie on Thanksgiving Day in both the U.S. and Canada. It all began when the European settlers first came to the New World and were introduced to the pumpkin by the American Indians. As soon as the settlers realized the pumpkin's versatility they began using it in both sweet and savory dishes. The English settlers first made a pumpkin pie by substituting fresh pumpkin for the thick pulp of other boiled and spiced fruits that were called for in their sweet pie recipes. Today the pumpkin pie has evolved into an open-faced single crust pie shell that is filled with a smooth custard-like filling made with pumpkin puree, eggs, cream or milk, sugar, and spices (mixture usually consisting of cinnamon, ginger, allspice, and cloves). How about this year you add a dollop of **Maple Whipped Cream**:

1 cup heavy whipping cream and 1 1/2 tablespoons pure maple syrup
Place the heavy whipping cream and maple syrup in bowl of your electric mixer. With the whisk attachment, whip the cream until soft peaks form.



The Pilgrims

In the year of 1620 on a cold December day a hundred and two pilgrims sailed into Plymouth Bay. Still wary from their voyage -still gracing winter's chill - they kept their sights on freedom with courage, work, and will. Pilgrims did not stop to think of riches, fame, or glory while bravely playing starring roles in our new nation's story. **by Bobbi Katz**

THE DAY IN THE LIFE OF A LEGAL OFFICE ADMINISTRATOR By Scala DeGroot

The day in the life of a legal office administrator is never dull. It involves the management and oversight of all of the operations of the firm including personnel, finance, marketing, facilities, and technology. In a firm of our size of close to 25 individuals, it is fully hands-on at every level. There is no job too big, too small, or unpleasant on the manager's list of responsibilities. I refer to it in my mind as "Problem Central". Many employees have said to me over the past almost 13 years, "I would never want your job!" So why am I still here?

I am still here because I enjoy being surrounded by really smart people who are

ethical, hard-working, and not out just to make a profit. Time and again I am impressed by how dedicated our attorneys and staff are to our clients. The client truly comes first. In addition, our attorneys consistently have the best interests of our staff at heart. It might not always feel that way

because the attorneys aren't perfect, but they do.



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THE INAUGURAL ARIZONA BALLOON CLASSIC

November 18th, 19th and 20th

On Friday, Saturday and Sunday mornings & afternoons, November 18th, 19th and 20th, more than 50 colorful hot-air balloons will participate in thrilling mass ascensions & “Hare & Hound” competition. The balloons will rise from the grassy fields at Wild Horse Pass for a spectacular sight of mass and color.

The event also includes Musical entertainment & Family comedy onstage, skydivers, fireworks, Family Fun Zone with children’s



activities, exhibits, sampling, and many other exciting events. Retail shopping, as well as a variety of “Retail Centers” and commercial exhibits for purchases or browsing. Bring your appetite, as there will be a

variety of foods available to purchase.

Wild Horse Pass/Rawhide
5350 N. 48th Street, Chandler, AZ
United States 85226
Off Wild Horse Pass Blvd & I-10
south on the Gila River Indian
Community.

Web Site:
<http://www.azballoonclassic.com>

Contact:
Tim Matykiewicz, 480.560.9095
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HAVE YOU BEEN PROPERLY SERVED?

By Karl Macomber, Esq.



In *Arizona Real Estate Investment v. Schrader*, a decision of Division One of the Arizona Court of Appeals in 2010, the Court of Appeals vacated an eviction order against Mr. Schrader, the former owner of a home who had lost title in a Trustee’s Sale. Shortly after the Trustee’s Sale, the new owner, Arizona Real Estate Investment filed an action in Superior Court for forcible entry or detainer pursuant to A.R.S. § 12–1171, but the action was served as though it was an action for special detainer pursuant to A.R.S. § 33–1377. The forcible detainer action is a far older action, which can be used in a variety of landlord-tenant relationships. The special detainer action is limited to residential leases and is part of the Arizona Residential Landlord and Tenant Act, which is the action most often used for residential evictions. To help confuse matters, Arizona now has a set of Rules of Procedure for Eviction Actions which conflates the two actions for some purposes. The process server did a nail and mail to serve Mr. Schrader and the Court of Appeals ruled that was not a proper method of service for service of a forcible detainer action, at least not without proof that the possessor could not be served by the regular methods of service of civil actions. It would

have been appropriate service of a special detainer action, but that was not what had been filed. The Court of Appeals vacated the Order of eviction and awarded Mr. Schrader his costs.

FIRM SPOTLIGHT—SCALA DEGROOD

OFFICE ADMINISTRATOR

Before joining MMGM, I spent over 12 years in the health care field, working for physicians and in a psychiatric and addictions treatment hospital. I have a B.A. in Psychology earned from the University of Texas at Austin, which is where I am from, although Tucson has been my home for the past 21 years.

Currently, I sit on the board of the Tucson chapter of the Association of Legal Administrators as Secretary, and have served as its President and other officer roles in past years.

When I am not at work, I am running after my 5-year old son, sometimes to holler about his toys on the floor, but mostly to bestow lots of kisses and hugs before he reaches the age of, “Please, Mom, not in front of my friends.” He and my husband are big into camping, and are doing their best to covert me likewise. And they have, almost!



MARK YOUR CALENDAR—Tucson November Events

6th—[Scavenger Dash—Urban Adventure Race](#)

6th—[All Souls Procession](#)

9-13—[Tucson Fall Classic Horse Show](#)

9th—[19th Annual Architecture Home Tour](#)

10-13—[American Cup Championship Arabian Horse Show](#)

12th—[Sahuarita Pecan Festival](#)

12th—[Kings of Salsa— Centennial Hall](#)



12th—[El Bike Swap de Tucson](#)

11-13— [Arizona Opera—Faust](#)

11-13—[32nd Annual Bluegrass Festival & Fiddle Championship](#)

18-20—[30th Annual Holiday Craft Market](#)

19th - [29th Annual El Tour de Tucson](#)

24—**HAPPY THANKSGIVING TO YOU AND YOURS FROM MMGM**

25&26 [Holiday Nights at Tohono Chul Park](#)

QUALIFYING AS OWNER-OCCUPANTS

By Karl Macomber, Esq.

In *Williamson v. PVOrbit, Inc.* Division One of the Arizona Court of Appeals sided with an elderly couple over the interests of a vendor of custom doors. At the request of a contractor, Freedom Architectural Builders, PVOrbit, supplied custom doors to the Williamson home remodel. The Williamsons paid Freedom in full, but it eventually defaulted and quit the job, without paying PVOrbit for the custom doors. PVOrbit recorded a mechanic’s lien against the house. The Williamsons sued to quash the lien and for damages against PVOrbit for recording a false claim of lien. The lien issue surrounded the fact that the Williamsons had, in 2005, deeded their home to a family trust, of which they were the trustors and the beneficiaries. ARS '33-1002 prohibits the recording of a lien against an owner-occupied dwelling unless the lienor has a contract in writing with the owner of the property. PVOrbit argued that the Williamsons did not qualify as owner-occupants because the property was titled in the name of their family Trust. The Court of Appeals agreed with the Williamsons that legal title was held not by the Trust, but by them as Trustees. That alone was sufficient to find that they qualified as owner-occupants. The Court of Appeals reversed the award of \$6,000 against PVOrbit for damages and attorneys fees on the grounds that the issue was one of first impression in Arizona and thus a summary ruling in favor of the Williamsons was inappropriate and so sent the issue of damages and fees back to the trial court for a final determination.

ARIZONA FASCINATING FACTS



Parker Dam, located on Arizona's western border, is the deepest dam in the world at 320 feet. The 968-acre Parker Dam State Park offers old-fashioned charm and character. A scenic lake, rustic cabins, quaint campground and

unbounded forest make Parker Dam an ideal spot for a relaxing vacation. For wilderness explorers, Parker Dam is a gateway to the vast expanses of Moshannon State Forest. You can walk through recovering tornado ravaged woods, backpack into the 50,000-acre Quehanna Wilderness, mountain bike to your heart's content or enjoy quiet solitude searching for elusive Pennsylvania elk.

EXPERIENCE THE DIFFERENCE



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MMGM is a real estate and business law firm. The attorneys and staff at Monroe McDonough Goldschmidt & Molla believe that each client must experience the difference that genuine care and concern can make. We strive to achieve the client's objectives while delivering unwavering personal service in an honest, aggressive and comprehensive manner. We refer to this as our Clients for Life program. MMGM provides outstanding counsel and unparalleled representation in the following areas of the law:

Real Estate Law - Personal Injury
Appeals - Arbitration and Mediation Services
Business Law and Entity Formation
Civil and Commercial Litigation - Construction Defect
Contracts - Estate Planning - Family Law
Homeowner Association (HOA) Law
Motor Vehicle Warranty Defense- Probate Law
Product Liability - Transactional Law

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PROFESSIONAL*

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