

FILED
TIME 10:19 A M

JAN 23 2019

VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: [Signature] DEPUTY

1
2 **Williams|Mestaz, LLP**
3 Daryl M. Williams (004631)
4 6225 N. 24th St., Suite 125
5 Phoenix, AZ 85016
6 Telephone: 602-256-9400
7 dwilliams@williamsmestaz.com
8 Attorneys for plaintiff

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11
12 **IN AND FOR THE COUNTY OF MOHAVE**

13 City of Kingman,

14 Plaintiff,

15 vs.

16 Kingman Airport Authority,

17 Defendant.

Case No. S8015CV2017-00965

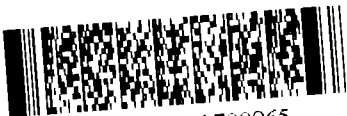
Final Order of Condemnation

(Assigned to the Honorable Steven C. Moss)

18 This court has determined that the defendant is not entitled to compensation pursuant
19 to A.R.S. §12-1122, that the property involved in this case is public property not subject to
20 property taxes, that the requirements for this taking have been satisfied, and that the purposes
21 of this condemnation is so the City of Kingman may possess and operate the Kingman
22 Municipal Airport.

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the following-
24 described property is hereby condemned, and title is vested in the City of Kingman.

- 25 A. The furnishings, fixtures and equipment owned or used by the Kingman
26 Airport Authority;
27 B. All vehicles of any sort or nature owned or used by the Kingman Airport
Authority;



S8015CV201700965

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- C. All leases, contract rights, and bank accounts wherever situated, all funds, deposits, wherever located, that have been made by the Kingman Airport Authority;
- D. All claims and choses in action, known or unknown;
- E. The real property interests hereby condemned is generally described by the legal description of such property originally acquired by the City of Kingman, attached as exhibit B, and, specifically, what remains of this property, described in exhibit A;

IN THE EXERCISE OF ITS DISCRETION, THIS COURT FINDS that the Kingman Airport Authority does not need to reimburse the City of Kingman for payments made in response to any bill for legal services related to this action until such time as required by a court of competent jurisdiction after this judgment has become final, which will be after the exhaustion of all appeals or after the time for appeal has run.

THIS COURT IN ITS DISCRETION FURTHER FINDS that Spencer Fane LLP may retain possession of the \$193,714.21 retainer paid to it by the Kingman Airport Authority for its representation in this matter and held in Spencer Fane's trust account pending the finalization of this order after an appeal or after the time for appeal has run.

THE COURT IN ITS DISCRETION FURTHER ORDERS that Spencer Fane may pay its reasonable attorneys fees and costs from those funds held in its trust account that were paid to it by the Kingman Airport Authority;

IT IS FUTHER ORDERED at the conclusion of these proceedings, which includes after any contrary order of a court of competent jurisdiction reversing the order of this Court authorizing Spencer Fane to pay its reasonable attorneys' fees and costs from the retainer, Spencer Fane must account to the City of Kingman as to the disposition of the funds held in its trust account, and remit any unused funds to the City of Kingman.

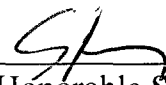
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that this judgment is as to all claims and parties and that no further matters remain pending and that, therefore, this judgment is entered pursuant to Ariz. R. Civ. P. 54(c).

Finally, pursuant to A.R.S. § 12-1128, IT IS ORDERED that each party shall bear its own costs in this proceeding.

DONE IN OPEN COURT

DATED 23 January 2019



The Honorable Steven C. Moss
Mohave County Superior Court

APPROVED AS TO FORM:

*cc: Hand Delivered
to Counsel 1/23/19*

/s/ Daryl M. Williams
Daryl M. Williams
Attorney for the City of Kingman

/s/ Andrew Federhar
Andrew Federhar
Attorney for the Kingman Airport Authority