

COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE



Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date 04/08/2015

OPES AMERICA LLC
6940 E COHISE BLVD #1040
PARADISE VALLEY, AZ 85253

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 04/08/2015 as agent for OPES AMERICA LLC:

Case caption: **WAITT KIERLAND 14646 LLC v. OPES AMERICA LLC,**
Case number: **CV2015-0513111** Court: **MARICOPA COUNTY SUPERIOR COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other **CERTIFICATE ON COMPULSORY ARBITRATION**

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda B. Griffin", written over a horizontal line.
Lynda B. Griffin
Custodian of Records

Initials **JAB**
File number **L-1916414-9**

COMMISSIONERS
SUSAN BITTER SMITH – Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE



ARIZONA CORPORATION COMMISSION

JODI JERICH
Executive Director
PATRICIA L. BARFIELD
Director
Corporations Division

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **04/08/2015**, **JEFFREY A BARKER**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **OPES AMERICA LLC**.

Case caption: **WAITT KIERLAND 14646 LLC v. OPES AMERICA LLC**,
Case number: **CV2015-0513111**
Court: **MARICOPA COUNTY SUPERIOR COURT**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input checked="" type="checkbox"/> Other CERTIFICATE ON COMPULSORY ARBITRATION | |

On **04/08/2015**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

OPES AMERICA LLC
6940 E COHISE BLVD #1040
PARADISE VALLEY, AZ 85253

OR

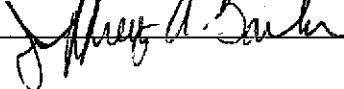
The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **JEFFREY A BARKER**

Date: **04/08/2015**

Signature: 

1 Nancy K. Swift (SBN: 014910)
2 BUCHALTER NEMER
3 16435 N. Scottsdale Road, Ste. 440
4 Scottsdale, Arizona 85254-1754
5 Telephone: (480) 383-1800
6 Facsimile: (480) 824-9400
7 Email: nswift@buchalter.com

8 Attorneys for Plaintiff
9 Waitt Kierland 14646, LLC

10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
11 IN AND FOR THE COUNTY OF MARICOPA

12 WAITT KIERLAND 14646, LLC,
13 a Nebraska limited liability company,

14 Plaintiff,

15 v.

16 OPES AMERICA LLC,
17 an Arizona limited liability company,

18 Defendant.

No. **CV2015-051311**

SUMMONS

If you would like legal advice from a lawyer
Contact the Lawyer Referral Service at
602-257-4434

or

www.maricopalawyers.org

Sponsored by the
Maricopa County Bar Association

19 TO THE ABOVE NAMED DEFENDANTS:

20 OPES AMERICA LLC,

21 YOU ARE HEREBY SUMMONED and required to appear and defend in the
22 above entitled action in the above entitled court within TWENTY DAYS exclusive of the
23 date of service after service of this summons upon you if served within the State of
24 Arizona, and within THIRTY DAYS exclusive of the day of service if served outside the
25 State of Arizona, whether by direct service, by registered or certified mail, or by
26 publication. Where process is served upon the Arizona Director of Insurance as an
insurer's attorney to receive service of legal process against it in this state, the insurer shall
not be required to appear, answer or plead until expiration of 40 days after date of such
service upon the director. Service by registered or certified mail without the State of

175-20-21061

1 Arizona is complete 30 days after the date of filing the receipt and affidavit of service
2 with the Court. Service by publication is complete 30 days after the date of first
3 publication. Direct service is complete when made. Service upon the Arizona Motor
4 Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and
5 return receipt on Officer's Return.

6 YOU ARE HEREBY notified that in case you fail to do so respond judgment by
7 default will be rendered against you for the relief demanded in the complaint.

8 YOU ARE CAUTIONED that in order to appear and defend, you must file an
9 Answer or proper response in writing with the Clerk of this Court, accompanied by the
10 necessary filing fee, within the time required, and you are required to serve a copy of any
11 Answer or response upon the Plaintiff's attorney.

12 Requests for reasonable accommodation for persons with disabilities must be made
13 to the division assigned to the case by parties at least 3 judicial days in advance of a
14 scheduled court proceeding.

15 The name and address of the attorney for Plaintiff is:

16 Nancy K. Swift, Esq.
17 BUCHALTER NEMER
18 16435 N. Scottsdale Road, Suite 440
19 Scottsdale, AZ 85254-1754
20 Telephone: (480) 383-1800

21 Given under my hand and the seal of the Court of the State of Arizona in and for
22 said County this _____ day of 2015.

23 CLERK OF THE COURT

COPY

24 By: _____

25 Deputy Clerk

MAR 11 2015



26 MICHAEL K. JEANES, CLERK
L. GROENEVELD
DEPUTY CLERK

COPY

MAR 11 2015



MICHAEL K. JEANES, CLERK
L. GROENEVELD
DEPUTY CLERK

1 Nancy K. Swift (SBN: 014910)
2 **BUCHALTER NEMER**
3 16435 North Scottsdale Road, Suite 440
4 Scottsdale, AZ 85254-1754
5 Telephone: (480) 383-1800
6 Facsimile: (480) 824-9400
7 Email: nswift@buchalter.com

8 Attorneys for Plaintiff

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

12 **WAITT KIERLAND 1464, LLC,**
13 **a Nebraska limited liability company,**

14 **Plaintiff,**

15 **v.**

16 **OPES AMERICA LLC,**
17 **an Arizona limited liability company,**

18 **Defendant.**

No. **CV2015-051311**

COMPLAINT

(Breach of Lease)

19 Plaintiff, for its Complaint against the Defendant, alleges as follows:

20 **I**

21 Plaintiff WAITT KIERLAND 1464, LLC, ("WAITT") is a Nebraska limited liability
22 company owning certain commercial real property located in Maricopa County, Arizona.
23 Defendant OPES AMERICA LLC, is, upon information and belief, an Arizona limited liability
24 company doing business in Maricopa County, Arizona. That said Defendant has caused certain
25 events to occur within the County of Maricopa, State of Arizona, which events are the subject of
26 Plaintiff's Complaint.

04-00-1-40

1 II

2 By that certain Lease Agreement dated June 1, 2014, Plaintiff as landlord, and Defendant,
3 as tenant, entered into an office lease agreement for certain premises located at the Mesquite
4 Office Center in Maricopa County, Arizona (the "Lease").

5 III

6 The Defendant is default of its obligations under the Lease as a result of its failure to pay
7 the rent and other charges due and owing thereunder. Said charges are in the principal sum of
8 \$12,962.64 through March 1, 2015. This figure will increase should future charges due under the
9 Lease accrue and remain unpaid.

10 IV

11 In accordance with Article 25.6 of the Lease, the Plaintiff is entitled to recover late
12 charges on any sums not paid within ten days after the due date at the rate of five percent (5%) of
13 the overdue amount. Through March, 2015, and including applicable taxes, late charges will
14 have accrued on the Defendant's account in the amount of \$648.13. This figure will increase
15 should future charges due under the Lease accrue and remain unpaid.

16 V

17 Plaintiff is entitled to recover interest on all sums due from the Defendant to the Plaintiff
18 at the rate of 10% per annum pursuant to Articles 25.5 and 25.9 of the Lease.

19 VI

20 In accordance with Articles 27 of the Lease and A.R.S. § 12-341.01, the Plaintiff is
21 entitled to recover its reasonable attorneys' fees and court costs incurred in bringing this action.
22 In the event of a default by the Defendant, the Plaintiff will seek to have awarded against the
23 Defendant attorneys' fees in an amount not to exceed \$3,000.00.

24 VII

25 All conditions precedent and subsequent to the liability of the Defendant to the Plaintiff
26

1 have been performed or have occurred.

2 WHEREFORE, Plaintiff WAITT KIERLAND 14646, LLC, a Nebraska limited liability
3 company, prays for Judgment against the Defendant OPES AMERICA LLC, an Arizona limited
4 liability company, as follows:

5 1. In the principal sum of \$12,962.64 as being due and owing through March, 2015,
6 together with interest thereon at the rate of 10% per annum from July 1, 2014, until paid in full;

7 2. For such other and further charges as may accrue under the Lease and remain
8 unpaid together with interest thereon at the rate of 10% per annum from the due date of each
9 portion thereof until paid;

10 3. For late charges accrued through March, 2015 in the amount of \$648.13, plus
11 further accruing late charges;

12 4. For Plaintiff's reasonable attorneys' fees incurred herein, which fees, in the event
13 of a default by the Defendant, shall be in an amount not to exceed \$3,500.00;

14 5. For Plaintiff's court costs incurred herein;

15 6. For interest on said late charges, court costs and attorneys' fees at the rate of
16 4.25% per annum from date of Judgment until fully paid;

17 7. For such other and further relief as to the Court seems just and proper in the
18 circumstances.

19 DATED this 6 day of March, 2015.

20 BUCHALTER NEMER

21
22 By: Nancy K. Swift
23 Nancy K. Swift
24 16435 North Scottsdale Road, Suite 440
25 Scottsdale, AZ 85254-1754
26 Attorneys for Plaintiff

COPY

MAR 11 2015



MICHAEL K. JEANES, CLERK
L. GROENEVELD
DEPUTY CLERK

Nancy K. Swift (SBN: 014910)
BUCHALTER NEMER
16435 N. Scottsdale Road, Ste. 440
Scottsdale, Arizona 85254-1754
Telephone: (480) 383-1800
Facsimile: (480) 824-9400
Email: nswift@buchalter.com

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CV2015-051311

WAITT KIERLAND 14646, LLC,
a Nebraska limited liability company,

Plaintiff,

v.

OPES AMERICA LLC,
an Arizona limited liability company;

Defendant.

No. _____

**CERTIFICATE ON
COMPULSORY ARBITRATION**

The undersigned certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs does not exceed the limits set by Local Rule 3.10 for compulsory arbitration, however, the damages accrue monthly and by the time of trial the damages will exceed the limit. Therefore, this case is NOT subject to compulsory arbitration, pursuant to Rule 72(b), Ariz.R.Civ.P.

DATED: March 6, 2015

BUCHALTER NEMER

By: Nancy K. Swift

Nancy K. Swift, Esq.
16435 N. Scottsdale Road, Ste. 440
Scottsdale, Arizona 85254-1754
Attorneys for Plaintiff

1911

1912

Corporate Inquiry

04/08/2015

State of Arizona Public Access System

8:47 AM

File Number: L-1916414-9

Corp. Name: OPES AMERICA LLC

Domestic Address

6940 E COHISE BLVD #1040

PARADISE VALLEY, AZ 85253

Second Address

Agent: WILLIAM FORBISH

Status: APPOINTED 04/03/2014

Mailing Address:

15662 N 71ST ST #245

SCOTTSDALE, AZ 85254

Agent Last Updated: 04/04/2014

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 04/03/2014

Approval Date: 04/04/2014

Last A/R Received: /

Date A/R Entered:

Next Report Due:

LEN LOIBROG

BUCHALTER NEMER
NANCY K. SWIFT, ESQ.
STATE Bar # 014910
16435 N. SCOTTSDALE ROAD, SUITE 440
SCOTTSDALE, AZ 85254
(480)383-1800
ATTORNEY FOR THE PLAINTIFF

IN THE SUPERIOR COURT
MARICOPA COUNTY, STATE OF ARIZONA

WAITT KIERLAND 14646, LLC, A
NEBRASKA LIMITED LIABILITY COMPANY,)

PLAINTIFF

vs

OPES AMERICA LLC, AN ARIZONA
LIMITED LIABILITY COMPANY,)

DEFENDANT

NO. CV2015-051311

CERTIFICATE OF
ATTEMPTED SERVICE BY
PRIVATE PERSON

ASSIGNED TO THE HONORABLE
JUDGE:

STATE OF ARIZONA) ss.
County of Maricopa)

The undersigned, being first duly sworn, states:

1. That I am fully qualified, pursuant to RCP 4(d), to serve process in this cause:
2. That on 03/23/2015 I received the following documents:

- a) SUMMONS & COMPLAINT
- b) CERTIFICATE ON COMPULSORY ARBITRATION
- c)
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)

Track Down, Inc.
PO Box 56846
Phoenix, AZ 85079-6846
(602) 252-8521

Client ID No.: W0088-0002
Field Report No.: 3199930 (v4.23)

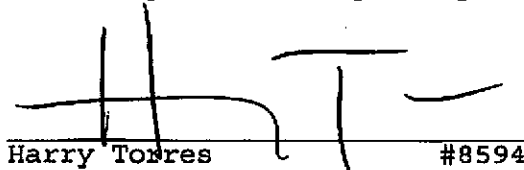
3. That the person served does not have any military obligations, except as noted below.
4. That if this is an affidavit of posting of a trustee's sale, a due and diligent effort to ascertain whether or not trustors are affiliated with the military service was done, and no one could be found at the posting location who had knowledge of the trustors except as noted below.
5. That I personally served copies of the above documents, on the person at the time, place and manner as follows:

ATTEMPTED SERVICE

Upon Opes America LLC, by attempting to serve William Forbish, statutory agent, at 15662 N 71st St #245, Scottsdale, AZ 85254. On 3/13 at 8:25 a.m., this address doesn't exist. At 6940 E Cochise Blvd #1040, Paradise Valley, AZ 85253. On 3/17 at 10:30 a.m., 3/19 at 8:10 a.m., and 3/20 at 7:35 a.m., no answer. On 3/23 at 7:15 a.m., server spoke to current renter, Vance Cornelius, who stated company and agent are unknown. At 3317 S Higley Rd, Gilbert, AZ 85297 by attempting to serve Dave Richardson, on 3/23 at 7:14 p.m., there are several business located here but Opes America is not located here. The above named Corporation failed to maintain a Statutory Agent/Officer at the addresses listed with the Arizona Coporation Commission; therefore, service will be made upon the ACC.

0 Document(s)	
served:	\$0.00
0 W/G(s)	
served:	\$0.00
0 Sales Notices	
posted:	\$0.00
83 Miles:	\$199.20
Min. Miles Total	\$0.00
Document Prep.Fee	\$10.00
Witness Fee	\$0.00
Filing Fee	\$0.00
Additional Cost	\$0.00
	\$0.00
	\$0.00
	\$0.00
TOTAL	\$209.20

I certify under penalty of perjury that the foregoing is true and correct.
 Executed on:
 Wednesday the 1st Day of April, 2015


 Harry Torres #8594
 Certified in MARICOPA County

Track Down, Inc.
 PO Box 56846
 Phoenix, AZ 85079-6846
 (602) 252-8521

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: JBARKER
Invoice No.: 4736148

Check Batch:
Invoice Date: 04/08/2015
Date Received: 04/08/2015
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1916414-9 OPES AMERICA LLC	\$25.00
Total Documents: \$		25.00
	CHECK 6014	\$25.00
	PAYMENT	
Balance Due: \$		0.00

