

05587640
Executive Director

COMMISSIONERS
DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date June 13, 2016

TOP NOTCH TRANSPORT INC.
8153 W. CIELO GRANDE AVE
PEORIA, AZ 85383


Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 06/09/2016 as agent for TOP NOTCH TRANSPORT INC.:

Case caption: **AMY L. VARA, et.al v. DIESEL HEADQUARTERS, INC. et.al,**
Case number: **CV2016-051659** 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 OF COMPULSORY ARBITRATION**

Sincerely,


Lynda B. Griffin
Custodian of Records

Initials **LBG**
File number **-1749555-3**

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **06/09/2016**, **LYNDA GRIFFIN**, 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 **TOP NOTCH TRANSPORT INC.**

Case caption: **AMY L. VARA, et.al v. DIESEL HEADQUARTERS, INC. et.al**,
Case number: **CV2016-051659**
Court: **MARICOPA COUNTY, SUPERIOR COURT**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input checked="" 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 OF COMPULSORY ARBITRATION | |

On **06/13/2016**, 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:

TOP NOTCH TRANSPORT INC.
8153 W. CIELO GRANDE AVE
PEORIA, AZ 85383

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: **Lynda Griffin** Date: **06/13/2016**

Signature: _____

ORIGINAL

1 **Terry Mead Law & Mediation, PLLC**
2 P.O. Box 8186
3 Glendale, Arizona 85312
4 (602) 843-8691
5 Terrance C. Mead – Bar No. 007451
6 Email: court @terrymeadlaw.com
7 (Direct): terry@terrymeadlaw.com
8 Attorney for plaintiff

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

11 AMY L. VAVRA, TRUSTEE OF)
12 THE AMY L. VAVRA TRUST,)

13)
14 **Plaintiff,**)

15)
16 **vs.**)

17)
18 DIESEL HEADQUARTERS, INC.,)
19 an Arizona corporation; TOP NOTCH)
20 TRANSPORT, INC., an Arizona)
21 corporation; SHAWN AKSAMIT and)
22 JANE DOE AKSAMIT, husband and)
23 wife; SHELBY FLETCHER and)
24 JOHN DOE FLETCHER, wife and)
25 husband,)

26)
27 **Defendants,**)
28)
29)
30)

Cause No. CV2016-051659

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

THE STATE OF ARIZONA TO: SHELBY FLETCHER and/or her ATTORNEY OF RECORD

You are hereby summoned and required to appear and defend, within the time applicable,
in this action in this court. If served within Arizona, you shall appear and defend within 20 days after the

1 service of the summons and petition upon you, exclusive of the day of service, you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is
2 State of Arizona - whether by direct service, by registered or certified mail, or by publication - you shall
3 appear and defend within 30 days after the service of the Summons and Complaint upon you is
4 complete, exclusive of the day of service. Service by registered or certified mail outside the State of
5 Arizona is complete from the date of receipt. Service by publication is complete 30 days after the date
6 of first publication. Direct service is complete when made. **Ariz. R. Civ. P. 4.**

7 You are hereby notified that in case of your failure to appear and defend within the time
8 applicable, judgment by default may be rendered against you for the relief demanded in the complaint.

9 You are cautioned that in order to appear and defend, you must file a proper response in
10 writing with the clerk of this court, accompanied by the necessary filing fee, within the time required.
11 You are required to serve a copy of any response upon plaintiffs' attorney. **Ariz. R. Civ. P. 5 and 10(d),**
12 **A.R.S. § 12-311.**

13 PURSUANT TO RULE 2.5, MARICOPA COUNTY LOCAL RULES, REQUESTS
14 FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE
15 MADE TO THE DIVISION ASSIGNED TO THE CASE BY PARTIES AT LEAST THREE
16 JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.

17 The name and address of plaintiff's attorneys are:

18
19 Terrance C. Mead
20 Terry Mead Law & Mediation, PLLC
21 P.O. Box 8186
22 Glendale, Arizona 85312

23 Signed and sealed this date: MAR 02 2016

24
25
26 Michael K. Jeanes, Clerk

27 **MICHAEL K. JEANES, CLERK**

28 By N. Butzbach
29 Deputy Clerk

30 **N. BUTZBACH**
31
32



COPY

MAR 02 2016



MICHAEL K. JEANES, CLERK
N. BUTZBACH
DEPUTY CLERK

Terry Mead Law & Mediation, PLLC
P.O. Box 8186
Glendale, Arizona 85312
(602) 843-8691
Terrance C. Mead – Bar No. 007451
Email: court @terrymeadlaw.com
(Direct): terry@terrymeadlaw.com
Attorney for respondent

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

AMY L. VAVRA, TRUSTEE OF
THE AMY L. VAVRA TRUST,

Plaintiff,

vs.

DIESEL HEADQUARTERS, INC.,
an Arizona corporation; TOP NOTCH
TRANSPORT, INC., an Arizona
corporation; SHAWN AKSAMIT and
JANE DOE AKSAMIT, husband and
wife; SHELBY FLETCHER and
JOHN DOE FLETCHER, wife and
husband,

Defendants,

Cause No. CV2016-051659

COMPLAINT
(Civil; breach of contract)

Plaintiff, for her complaint against defendants, hereby states and alleges as follows:

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GENERAL ALLEGATIONS

1. Amy L. Vavra, trustee of The Amy L. Vavra Trust (hereafter, "Vavra"), is the assignee of Mead & Associates, P.C. (hereafter, "Mead").

2. Diesel Headquarters, Inc. (hereafter, "Diesel"), and Top Notch Transport, Inc. (hereafter, "Top Notch"), are Arizona corporations in good standing. At all times relevant hereto, defendant Shawn Aksamit (hereafter, "Aksamit") served as president of both Diesel and Top Notch, defendant Shelby Fletcher (hereafter, "Fletcher") served as secretary of Top Notch, and both Aksamit and Fletcher were actively engaged in the daily operation and management of Diesel and Top Notch.

3. Defendants caused certain actions to occur, which form the underlying bases of this complaint, in Maricopa County, Arizona, such that jurisdiction and venue are appropriate in Maricopa County Superior Court.

4. Upon information and belief, Jane Doe Aksamit and John Doe Fletcher are the spouses of Aksamit and Fletcher, respectively, and are responsible under Arizona law for the debts of Aksamit and Fletcher, respectively.

5. Plaintiff seeks damages in excess of \$10,000, but less than \$50,000.

COUNT 1

BREACH OF CONTRACT

6. Plaintiff hereby restates and incorporates all prior allegations as if set forth in full herein.

1 7. On or about March 4, 2014, Diesel entered into a written contract for legal
2 services with Mead. Aksamit agreed in writing to guarantee payment of Diesel's obligations to
3 Mead. Upon information and belief, Aksamit was a single man at the time of his written
4 guarantee.

5 8. During the course of Mead's representation of Diesel, Mead's employees
6 learned that some of the debt collection work they were completing on behalf of Diesel were for
7 services performed by Top Notch. Aksamit and or Fletcher directed that Mead continue the
8 collection work on behalf of both Top Notch and Diesel.

9 9. Mead performed all work and incurred certain costs pursuant to its written
10 and oral contracts with Diesel and Top Notch.

11 10. As of December 29, 2014, Diesel owed Mead the sum of five thousand four
12 hundred forty-five dollars and 86 cents (\$5,445.86). Despite demand for payment, that amount
13 remains outstanding.

14 11. Diesel's written contract provides for "a compounding interest charge of
15 2½ percent per month or roughly 30 percent per annum" and a \$25 fee for stopped checks.
16 Interest to March 2, 2016, amounts to \$1,971.83. The total amount due as of March 2, 2016, is
17 seven thousand four hundred forty-two dollars and 69 cents (\$7,442.69).

18 12. Plaintiff's claims herein arise out of contract and plaintiff seeks attorneys'
19 fees pursuant to Mead's written contract with Diesel and Aksamit as well as A.R.S. § 12-
20 342.01.A and B.

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Wherefore, plaintiff prays for judgment against defendants severally and jointly as follows:

A. Judgment in a principal amount to be proven at trial or hearing after default, including double or treble damages as appropriate, but in no case less than ten thousand dollars;

B. Pre- and post-judgment interest at the contracted compounding rate of 2½ percent or roughly 30 percent per annum;

C. Attorneys' fees pursuant to contract and/or the statutory provisions cited herein, but, in the event of default, no less than \$2,500;

D. Costs as allowed by A.R.S. § 12-342 and/or other statutory provisions cited herein; and

E. Such other and further relief deemed appropriate by the court or allowed pursuant to the statutory provisions cited herein.

~~TERRY MEAD~~ LAW & MEDIATION, PLLC

Terrance C. Mead
Attorney for plaintiff

COPY

MAR 02 2016



MICHAEL K. JEANES, CLERK
N. BUTZBACH
DEPUTY CLERK

Terry Mead Law & Mediation, PLLC
P.O. Box 8186
Glendale, Arizona 85312
(602) 843-8691
Terrance C. Mead -- Bar No. 007451
Email: court @terrymeadlaw.com
(Direct): terry@terrymeadlaw.com
Attorney for plaintiff

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

AMY L. VAVRA, TRUSTEE OF
THE AMY L. VAVRA TRUST,

Plaintiff,

vs.

DIESEL HEADQUARTERS, INC.,
an Arizona corporation; TOP NOTCH
TRANSPORT, INC., an Arizona
corporation; SHAWN AKSAMIT and
JANE DOE AKSAMIT, husband and
wife; SHELBY FLETCHER and
JOHN DOE FLETCHER, wife and
husband,

Defendants,

Cause No.

CV2016-051659

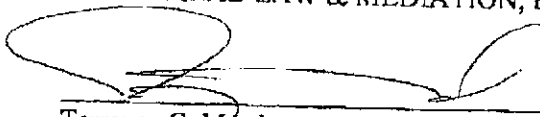
CERTIFICATE OF COMPULSORY
ARBITRATION

The undersigned certifies that the largest award sought by the complainant, including
punitive damages, but excluding interest, attorneys' fees, and costs does not exceed limits set by
Local Rule 3,1(a) for compulsory arbitration. This case is subject to compulsory arbitration.

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Respectfully submitted this 2nd day of March, 2016.

TERRY MEAD LAW & MEDIATION, PLLC



Terrance C. Mead
Attorney for plaintiff

1 Thomas A. Morton, #023374
THOMAS A. MORTON, PLLC
2 2916 N. 7th Avenue, Suite 100
Phoenix, Arizona 85013
3 (602) 595-6870
tom@thomasamortonlaw.com
4 Attorney for Plaintiff

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
6 **IN AND FOR THE COUNTY OF MARICOPA**

7)		
8	)	AMY L. VAVRA, as Trustee of	No. CV 2016-051659
9	)	AMY L. VAVRA TRUST,	STIPULATION FOR SUBSTITUTION
	)	Plaintiff,	OF COUNSEL
10)		
	)	v.	
11)		
12	)	DIESEL HEADQUARTERS, INC., an	
	)	Arizona Corporation, TOP NOTCH	
13	)	TRANSPORT, INC., an Arizona	
	)	Corporation, SHAWN AKSAMIT and	
14	)	JANE DOE AKSAMIT, Husband and	
	)	Wife, SHELBY FLETCHER and JOHN	
15	)	DOE FLETCHER, Husband and	
	)	Wife,	
16	)	Defendants.	

17 _____
18 Plaintiff, through counsel gives notice that Thomas A.
19 Morton of the law firm Thomas A. Morton, PLLC, will substitute as
20 attorney of record for Plaintiff in place of Terrance C. Mead of
21 Terry Mead Law & Mediation, PLLC, for all further proceedings in
22 this matter.

23 Plaintiff has knowledge of and consents to this
24 substitution. Plaintiff asks all parties and the court to direct
25 ///

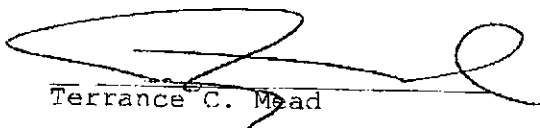
1 all notices and correspondence in this matter to Thomas A. Morton
2 as her counsel.

3 RESPECTFULLY SUBMITTED this ____ day of May, 2016.

4 THOMAS A. MORTON, PLLC

TERRY MEAD LAW & MEDIATION, PLLC

5
6
7 Thomas A. Morton


Terrance C. Mead

8 Original filed this
9 ____ day of May, 2016 with:

10 Clerk of the Superior Court
200 W. Jefferson
Phoenix, AZ 85003

11 Copies to be served upon Defendants.

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For:
Thomas A Morton, P.L.L.C.
2916 N 7th Ave
Suite 100
Phoenix, AZ 85013

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

201 W. Jefferson, Phoenix, AZ 85003

**Amy L. Vavra, Trustee of the Amy L. Vavra
Trust**

Plaintiff

vs

Diesel Headquarters, Inc., et al.

Defendant

NON-SERVICE DECLARATION

CASE #: CV2016-051659

JOB #: 1601518

The undersigned is over the age of 21 years, not a party to the action, and qualified and appointed under ARCP §4(d) & §4(e) to serve legal process within the State of Arizona if served within the State of Arizona.

Being duly received by QuickServeAZ Process Servers on 5/25/2016 at 6:24:13 PM for service, the undersigned, after exercising due diligence, **NON-SERVED** copies of:

Summons, Complaint, Certificate of Compulsory Arbitration, Stipulation for Substitution of Counsel

Upon: Top Notch Transport, Inc.

At: 8153 W Cielo Grande Ave, PEORIA, AZ 85382

The undersigned made diligent attempts to serve the legal process as follows:

5/26/2016 4:24 PM 8153 W Cielo Grande Ave, PEORIA, AZ 85382 Statutory Agent / officer / director not available at location for service; will reattempt.

5/28/2016 10:20 AM 8153 W Cielo Grande Ave, PEORIA, AZ 85382 No answer at door.

6/1/2016 7:10 PM 8153 W Cielo Grande Ave, PEORIA, AZ 85382 No answer at door; lifted diesel pickup in driveway. Dog heard inside.

6/7/2016 3:15 PM 8153 W Cielo Grande Ave, PEORIA, AZ 85382 Contacted Shelby Fletcher at location; states subject Shawn Askamit is not at location.

Comments:

Top Notch Transport, Inc. (File Number 17495553)

Upon information, knowledge and belief, the above named entity has either failed to appoint a statutory agent or failed to maintain a statutory agent at the statutory agent address on record with the Arizona Corporation Commission.

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing information contained in the Proof of Service is true and correct. [ARCP Rule 80(i)]

Dated: Jun 9, 2016

Antoine P. Cobb, ID # MC-8527 (Certified in Maricopa County)

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

User Id: LGRIFFIN
Invoice No.: 5088164

Check Batch:
Invoice Date: 06/09/2016
Date Received: 06/09/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS -1749555-3 TOP NOTCH TRANSPORT INC.	\$25.00
Total Documents: \$		25.00
CHECK	196	\$25.00
PAYMENT		
Balance Due: \$		0.00

Corporate Maintenance

06/09/2016

State of Arizona Public Access System

4:10 PM

File Number: -1749555-3

Corp. Name: TOP NOTCH TRANSPORT INC.

Domestic Address

8153 W CIELO GRANDE AVE

PEORIA, AZ 85383

Second Address

Agent: SHAWN AKSAMIT

Status: APPOINTED 03/26/2012

Mailing Address:

8153 W CIELO GRANDE

PEORIA, AZ 85383

Agent Last Updated: 11/02/2012

*** SEE COMMENTS ***

Business Type: TRANSPORTATION

Domicile: ARIZONA

County: MARICOPA

Corporation Type: BUSINESS

Life Period: PERPETUAL

Incorporation Date: 03/26/2012

Approval Date: 03/28/2012

Last A/R Received: 3 / 2016

Date A/R Entered: 01/07/2016

Next Report Due: 03/26/2017

INVALID KEY FUNCTION. (A058)

A. Cobb
MC8527

