

COMMISSIONERS
TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN



05880999

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date 04/03/2017

SPENCER'S AIR CONDITIONING & APPLIANCE, INC.
% RICHARD BIEDERBECK
525 W 21ST ST
TEMPE, AZ 85282

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 03/31/2017 as agent for **SPENCER'S AIR CONDITIONING & APPLIANCE, INC.** :

Case caption: **AHRON AND NESSIA BOEHMER H&W V. SPENCER'S AIR CONDITIONING & APPLIANCE, INC.** ,

Case number: **CC2017-037558RC** Court: **MARICOPA COUNTY, KYRENE JUSTICE COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☐ Other

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 **GM**
File number **-0098335-9**

COMMISSIONERS
TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN



TED VOGT
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **03/31/2017**, **GEORGE MOYA**, 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 **SPENCER'S AIR CONDITIONING & APPLIANCE, INC.**

Case caption: **AHRON AND NESSIA BOEHMER H&W v. SPENCER'S AIR CONDITIONING & APPLIANCE, INC.**

Case number: **CC2017-037558RC**

Court: **MARICOPA COUNTY, KYRENE JUSTICE 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 type="checkbox"/> Other | |

On **04/03/2017**, 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:

SPENCER'S AIR CONDITIONING & APPLIANCE, INC.
% RICHARD BIEDERBECK
525 W 21ST ST
TEMPE, AZ 85282

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: **GEORGE MOYA**

Date: **04/03/2017**

Signature: _____

1 Karen A. Richman (#020995)
2 RICHMAN LAW, PLLC
3 6424 E. Greenway Pkwy
4 Suite 100
5 Scottsdale, AZ 85254
6 Tel: (480) 527-6008
7 Fax: (480) 550-8015
8 Email: Karen@karenrichmanlaw.com
9 Attorney for Plaintiff

10
11 IN THE KYRENE JUSTICE COURT
12 MARICOPA COUNTY, STATE OF ARIZONA
13

14 AHRON AND NESSIA BOEHMER, husband)
15 and wife,)

16 Plaintiffs,)

17 vs.)

18 SPENCER'S AIR CONDITIONING &)
19 APPLIANCE, INC., an Arizona corporation, dba)
20 SPENCERS TV & APPLIANCE)

21 Defendant.)

NO. CC 2017-037558 RC

SUMMONS

22 THE STATE OF ARIZONA TO:

23 Richard Biederbeck
24 Statutory Agent for
25 Spencer's Air Conditioning & Appliance, Inc.
26 dba Spencers TV & Appliance
27 115 W. 1st Ave
28 Mesa, AZ 85210

29 YOU ARE HEREBY SUMMONED and required to appear and defend, within the time
30 applicable, in this action in this court. If served within Arizona, you shall appear and defend within
31 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service.
32 If served out of the State of Arizona -- whether by direct service, by registered or certified mail, or
33 by publication -- you shall appear and defend within 30 days after the service of the Summons and
34 Complaint upon you is complete, exclusive of the day of service. Where process is served upon the
35 Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in

1 this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after
2 date of such service upon the Director. Service by registered or certified mail without the State of
3 Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the
4 Court. Service by publication is complete 30 days after the date of first publication. Direct service
5 is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30
6 days after filing the Affidavit of Compliance and return receipt or Officer's Return. A.R.S. § 22-
7 213; RCP 4; ARS §§ 20-222, 28-502, 28-503.

8 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend within
9 the time applicable, judgment by default may be rendered against you for the relief demanded in the
10 Complaint.

11 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an Answer or
12 proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee,
13 within the time required, and you are required to serve a copy of any Answer or response upon the
14 Plaintiffs' attorney. Rule 10(d), Rules of Civil Procedure; A.R.S. § 12-311; Rule 5, Rules of Civil
15 Procedure; A.R.S. § 22-215 and A.R.S. § 22-216.

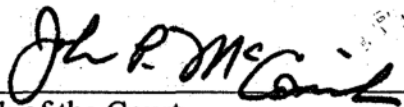
16 ****** REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH**
17 **DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY**
18 **PARTIES AT LEAST THREE (3) DAYS IN ADVANCE OF A SCHEDULED COURT**
19 **PROCEEDING.**

20 The name and address of Plaintiffs' attorney is:

21 Karen A. Richman
22 Richman Law, PLLC
23 6424 E. Greenway Pkwy
24 Suite 100
25 Scottsdale, AZ 85254
26 Tel: (480) 527-6008
27 Fax: (480) 550-8015
28

SIGNED AND SEALED this date:

2-23-17


Clerk of the Court

1 Karen A. Richman (#020995)
2 RICHMAN LAW, PLLC
3 6424 E. Greenway Pkwy
4 Suite 100
5 Scottsdale, AZ 85254
6 Tel: (480) 527-6008
7 Fax: (480) 550-8015
8 Email: Karen@karenrichmanlaw.com
9 Attorney for Plaintiff
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IN THE KYRENE JUSTICE COURT
MARICOPA COUNTY, STATE OF ARIZONA

AHRON AND NESSIA BOEHMER, husband)
and wife,)

NO. CC2017-037558RC

Plaintiffs,)

NOTICE OF DEMAND
FOR JURY TRIAL

vs.)

SPENCER'S AIR CONDITIONING &)
APPLIANCE, INC., an Arizona corporation, dba)
SPENCERS TV & APPLIANCE)

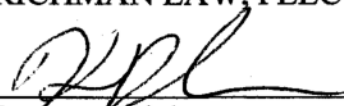
Defendant.)

Plaintiffs hereby submits their notice of Demand for a Jury Trial.

DATED this 23rd day of February, 2017.

RICHMAN LAW, PLLC

By


Karen A. Richman
Attorney for Plaintiffs

1 The Original of the foregoing
2 Certificate filed this 23rd day
3 of February, 2017, with:

4 The Clerk of the Kyrene Justice Court
5 201 E. Chicago Street
6 Chandler, AZ 85225

7 By: 
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1 Karen A. Richman (#020995)
2 RICHMAN LAW, PLLC
3 6424 E. Greenway Pkwy
4 Suite 100
5 Scottsdale, AZ 85254
6 Tel: (480) 527-6008
7 Fax: (480) 550-8015
8 Email: Karen@karenrichmanlaw.com
9 Attorney for Plaintiff

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IN THE KYRENE JUSTICE COURT
MARICOPA COUNTY, STATE OF ARIZONA

AHRON AND NESSIA BOEHMER, husband)
and wife,)

NO. CC 2017-037558PC

Plaintiffs,)

COMPLAINT

vs.)

SPENCER'S AIR CONDITIONING &)
APPLIANCE, INC., an Arizona corporation, dba)
SPENCERS TV & APPLIANCE)

Defendant.)

Plaintiff for its complaint alleges as follows:

1. Plaintiffs, Ahron and Nessia Boehmer, are husband and wife and are residents of Maricopa County, Arizona.

2. Defendant, Spencer's Air Conditioning & Appliance, Inc., is an Arizona corporation, doing business in Maricopa County, Arizona, doing business as Spencers TV & Appliance.

3. All acts and omissions alleged in this complaint occurred in Maricopa County, Arizona.

4. Spencer's Air Conditioning & Appliance, Inc., has a domestic address

1 registered with the Arizona Corporation Commission as 525 W. 21st Street, Tempe, AZ;
2 which is within the jurisdiction of this Court. A.R.S. §22-202 (A).

3 5. The contract which is the subject of this Complaint was negotiated, performed
4 and breached in Maricopa County, Arizona.

5 6. Defendants have caused events to occur in Maricopa County which give rise to
6 the causes of action alleged in this complaint.

7 7. Jurisdiction and venue are proper in this court.

8 **COUNT I**
9 **BREACH OF CONTRACT**

10 8. Plaintiff reincorporates the allegations contained in paragraphs 1 through 7 of
11 this Complaint as if fully restated herein.

12 9. On or about October, 2016, Plaintiff contracted with Defendant for the
13 purchase and installation of appliances in their home. (Exhibit 1, the "Invoice").

14 10. Plaintiffs paid the Defendant the amount of the contract as requested.

15 11. According to the invoice, Plaintiff specifically instructed Defendant that "no
16 water hookup" was necessary.

17 12. Upon installation, the water was hooked up contrary to the instructions.

18 13. Plaintiffs explained to the installer that the refrigerator was not to be hooked up
19 to the water.

20 14. Thereafter, the installer disconnected the water hookup but failed to shut off
21 the water.

22 15. Then, the refrigerator was moved back in place by the installer which covered
23 up the fact that the water faucet was discharging water behind the unit causing damage to the
24 flooring and baseboards in the kitchen and adjoining living room.

25 16. As such, Defendant breached the contract regarding the installation of the
26 refrigerator.
27
28

1 17. As a result, Plaintiffs have suffered damages.

2 **WHEREFORE**, Plaintiff requests judgment against Defendant as follows:

3 A. Actual damages in the amount to be proven at trial, in an amount not in
4 excess of \$10,000.00;

5 B. Costs pursuant to A.R.S. §12-341;

6 C. Reasonable attorney fees pursuant to A.R.S. §12-341.01;

7 DATED this 23rd day of February, 2017.

8 RICHMAN LAW, PLLC

9 By 

10 Karen A. Richman
11 Attorney for Plaintiffs

12 The Original of the foregoing
13 Certificate filed this 23rd day
14 of February, 2017, with:

15 The Clerk of the Kyrene Justice Court
16 201 E. Chicago Street
17 Chandler, AZ 85225

18 By: 

EXHIBIT 1



INVOICE

TATUM BLVD STORE
13820 NORTH TATUM BLVD.
PHOENIX, AZ 85032
Phone (602) 494-0100



Invoice	981234
Date	10-17-16
Store	TATM
Type	Delivery
Printed	101716 12:40

Bill to

NESSIA BOEHMER
9095 N. 116TH WAY
SCOTTSDALE, AZ 85259

Ship to

NESSIA BOEHMER
9095 N. 116TH WAY
SCOTTSDALE, AZ 85259

Warehouse	P/O Number	Delivery Date	Terms	Sold At		Bill to Phones	Ship to Phones
TMPE		10-18-16		TATM	Home	(480) 656-2248	(480) 656-2248
Salesperson		Salesperson			Work	(480) 656-2248	
GD642 GARY DAVIS					Cell		
GDAVIS@SPENCERSTV.COM					Email	na-	
GROUND FLOOR				SET UP NEW			
HA OLD UNITS				THANK YOU			

Item Number	Description	Brand	U/M	Order	Ship	Each Price	Extended
KRFF300ESS	FRENCH DOOR 20CUFT STD DEPTH	KIT	EA	1	0	1779.99	1779.99
RECYCLE	~ APPLIANCE RECYCLING FEE	MIS	EA	1	0	5.00	5.00
	HAUL AWAY APPLIANCE						
	REF SS UNIT						
MVWB835DW	WASHER 5.3 TOP LOAD	MTG	EA	1	0	649.99	649.99
SSWASHERHOSE	WASHERHOSE-SS-5'PAIR	MIS	EA	1	0	30.00	30.00
LABORDELIVERY	LABOR & DELIVERY	SPE	EA	1	0	30.00	30.00
RECYCLE	~ APPLIANCE RECYCLING FEE	MIS	EA	1	0	5.00	5.00
	HAUL AWAY APPLIANCE						
	WHITE WASHER						
COMMENTS	~ENTER INFO	SPE	EA	1	0	40.00	40.00
	NEED TO MOVE DRYER TO INSTALL						
	WASHER AND REINSTALL DRYER						
	4						
COMMENTS	~ENTER INFO	SPE	EA	1	0		
	PLEASE BEFORE 12:00 THANK						
	YOU						
COMMENTS	~ENTER INFO	SPE	EA	1	0		
	NO WATER HOOK UP						
	ON THIS REF.						



INVOICE

TATUM BLVD STORE
13820 NORTH TATUM BLVD.
PHOENIX, AZ 85032
Phone (602) 494-0100



Invoice	981234
Date	10-17-16
Store	TATM
Type	Delivery
Printed	101716 12:40

Item Number	Description	Brand	U/M	Order	Ship	Each Price	Extended

VS 2669 Auth=07815B Credit Card

2752.40

Sales Amount	2539.98
8.600% Sales Tax	212.42
Freight	.00
Total	2752.40
Balance Due	.00

SALE AMOUNT

\$2752.40

CUSTOMER COPY

Card # XXXXXXXXXXXX2669
SEQ #: 3
Batch #: 1557
INVOICE
CLERK 981234
Approval Code: 0642
Entry Method: 07815B
Mode: Shipped
Online

CREDIT CARD
VISA SALE
11:39:27

10/17/2016
(602) 494-0100
HOME TV APPLIANCE TAT
13820 N TATUM BLVD.
PHOENIX, AZ 85032



INVOICE

TATUM BLVD STORE
13820 NORTH TATUM BLVD.
PHOENIX, AZ 85032
Phone (602) 494-0100



Invoice	981234-0
Date	10-17-16
Store	TATM
Type	Delivery
Recap	101816 13:13

Bill to
NESSIA BOEHMER 9095 N. 116TH WAY SCOTTSDALE, AZ 85259

Ship to
NESSIA BOEHMER 9095 N. 116TH WAY SCOTTSDALE, AZ 85259

Warehouse	P/O Number	Delivery Date	Terms	Sold At		Bill to Phones	Ship to Phones
TMPE		10-19-16		TATM	Home	(480) 656-2248	(480) 656-2248
Salesperson		Salesperson			Work		
GD642 GARY DAVIS					Cell		
GDAVIS@SPENCERSTV.COM					Email	na-	
GROUND FLOOR				SET UP NEW/ HA OLD UNITS			
IDP FOR DELIVERY				THANK YOU			

Item Number	Description	Brand	U/M	Order	Ship	Each Price	Extended
KRFF300ESS	FRENCH DOOR 20CUFT STD DEPTH Serial#VS62688727	KIT	EA	1	0	1779.99	1779.99
RECYCLE	~ APPLIANCE RECYCLING FEE HAUL AWAY APPLIANCE REF SS UNIT	MIS	EA	1	0	5.00	5.00
MVWB835DW	WASHER 5.3 TOP LOAD Serial#C62874632	MTG	EA	1	0	649.99	649.99
SSWASHERHOSE	WASHERHOSE-SS-5'PAIR	MIS	EA	1	0	30.00	30.00
LABORDELIVERY	LABOR & DELIVERY	SPE	EA	1	0	30.00	30.00
RECYCLE	~ APPLIANCE RECYCLING FEE HAUL AWAY APPLIANCE WHITE WASHER	MIS	EA	1	0	5.00	5.00
COMMENTS	~ENTER INFO NEED TO MOVE DRYER TO INSTALL WASHER AND REINSTALL DRYER 4	SPE	EA	1	0		
COMMENTS	~ENTER INFO PLEASE BEFORE 12:00 THANK YOU	SPE	EA	1	0		
COMMENTS	~ENTER INFO NO WATER HOOK UP ON THIS REF.	SPE	EA	1	0		
COMMENTS	~FRANK, OK FOR \$40.00 TO MO DRYER AND RE INSTALL, IDP FOR DELIVERY, THANK YOU	SPE	EA	1	0		
KRFF300ESS	FRENCH DOOR 20CUFT STD DEPTH Loc#:	KIT	EA	1-	0	1779.99	1779.99-



INVOICE

TATUM BLVD STORE
13820 NORTH TATUM BLVD.
PHOENIX, AZ 85032
Phone (602) 494-0100



Invoice	981234-0
Date	10-17-16
Store	TATM
Type	Delivery
Recap	101816 13:13

Item Number	Description	Brand	U/M	Order	Ship	Each Price	Extended
KRFC300ESS	FRENCH DOOR 20CU COUNTERDEPTH Loc#:	KIT	EA	1	0	1779.99	1779.99
COMMENTS	CUST NEEDED COUNTERDEPTH	SPE	EA	1	0		
COMMENTS	WRONG FRIDGE WAS SENT OUT	SPE	EA	1	0		
COMMENTS	THANK YOU	SPE	EA	1	0		
COMMENTS	PLEASE CHECK WASHES HOSES	SPE	EA	1	0		
VS 2669 Auth=07815B Credit Card				2712.40		Sales Amount	2499.98
						8.600% Sales Tax	212.42
						Freight	.00
						Total	2712.40
						Balance Due	.00

ALL COSMETIC DAMAGES MUST BE REPORTED WITHIN 48 HOURS TO YOUR STORE

How'd we do? Let us know good or bad at spencerstv.com/survey

INVOICE

TATUM BLVD STORE
13820 NORTH TATUM BLVD.
PHOENIX, AZ 85032
Phone (602) 494-0100



Invoice	981362
Date	10-18-16
Store	TATM
Type	Payment
Printed	101816 13:11
A/R Account	981234

Bill to

NESSIA BOEHMER
9095 N. 116TH WAY
SCOTTSDALE, AZ 85259

Ship to

NESSIA BOEHMER
9095 N. 116TH WAY
SCOTTSDALE, AZ 85259

Warehouse	P/O Number	Terms	Sold At	Bill to Phones	Ship to Phones
TMPE			TATM	(480) 656-2248	(480) 656-2248
Salesperson		Salesperson		Home	Work
CI941 CHRISTOPHER INMAN				Cell	
CHRISINMAN@SPENCERSTV.COM				Email	na-

Item Number	Description	Brand	U/M	Order	Ship	Each Price	Extended
	Middle Payment						40.00-
VS 2669 Auth=2222 Credit Card							40.00-

Sales Amount	40.00-
8.600% Sales Tax	.00
Freight	.00
Total	40.00-
Balance Due	.00

ALL COSMETIC DAMAGES MUST BE REPORTED WITHIN 48 HOURS TO YOUR STORE

How'd we do? Let us know good or bad at spencerstv.com/survey

Richman Law PLLC
6424 E Greenway Pkwy #100
Scottsdale, AZ 85254
(480) 527-6008

IN THE KYRENE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

**AHRON AND NESSIA BOEHMER, husband and
wife**

Case Number: CC2017-037558DC

Plaintiff,

AFFIDAVIT OF NON-SERVICE

vs.

**SPENCER'S AIR CONDITIONING AND
APPLIANCE INC. dba SPENCERS TV &
APPLIANCE**

Defendant.

Received by HOT SHOT DELIVERY INC. on the 24th day of February, 2017 at 2:15 pm to be served on **Spencers Air Conditioning & Appliance Inc., C/O Richard Biederbeck, 115 W 1st Ave, Mesa, AZ 85210.**

I, Christopher Turnage Badge no. MC-8160, being duly sworn, depose and say that on the **31st day of March, 2017 at 10:00 am, I:**

NON-SERVED - DILIGENT: after due search, careful inquiry and diligent attempts was unable to serve the **Summons, Complaint, Notice of Jury Demand for Trial** on **Spencers Air Conditioning & Appliance Inc.** for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

2/25/2017 2:25 pm Attempted at 115 W 1st Ave, Mesa - Mr. Biederbeck did not come in today.

2/24/2017 1:40 pm Attempted at 115 W 1st Ave, Mesa - Mr. Biederbeck is not in today, should be in tomorrow.

3/2/2017 4:10 pm Attempted at 525 W 21st St, Tempe - He is not in.

3/9/2017 9:00 am At Mesa address - He is not in at the present time, is out of town.

3/22/2017 4:25 pm At the Mesa address : Not in at this time, he is out of town.

3/29/2017 3:20 pm At the Mesa address - I was told he is on vacation for another 10 days.

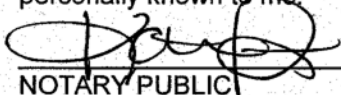


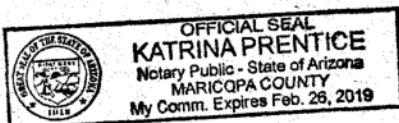
AFFIDAVIT OF NON-SERVICE for CC2017-037558DC

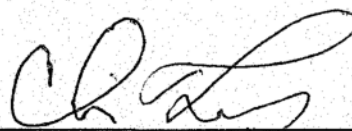
I certify that I am over the age of 21, have no interest in the above action, and am a Licensed Process Server, within the county of Maricopa, State of ARIZONA, in good standing and am fully qualified to serve process in this cause.

"I Declare under Penalty of Perjury that the foregoing is true and correct".

Subscribed and Sworn to before me on the 31st day
of March, 2017 by the affiant who is
personally known to me.


NOTARY PUBLIC





Christopher Turnage Badge no. MC-8160
Licensed Process Server

HOT SHOT DELIVERY INC.

236 East Pima Street

Suite 106

Phoenix, AZ 85004

(602) 277-4747

Our Job Serial Number: DEK-2017000494

Ref: Boehmer

Corporate Inquiry

03/31/2017

State of Arizona Public Access System

1:32 PM

File Number: -0098335-9

Corp. Name: SPENCER'S AIR CONDITIONING & APPLIANCE, INC.

Domestic Address

% RICHARD BIEDERBECK

525 W 21ST ST

TEMPE, AZ 85282

Second Address

Agent: RICHARD BIEDERBECK

Status: APPOINTED 06/16/1982

Mailing Address:

115 W 1ST AVE

MESA, AZ 85210

Agent Last Updated: 05/12/2008

Business Type: RETAIL SALES

Domicile: ARIZONA

County: MARICOPA

Corporation Type: PROFIT

Life Period: PERPETUAL

Incorporation Date: 10/01/1974

Approval Date: 10/01/1974

Last A/R Received: 5 / 2016

Date A/R Entered: 04/14/2016

Next Report Due: 05/01/2017

Susan Mazzotti

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

User Id: GMOYA
Invoice No.: 5333458

Check Batch:
Invoice Date: 03/31/2017
Date Received: 03/31/2017
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS -0098335-9 SPENCER'S AIR CONDITIONING & APPLIANCE,	\$25.00
Total Documents: \$		25.00
	CHECK 7880	\$25.00
PAYMENT		
Balance Due: \$		0.00