

THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN THE ARIZONA TAX COURT

TX 2017-000402

06/28/2018

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT

T. Cooley

Deputy

STATE OF ARIZONA DEPARTMENT OF
REVENUE

LINDSAY M HUGHES

v.

ARMON HEARN, et al.

MIKE DENNY

MINUTE ENTRY

Courtroom 201-OCH

1:31 p.m. This is the time set for Oral Argument re: Plaintiff's Amended Motion for Summary Judgment. Plaintiff is represented by counsel, Lindsay M. Hughes. Defendants are represented by counsel, Mike Denny.

A record of the proceedings is made digitally in lieu of a court reporter.

Oral argument is presented.

Based upon matters presented to the Court,

IT IS ORDERED taking this matter under advisement.

1:50 p.m. Matter concludes.

LATER:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TX 2017-000402

06/28/2018

The Court has considered the Department's Amended Motion for Summary Judgment, filed March 23, 2018, Defendants' response, filed April 23 2018, and the Department's reply, filed May 14, 2018. The Court benefited from oral argument on the motion on June 28, 2018.

With the exception of the November and December 2004 taxes, which the Department no longer seeks, it is entitled to recovery. The Stipulated Order says nothing about discharging Defendants' tax debt, except for the two periods dealt with in paragraph (C)(4).

The fact that, had Defendants waited four days before filing their bankruptcy petition, they might have received a full discharge is not a defense. The reasons that the Department released its administrative lien is also of no consequence. A tax debt must be paid, whether a lien is in place or not. Defendants do not suggest that they in fact paid the outstanding taxes, so the absence of a lien does not establish payment.

ACCORDINGLY, the Department's Amended Motion for Summary Judgment is granted.