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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

BOB STUMP -Chairman

GARY PIERCE

BRENDA BURNS

BOB BURNS

SUSAN BITTER SMITH

2013 APR 15 P 4:48

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR 15 2013

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF)
HOPEVILLE WATER COMPANY, INC. DBA)
ALLENVILLE WATER COMPANY FOR)
APPROVAL TO SELL ITS WATER SYSTEM)
ASSETS TO THE TOWN OF BUCKEYE AND)
TO CANCEL ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY)

DOCKET NO. W-02077A-12-0493

**RESPONSE TO MOTION TO
POSTPONE HEARING**

Hopeville Water Company, Inc. dba Allenville Water Company (“Hopeville” or “Company”), submits its Response to the Motion to Postpone the April 16, 2013 hearing (the “Motion”) filed by Mr. Alvin Cobbin on behalf of The Concerned Citizens of Hopeville, AZ (CCGHA).

I

INTRODUCTION

The Motion was filed with Docket Control on April 9, 2013, exactly one (1) week prior to the regularly scheduled hearing on behalf of CCGHA. The Motion was provided by way of a Pro Se Complaint filed with the Superior Court of Arizona that includes a request for Temporary Injunction & Cease and Desist Order (the “Complaint”) enjoining Mr. Abraham Harris, III and Hopeville Water Company from selling Hopeville Water Company, and to cease all business operations of Hopeville Water Company. The Motion’s complaint references ARS § 13-2310, which defines Fraudulent Schemes.

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II

ANALYSIS

The subject of this matter before you has always been strictly related to only the sale of the Hopeville Water Company's Assets including the water campus property, water campus infrastructure and water distribution system as described in the Staff Report dated March 8, 2013. Mr. Cobbin on behalf of CCGHA has filed said Motion, but there is no evidence in the record whereby CCGHA has been granted Intervention. At the March 5, 2013 procedural conference, Mr. Cobbin and CCGHA were asked to resubmit their Motion to Intervene pursuant to ACC rules and the Arizona Supreme Court Rules 31 and 38 and ARS§ 40-243. Because CCGHA is not a party to this docket, it does not have standing to file this Motion.

Although Mr. Cobbin has based his Motion on an allegation of Fraud in the Complaint, there are no statements of evidence or proof provided in the Complaint to support the claim. If Mr. Cobbin has evidence to support his allegation of Fraud, he has not provided such evidence.

The public record demonstrates that Hopeville Water Company and its assets has been owned by "Hopeville Water Company, Inc., an Arizona Corporation" pursuant to the recorded Warranty Deed, dated December 6, 1985 and recorded on December 27, 1985 (document recording number" 19850614246) deeded by the "State of Arizona, a body politic, by and through its Department of Emergency Services." A copy of which is attached at *TAB 1*. The current Directors of Hopeville Water Company are: Bobby Smith, Louis Early, Willie Wilson and Abraham Harris. A copy of which is attached at *TAB 2*. Authorization to engage in the sale of the Hopeville Water Company was provided by way of a Unanimous Consent Resolution of the Board of Directors of Hopeville Water Company, properly executed by all four board members on October 25, 2012. A Copy provided in the Staff Report and again here at *TAB 3*.

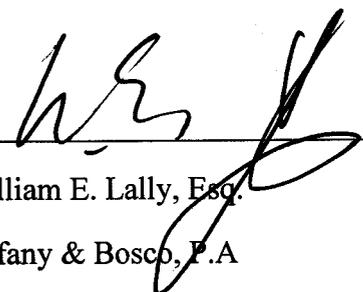
IV

CONCLUSION

For the foregoing reasons, Hopeville believes that the Motion is without merit and lacks in standing and should be denied and the publically noticed hearing on April 16, 2013 should be held.

Dated April 15, 2013.

Respectfully submitted;



William E. Lally, Esq.

Tiffany & Bosco, P.A
2525 E. Camelback Road, Third Floor
Phoenix, AZ 85016
Attorney for Hopeville Water Company.

Original and thirteen (13) copies of the
Foregoing application will be submitted
On April 15, 2013

Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Holly Brown
9519 West Miami
Tolleson, AZ 85353

Steve Olea
Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street

Sharon Kay Caldwell
28928 West Pima Street
Buckeye, AZ 85326

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Phoenix, Arizona 85007

Lyn Farmer, Esq.
Chief of Hearing
Hearing Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Janice Alward, Esq.
Chief Legal Counsel
Legal Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

William Lally, Esq.
Tiffany & Bosco, P. A
2525 E. Camelback Road, Third Floor
Phoenix, AZ 85016

Mr. Abraham Harris III
Hopeville Water Company, Inc.
Dba Alleville Water Company
1415 South Palo Verde Road
Phoenix, AZ 85326

Mr. Stephen Cleveland
Town Manager
Town of Buckeye
530 Monroe Avenue
Buckeye, AZ 85326

Scott W. Ruby, Esq.
Gust Rosenfeld, PLC.
One East Washington Street
Suite 1600
Phoenix, AZ 85004
Town Attorney

Alvin Cobbin
7418 West Wood Street
Phoenix, AZ 85043

Wilbur Brown
4410 North 99th Ave., #2163
Phoenix, AZ 85037

LaFurn Garland
28912 West Cocopah Street
Buckeye, AZ 85326

La Toya Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

Maria Estrada
1202 South 290th Drive, No. 42
Buckeye, AZ 85326

Martha Castro
28921 West Pima Street
Buckeye, AZ 85326

Georgia Land
1203 South 290th Drive, #40
Buckeye, AZ 85326

Albert Williams
1215 South 290th Drive, #49
Buckeye, AZ 85326

Izola Brown
PO Box 1142
Buckeye, AZ 85326

Elanore Guy
28901 West Pima Street
Buckeye, AZ 85326

Ruby Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

Olivia Piper
P.O. Box 1552
Buckeye, AZ 85326

Jim Brown
2995 North Point Ridge Road
Buckeye, AZ 85369

1 Anola Hubbert
2 15735 West Verde Lane
3 Goodyear, AZ 85395
4
5 Arie Gonzales
6 28922 West Cocopah Street
7 Buckeye, AZ 85326
8
9 Angela Gonzales
10 28913 West Pima Street
11 Buckeye, AZ 85326
12
13 Sergio Munoz
14 28926 West Cocopah Street
15 Buckeye, AZ 85326
16
17 Ellen Berry
18 203 Jackson Ave.
19 Buckeye, AZ 85326
20
21 Oliver and Brice Caldwell
22 28925 W. Pima
23 Buckeye, AZ 85326
24
25 Larry Bell
26 1201 S. 289 Dr. #32
27 Buckeye, AZ 85326
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Erica Gonzales
28922 West Cocopah Street
Buckeye, AZ 85326

Cynthia Bell
1201 South 289th Drive, #52
Buckeye, AZ 85326

Francisco J. Gonzales
28912 West Pima Street
Buckeye, AZ 85326

Jennifer Van Acker
28907 West Pima Street
Buckeye, AZ 85326

Robert and Carolyn Land
22807 W. Ashleigh Marie Dr.
Buckeye, AZ 85326

Federic and Cristina Orozco
28913 W. Cocopah
Buckeye, AZ 85326

Matilda Lee White
4906 Fairgreen Lane
Houston, TX 77448
By: 

Tab 1

Document

RECORDING REQUESTED BY

SECURITY TITLE AGENCY

HOLD FOR SECURITY TITLE

RECOI
OF M/

KEITH
FEE 5⁰⁰ PGS 1 B.F.

When recorded mail to:

c/o Hopeville Water Company
Clyde Cobbin
28914 Papago West
Buckeye, Arizona 85326

SPACE ABOVE THIS LINE FOR RECORDER'S USE

15-1806

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I or we,

STATE OF ARIZONA, a body politic, by and through its Department of Emergency Services,
do hereby convey to

HOPEVILLE WATER COMPANY, INC., an Arizona corporation
the following real property situated in Maricopa County, Arizona:

All of Tract C, HOPEVILLE, according to Book 275 of Maps, page 49, records of Maricopa County, Arizona;

EXCEPT all oil, gas, other hydrocarbon substances, helium, or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials whether or not of commercial value, as set forth in Section 37-231, Arizona Revised Statutes.

Transfer Exempt pursuant to ARS § 42-1614, A-3

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever. Subject to Hopeville Street Lighting Special Improvement District.

Dated this 3rd day of December, 19 85.

STATE OF ARIZONA, a body politic, by and through its Department of Emergency Services

By: Richard A. Colson
Richard A. Colson, Director

STATE OF ARIZONA }
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 6th day of December, 19 85,
by Richard A. Colson, Director

My commission expires January 13, 1988 Kathleen Fabus Kuebler
Notary Public

STATE OF _____ }
County of _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19 _____,
by _____

My commission expires _____ Notary Public

Tab 2

04/15/2013

Arizona Corporation Commission
State of Arizona Public Access System

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Jump To...

Annual Reports

Scanned Documents

Notices of Pending Administrative Dissolution

Microfilm

[E-FILE An Annual Report Online << Click Here](#)

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Corporate Inquiry	
File Number: -1631020-0	Check Corporate Status
Corp. Name: HOPEVILLE WATER COMPANY, INC	

Domestic Address

PO BOX 7704
GOODYEAR, AZ 85338

Statutory Agent Information

Agent Name: LOUIS K EARLY
Agent Mailing/Physical Address:
29001 W PIMA ST
BUCKEYE, AZ 85326
Agent Status: APPOINTED 10/01/2010
Agent Last Updated: 01/26/2012

Additional Corporate Information

Corporation Type: BUSINESS	Business Type:
Incorporation Date: 10/01/2010	Corporate Life Period: PERPETUAL
Domicile: ARIZONA	County: MARICOPA
Approval Date: 10/07/2010	Original Publish Date:

Officer Information

BOBBY SMITH	ABRAHAM HARRIS
-------------	----------------

OTHER OFFICER 28919 W COCOPAH BUCKEYE, AZ 85326 Date of Taking Office: 10/01/2010 Last Updated: 11/29/2011	PRESIDENT PO BOX 7704 GOODYEAR, AZ 85338 Date of Taking Office: 10/01/2010 Last Updated: 02/07/2012
LOUIS K EARLY TREASURER 29001 W PIMA ST BUCKEYE, AZ 85326 Date of Taking Office: 10/01/2010 Last Updated: 11/29/2011	WILLIE L WILSON VICE-PRESIDENT PO BOX 75 PALO VERDE, AZ 85343 Date of Taking Office: 10/01/2010 Last Updated: 11/29/2011

Director Information

BOBBY SMITH DIRECTOR 28919 W COCOPAH BUCKEYE, AZ 85326 Date of Taking Office: 10/01/2010 Last Updated: 10/07/2010	WILLIE L WILSON DIRECTOR PO BOX 75 PALO VERDE, AZ 85343 Date of Taking Office: 10/01/2010 Last Updated: 10/07/2010
LOUIS K EARLY DIRECTOR 29001 W PIMA ST BUCKEYE, AZ 85326 Date of Taking Office: 10/01/2010 Last Updated: 10/07/2010	ABRAHAM HARRIS DIRECTOR 1421 S PALO VERDE BUCKEYE, AZ 85326 Date of Taking Office: 10/01/2010 Last Updated: 10/07/2010

Annual Reports

Next Annual Report Due: 10/01/2013	E-FILE An Annual Report Online << Click Here				
FORMS For Annual Reports To Be Printed And Mailed << Click Here					
File Year	File Month	Date Received	Reason Returned	Date Returned	Extension
2012	10	02/26/2013			
2011	10	01/13/2012			

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(Click on gray button to view document - will open in a new window)

Document Number	Description	Date Received

[03267392]	ARTICLES	10/01/2010
[03733050]	11 ANNUAL REPORT	01/13/2012
[04109718]	12 ANNUAL REPORT	02/26/2013

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Date	Reason
[01/28/2013]	DELINQUENT ANNUAL REPORT
[01/04/2012]	DELINQUENT ANNUAL REPORT

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Microfilm

Location	Date Received	Description
11930023018	12/12/2011	MAIL RETURNED/MISCELLANEOUS DOCUMENTS

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Comments

POTENTIAL NAME CONFLICT: 16310200, 01804262

- [Corporate Name Search Instructions](#)
- [General Web Site Usage Instructions](#)
- [STARPAS Main Menu](#)
- [A.C.C. Corporations Division Main Page](#)
- [Arizona Corporation Commission Home Page](#)

AN ARIZONA CORPORATION COMMISSION
FILED

AR Corp. Commission
03267392

DO NOT FURNISH
THIS SECTION

OCT 07 2010

ARTICLES OF INCORPORATION
OF
PURSUANT TO A.R.S. §10-202
(An Arizona Business Corporation)

FILE NO. - 1631020-0

ARTICLE 1
The corporate name must contain a corporate ending which may be "corporation," "association," "company," "limited," "incorporated" or an abbreviation of any of these words. If you are the holder or assignee of a trademark, attach trademark certificate.

1. Name:
The name of the Corporation is:

HOPEVILLE WATER COMPANY, LLC

ARTICLE 2
The name cannot imply that the corporation is organized for any purpose other than the initial business included in this article.

2. Initial Business:
The Corporation initially intends to conduct the business of:

UTILITY - SERVICE COMMUNITY WATER
WATER SERVICE

ARTICLE 3
The total number of authorized shares cannot be blank or "not applicable." The number of authorized shares must be greater than zero.

3. Authorized Capital:
The Corporation shall have authority to issue 100 ~~75~~ shares of Common Stock.

ARTICLE 4
May be in case of the statutory agent.

4. Known Place of Business: (In Arizona)
The street address of the known place of business of the Corporation is:

29050 WEST YUMA ROAD
BUCKEYE, ARIZONA 85326

ARTICLE 5
The agent must provide a physical address. If the statutory agent has a P.O. Box, then they must also provide a physical description of their street address. The agent must sign the Articles or provide a consent to appointment of the appointment.

5. Statutory Agent: (In Arizona)
The name and address of the statutory agent of the Corporation is:

LOUIS K EARLY
29001 W. PIMA STREET
BUCKEYE, AZ 85326

DO NOT PUBLISH THIS SECTION

ARTICLE 6
A minimum of 1 director is required.

6. Board of Directors

The initial board of directors shall consist of 4 director(s). The name(s) and address(es) of the person(s) who is(are) to serve as the director(s) until the first annual meeting of shareholders or until his/(he)/(their) successor(s) is(are) elected and qualified is(are):

Name: ABRAHAM HARRIS
Address: 1421 S. PALO VERDE
City, State, Zip: BUCKEYE, AZ 85326

Name: WILLIE L. WILSON
Address: P.O. BOX 75
City, State, Zip: PALO VERDE AZ 85713

Name: LOUIS K. EARLY
Address: 2901 OL. PINE ST
City, State, Zip: BUCKEYE, AZ 85326

Name: BOBBY SMITH
Address: 32919 W OGDEN
City, State, Zip: BUCKEYE AZ 85326

The number of persons to serve on the board of directors thereafter shall be fixed by the bylaws.

7. Incorporators

The name(s) and address(es) of the incorporator(s) is (are):

Name: ABRAHAM HARRIS
Address: 1421 S. PALO VERDE
City, State, Zip: BUCKEYE, AZ 85326

Name: WILLIE L. WILSON
Address: P.O. BOX 75
City, State, Zip: PALO VERDE AZ 85713

All powers, duties and responsibilities of the incorporators shall cease at the time of delivery of these Articles of Incorporation to the Arizona Corporation Commission.

8. Indemnification of Officers, Directors, Employees and Agents

The Corporation shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was an officer, director, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another Corporation, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is permitted by law.

9. Limitation of Liability

To the fullest extent permitted by the Arizona Revised Statutes, as the same exist or may hereafter be amended, a director of the Corporation shall not be liable to the Corporation or its stockholders for monetary damages for any action taken or any failure to take any action as a director. No repeal, amendment or modification of this article, whether direct or indirect, shall eliminate or reduce its effect with respect to any act or omission of a director of the Corporation occurring prior to such repeal, amendment or modification.

CR 0942
Rev. 02/2010

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Arizona Corporation Commission
Corporations Division

DO NOT FURNISH THIS SECTION

Executed this 1 day of OCTOBER, 2010 by all of the incorporators.

Signed [Signature] William C. Wilson
ABRAHAM HARRISON WILLIAM C. WILSON
Print Name Here Print Name Here

PHONE (623) 386-6333

FAX n/a

Phone and fax numbers are optional

The agent must consent in the appointment by executing this document.

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective

This 1 day of OCTOBER, 2010

[Signature]
Statutory Agent

Louis K Early
Print Name Here

Harrisonville Water Company, Inc.
[If signing on behalf of a company serving as statutory agent, print company name here]

The Articles must be accompanied by a Certificate of Disclosure executed within 90 days of delivery to the Commissioner, by all incorporators.

CERTIFICATE OF DISCLOSURE
A.R.S. §10-202(D) (for-profit and financial institutions) or §10-302(D) (non-profit)

HOPEVILLE WATER COMPANY, INC
EXACT CORPORATE NAME

- A. Has any person (i) who is currently an officer, director, trustee, incorporator, or (ii) (for-profit and financial institutions only) who controls or holds over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation been:
1. Convicted of a felony involving a transaction in securities, consumer fraud or unfair in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 2. Convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 3. Subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate whereby such injunction, judgment, decree or permanent order:
 - (a) involved the violation of fraud or registration provisions of the securities laws of that jurisdiction; or
 - (b) involved the violation of the consumer laws of that jurisdiction; or
 - (c) involved the violation of the unfair or restraint of trade laws of that jurisdiction?

Yes No

B. IF YES, the following information MUST be attached:

1. Full name, prior name(s) and address, if used.
2. Full birth name.
3. Present home address.
4. Prior addresses (for immediate preceding 7-year period).
5. Date and location of birth.
6. The nature and description of each conviction or judicial action, including by state and location, court and public agency involved and file or cause number of case.

- C. Has any person (i) who is currently an officer, director, trustee, incorporator, or (ii) (for-profit and financial institutions only) who controls or holds over twenty per cent of the issued and outstanding common shares or twenty per cent of any other proprietary, beneficial or membership interest in the corporation served in any such capacity or held a twenty per cent interest in any other corporation in any jurisdiction on the bankruptcy or receivership of the other corporation?

Yes No

IF YOUR ANSWER TO THE ABOVE QUESTIONS IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the other corporation.
2. Full name (including aliases) and address of each person involved.
3. State(s) in which the other corporation:
 - (a) was incorporated.
 - (b) has transacted business.
4. Dates of corporate operation.
5. Case information for bankruptcy or receivership (case number, state).

Under penalties of law, the undersigned incorporator(s)/officer(s)/director(s) declare(s) that (we) have examined this Certificate, including any attachments, and to the best of my/our knowledge and belief it is true, correct and complete, and hereby declare as indicated above. THE SIGNATURE(S) MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

BY [Signature] BY William L. [Signature]
 PRINT NAME Robert [Signature] PRINT NAME Louis K. Early 10/1/10
 TITLE PRE-SUBMIT DATE Oct-1-2010 TITLE Treasurer DATE Oct-1-2010

ARIZONA CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. If within sixty days any person becomes an officer, director, trustee or (for-profit or financial institutions) person controlling or holding over 10% of the issued and outstanding shares or 10% of any other proprietary, beneficial, or membership interest in the corporation and the person was not included in the disclosure, the corporation must file a SUPPLEMENTAL certificate signed by at least one duly authorized officer of the corporation.
 FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.
 FINANCIAL INSTITUTIONS: MUST BE SIGNED BY TWO (2) DULY AUTHORIZED OFFICERS OR DIRECTORS OF THE CORPORATION.

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Rev. 10/07/07

Arizona Department of
Corporate Services

Tab 3

EXHIBIT 2

**UNANIMOUS CONSENT RESOLUTION
IN LIEU OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS
OF
HOPEVILLE WATER COMPANY, INC.
(an Arizona corporation)**

Pursuant to A.R.S. §10-704 the Board of Directors (the "Board") of HOPEVILLE WATER COMPANY, INC., an Arizona corporation (the "Corporation"), hereby join unanimously in their written consent that the following actions and resolutions be taken and adopted as the actions and resolutions of the Corporation and its Board, in lieu of written notice and a formal meeting.

WHEREAS, the Corporation's Board has met to review and approve an offer from the Town of Buckeye in the amount of \$771,000.00.

NOW, THEREFORE, it is unanimously

RESOLVED, approved and ratified that the Board shall authorize Abe Harris to continue to take all steps necessary on behalf of the Corporation, including hiring and paying attorneys and consultants to complete the transaction.

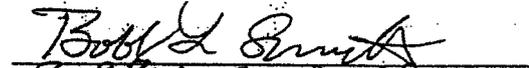
RESOLVED, that Abe Harris shall be authorized to execute and file any and all documents or instruments necessary to carry out and give effect to the actions authorized herein.

IN WITNESS WHEREOF, the undersigned Board of the Corporation have duly executed this
Unanimous Consent Resolution, and intend for it to be effective as of October 25, 2012.


Abe Harris, President


Louis K. Early, Treasurer


Willie E. Wilson, Vice President


BOBBY SMITH