

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

DIVISION 4
HONORABLE KENTON D. JONES
CASE NO. P1300CV20030399

SANDRA K MARKHAM, CLERK
BY: Julie Ericson
DATE: April 16, 2013

FILED
Date: April 16, 2013 ✓
5:00 O'Clock p.m.
SANDRA K MARKHAM, CLERK
BY: Julie Ericson
DEPUTY

TITLE:
JOHN B. CUNDIFF and BARBARA C.
CUNDIFF, husband and wife;
ELIZABETH NASH, a married woman
dealing with her separate property;
KENNETH PAGE and KATHRYN PAGE,
as Trustee of the Kenneth Page and
Catherine Page Trust,
Plaintiffs

COUNSEL:
J. Jeffrey Coughlin
J. JEFFREY COUGHLIN, PLLC (e)
(For Plaintiff)

David K. Wilhelmsen
FAVOUR MOORE & WILHELMSSEN, PLC (e)
(For James Varilek)

-vs-
DONALD COX and CATHERINE COX,
husband and wife,
Defendants

Jeffrey R. Adams
THE ADAMS LAW FIRM, PLLC (e)
(For Defendants Cox)

Sharon Sargent-Flack/Mark W. Drutz
MUSGROVE DRUTZ & KACK, P.C. (e)
(For Robert Veres)

Noel J. Hebets
NOEL J. HEBETS, PLC (e)
(For William M. Grace)

HEARING ON:	NATURE OF PROCEEDINGS	COURT REPORTER
ORAL ARGUMENT		CHRISTY OLESEK

START TIME: 9:09 a.m.

APPEARANCES: David Wilhelmsen, Counsel for James Varilek, Aligned w/Plaintiff
J. Jeffrey Coughlin, Counsel for Plaintiffs
Donald and Catherine Cox, Defendants
Jeffrey Adams, Counsel for Defendants Donald and Catherine Cox/Jim Cox
Mark Drutz, Counsel for Robert Veres

This is the time set for an Oral Argument on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Strike and In Limine.

The Court notes the presence of Counsel Jerry Carver as an observer in the Courtroom.

The Court has reviewed the file and discusses with Counsel which issues need to be addressed today.

Counsel Coughlin and Wilhelmsen present argument.

The Court stands at Recess at 10:11 a.m. to return at 10:25 a.m.

~~~~~RECESS~~~~~

The Court reconvenes on the record at 10:24 a.m.

Counsel Adams and Drutz present argument.

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Discussion ensues regarding Trial matters, how to establish who the parties are in this matter, what their interests are in the case and how many of them are involved.

The Court will not make a ruling today. The Court advises Counsel to continue to attempt to address the issue of procedure outside of the Courtroom. If necessary, the Court will schedule a hearing to address the matter specifically.

**END TIME: 12:14 p.m.**

cc: Honorable Kenton D. Jones - Division 4 (e)  
Hans Clugston - BOYLE PECHARICH WHITTINGTON & STALLINGS (e)  
Robert E. Schmitt - MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C. (e)  
William "Bill" Jensen - 2428 W. Coronado Avenue, Flagstaff, AZ 86001  
Karen L. Wargo/Michael P. Wargo - 9200 E. Spurr Lane, Prescott Valley, AZ 86315  
Linda J. Hahn - 10367 W. Mohawk Lane, Peoria, AZ 85382  
Jesus Manjarres - 105 Paseo Sarta #C, Green Valley, AZ 85614  
Nicholas Corea - 4 Denia, Laguna Niguel, CA 92677  
John and Rebecca Feddema - 9550 E. Spurr Lane, Prescott Valley, AZ 86315  
Gary and Sabra Feddema - 9601 Far Away Place, Prescott Valley, AZ 86315  
Jack and Dolores Richardson - 505 Oppenheimer Drive #4 12, Los Alamos, NM 87544  
Eric Cleveland - 9605 E. Disway, Prescott Valley, AZ 86315  
Rynda and Jimmy Hoffman - 9650 E. Spurr Lane, Prescott Valley, AZ 86315  
William R. and Judith K. Stegeman Trust - 9200 E. Far Away Place, Prescott Valley, AZ 86315  
Sergio Martinez and Susana Navarro - 10150 N. Lawrence Lane, Prescott Valley, AZ 86315  
Robert and Patricia Janis - 7685 N. Coyote Springs Rd., Prescott Valley, AZ 86315  
William and Shaunla Heckethorn — 9715 E. Far Away Place, Prescott Valley, AZ 86315  
Leo and Marilyn Murphy - 9366 E. Turtlerock Road, Prescott Valley, AZ 86315  
James and Leslie Richie - 9800 E. Plum Creek Way, Prescott Valley, AZ 86315  
Rhonda Folsom - 9305 N. Coyote Springs Rd., Prescott Valley, Arizona 86315  
Kenneth Paloutzian - 8200 Long Mesa Drive, Prescott Valley, AZ 86315  
Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Stack Trust-10375 Lawrence Lane, Prescott Valley, AZ 86315  
John and Dusti Audsley - 6459 E. Clinton Terrace, Prescott Valley, AZ 86314  
Dana E. and Sherrilyn G. Tapp - 8595 E. Easy Street, Prescott Valley, AZ 86315  
Richard and Beverly Strissel - 9350 E. Slash Arrow Drive, Prescott Valley, AZ 86314  
Bonnie Rosson - 8950 E. Plum Creek Way, Prescott Valley, Arizona 86315  
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