

2013 AUG 21 AM 9: 25

SANDRA E. HARRIS, CLERK
BY: Dechet

1 FAVOUR & WILHELMSSEN, PLLC
Post Office Box 1391
2 Prescott, AZ 86302
928-445-2444 – Telephone
3 928-771-0450 – Facsimile
FMWlaw@fmwlaw.net
4 David K. Wilhelmsen 007112
Lance B. Payette 007556
5

6 Attorneys for Property Owner James Varilek

7 SUPERIOR COURT OF ARIZONA
8 YAVAPAI COUNTY

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

13 Plaintiffs,

14 v.

15 DONALD COX and CATHERINE COX,
16 husband and wife, et al., et ux.,

17 Defendants.

Case No. CV 2003-0399

Division 4

(Assigned to Hon. Kenton Jones)

**PLAINTIFFS' AND VARILEK'S
JOINT REPLY TO *RESPONSE*
AND *OBJECTION TO*
PLAINTIFFS' PROPOSED
FINAL JUDGMENT**

18 Plaintiffs and aligned Plaintiff property owner James Varilek (“Varilek”) jointly
19 reply as follows to Defendants’ *Response and Objection* concerning the proposed *Final*
20 *Judgment*. In a good faith effort to address those concerns of Defendants that are not
21 entirely frivolous, a revised form of *Final Judgment* is attached hereto as *Exhibit 1*.
22 However, the bulk of Defendants’ objections are indeed frivolous and merely reflect their
23 anger at the Court and their desperation to keep this case alive as long as they possibly
24 can. At least one of their objections is so indicative of bad faith and a lack of candor as to
25 provide a basis for the Court to consider sanctions and a referral to the State Bar.

26 **The proposed *Final Judgment* has been revised to address the following trivial**
27 **objections.** More significant revisions are discussed below.
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- In paragraph 9 of the revised *Final Judgment*, the reference to the Court of Appeals having “published” its *Memorandum Decision* has been changed to “issued.” (“Published” was obviously not used in any technical sense since the opinion was not for publication in the official reporters, but this change should satisfy even the punctilious Defendants.)
 - Also in paragraph 9, the reference to the Court of Appeals having found a violation of paragraph 2 of the Declaration “as a matter of law” has been deleted. (The phrase was simply intended to mean that the Court of Appeals found a clear violation based on the record before it and a proper interpretation of paragraph 2, without the need for additional evidence.)
 - Paragraph 11 of the original proposed *Final Judgment* stated, “Served upon the indispensable parties, in addition to a summons and a copy of Plaintiffs’ *First Amended Complaint*, was a *Notice* by the Court dated June 15, 2010, notifying them, *inter alia*, that the Court would determine from the nature of their responses whether they should be aligned with the Plaintiffs or the Defendants.” Defendants object to the term “aligned” as “vague, ambiguous, and irrelevant.” Although Plaintiffs and Varilek see no imprecision, “aligned” has been changed to “joined” throughout the revised *Final Judgment*.

14

15

The proposed *Final Judgment* has not been revised to address the following trivial objections:

- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- Paragraph 6 of the original proposed *Final Judgment* stated, “On April 4, 2005, the Court entered an *Under Advisement Ruling* awarding partial summary judgment in favor of Plaintiffs on the affirmative defenses of estoppel, laches and unclean hands as asserted by Defendants Cox.” Defendants object that this “fail[s] to articulate the entirety of the Court’s ruling including its determination that a question of fact existed on the affirmative defenses of abandonment and waiver.” The proposed *Final Judgment* described only *dispositive* rulings in order to make clear how and why the stage of final judgment had been reached; this has not been changed in the revision because there is no reason to describe an interim ruling in 2005 that was rendered irrelevant by the Court’s 2013 ruling on Plaintiffs’ and Varilek’s *Motion for Summary Judgment*.
 - Defendants request the following language to limit the effect of the *Final Judgment*: “The Judgment rendered herein shall not serve to establish that the referenced Declaration of Restrictions may [*sic* – they mean “may not”], at some point in time in the future, become abandoned.” They request this language because, “although the Court has determined based upon the record before it that the Declaration has not been abandoned, the Court lacks prescience to enter a final judgment that surrounding conditions will remain static and that the Declaration will remain enforceable in perpetuity and not [be] abandoned.”

1 This request is too self-evidently silly to require a response; the *Final Judgment*
2 will obviously have no effect on any abandonment that may occur in the future.

- 3 • Equally silly is Defendants' suggestion that the *Final Judgment* must preserve
4 their right to maintain "flowers, plants, shrubs, and trees on their property, so
5 long as such greenery is not employed for an agricultural business use." To
6 deprive them of their right to garden, they ominously harrumph, would "be
7 tantamount to *selective enforcement without due process of law*" (emphasis in
8 original). The proposed *Final Judgment* refers throughout to the Coxes'
9 business use and says nothing about prohibiting garden-variety landscaping.

10 **Defendants' objection that the judgment should not extend to the newly**
11 **formed LLC to which the Coxes transferred the subject property shortly after the**
12 **Court of Appeals' decision came down is preposterous and may warrant sanctions**
13 **and a referral to the State Bar.** Defendants' argument concerning the Coxes' transfer of
14 the subject property to their affiliated limited liability company is breathtaking in its
15 *chutzpah* and is a clear admission of a lack of candor toward the Court on the part of the
16 Coxes and their counsel:

17 [T]he Coxes' purported property transfer to High C's,
18 LLC or Prescott Valley Growers LLC (the "LLC's") is not
19 properly before the Court. This issue is not the subject of
20 Plaintiffs' pleadings, claims, or motions and is not properly a
21 part of the Final Judgment. The Cundiff plaintiffs have not
22 pled injunctive relief against the Coxes' successors-in-title,
23 assigns, or heirs and their First Amended Complaint did not
24 include as defendants any fictitious persons, parties or entities.
25 Also, Plaintiffs have not sought leave to amend their
26 pleadings, or to add or join the transferee entities of Defendants
27 Cox, which they would have discovered had they obtained a
28 title report or litigation guarantee; nor have Plaintiffs sought
any form of relief against the transferees of Defendants Cox.

More importantly, since Plaintiffs were Ordered to join
the Absent Owners, they have never even attempted to serve
the Plaintiffs' successor entities with a Summons, the Court-
Ordered Notice or the First Amended Complaint.

Response and Objection at 14.

Let's examine what has actually occurred here: The Coxes have litigated for 10+
years on the basis of being the owners of the subject property. In their *Answer to*

1 *Plaintiffs' First Amended Complaint*, they admitted that they were the owners of the
2 subject property. They have since filed numerous motions and responses and replies to
3 motions and served a disclosure statement and numerous supplemental disclosure
4 statements without ever suggesting that they were no longer the owners of the subject
5 property. Indeed, they made no such suggestion in their response to Plaintiffs' and
6 Varilek's *Motion for Summary Judgment* or in their controverting statement of facts.

7 In preparing the proposed *Final Judgment*, however, Plaintiffs and Varilek
8 discovered that in 2008, shortly after the Court of Appeals' *Memorandum Decision* came
9 down, the Coxes, with the assistance of their counsel Mr. Adams, formed an Arizona
10 limited liability company named High C's, LLC, with themselves as the sole members and
11 Mr. Adams as the statutory agent. The name was almost immediately changed to Prescott
12 Valley Growers, LLC, and then to Rain Down, LLC, still with the Coxes as the sole
13 members and Mr. Adams as the statutory agent. In 2010, the name was changed back to
14 Prescott Valley Growers with the addition of one James Michael Cox as a member; the
15 Coxes are still the only other members and Mr. Adams is still the statutory agent.¹

16 The Coxes transferred the subject property to High C's, LLC, by a Quit Claim Deed
17 dated April 9, 2008 and recorded April 29, 2008, a true copy of which is *Exhibit 3* hereto;
18 the recorded instrument was to be returned to Mr. Adams. Thereafter, High C's
19 transferred the subject property to Prescott Valley Growers, LLC, by a Quit Claim Deed
20 dated July 12, 2010 and recorded July 22, 2010, a true copy of which is *Exhibit 4* hereto;
21 again, the recorded instrument was to be returned to Mr. Adams.

22 Neither of the above transfers was disclosed to the Court or the other parties.
23 Significantly, the Court's *Notice* of June 15, 2010, which was served on the absent
24

25 ¹ All of this information was gleaned from public records accessible on the official
26 website of the Arizona Corporation Commission, the first page of which is *Exhibit 2*
27 hereto. The ACC website address for information concerning High C's, LLC, is:
28 [http://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/names-detail.p?name-
id=L14348698&type=L.L.C.](http://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/names-detail.p?name-id=L14348698&type=L.L.C.)

1 property owners and which Defendants themselves reference in the above-quoted portion
2 of the *Response and Objection*, provided as follows:

3 **IT IS ORDERED** if you no longer own an interest in
4 real property that is subject to the Declaration of Restrictions
5 for Coyote Springs Ranch you should provide written notice to
6 the Court and the other parties to this lawsuit that you no
7 longer own an interest in the property and the notice shall
8 include your Assessor's Parcel Number together with the name,
9 address and phone number of the new owner as well as a copy
10 of any documentation reflecting the change in ownership.

11 **IT IS ORDERED** in the event you sell or transfer your
12 interest in the property while this case is pending you shall
13 provide the purchaser or transferee with a copy of this Notice
14 and the Plaintiffs' First Amended Complaint no later than the
15 close of escrow or the date of transfer.

16 **IT IS ORDERED** in the event you sell or transfer your
17 interest in the property you shall notify the Court in writing
18 immediately and the notice shall include your Assessor's
19 Parcel Number together with the name, address and phone
20 number of the buyer or transferee.

21 The Coxes and their counsel apparently did not believe that they were obligated to
22 comply with any such niceties and thus did not inform the Court or the other parties that
23 they had transferred the subject property to the Coxes' LLC. Having twice surreptitiously
24 transferred the property while continuing to litigate as though they were still the owners,
25 they are now enjoying the "Gotcha!" moment of informing the Court, Plaintiffs and
26 Varilek that the *Final Judgment* will not be enforceable against the current owner, Prescott
27 Valley Growers, LLC – and, indeed, suggesting that Plaintiffs are to blame for not having
28 discovered the non-disclosed transfers sooner. This sort of tactic might have been deemed
clever in 17th century England, but it is scarcely compatible with Arizona's more
enlightened rules of civil procedure ("It was the goal of the Committee to provide a
framework which would allow sufficient discovery of facts and information to avoid
'litigation by ambush,'" *Court Comment to 1991 Amendment of ARCP 26.1*), counsel's

1 obligation of candor toward the Court under ER 3.3 and counsel's obligation of fairness
2 toward other parties under ER 3.4.

3 In light of the Coxes' sleazy game-playing and the uncertainty as to who might own
4 the subject property on the date the *Final Judgment* is entered, paragraph 13 of the original
5 proposed *Final Judgment* provided that it was binding upon the Coxes and their heirs,
6 successors and assigns. It has been revised only to more accurately reflect what actually
7 occurred in regard to the transfers.

8 **Defendants' stubborn persistence in their misguided argument that the Court**
9 **cannot enter a *Final Judgment* until all issues of joinder have been resolved is wasting**
10 **the time of the Court, Plaintiffs and Varilek.** Defendants continue to beat this dead
11 horse, seemingly oblivious to what the Court of Appeals actually determined and what
12 their own affirmative defense of abandonment actually entailed. Plaintiffs and Varilek will
13 once again respond to this silly argument as plainly and succinctly as they can:

- 14 • Plaintiffs' *First Amended Complaint* was simply a suit by one property owner
15 against another. The purpose of the "declaratory" count was simply to establish
16 that the Declaration of Restrictions remained enforceable against the Coxes, not
17 that it remained enforceable throughout all of Coyote Springs Ranch. Defendants apparently believe that one property owner can never sue another for
18 a violation of restrictive covenants without joining every other property owner
19 in the development, which is patently absurd.
- 20 • The portion of the Court of Appeals' opinion that Defendants' quote in the
21 *Response and Objection* ("Because none of the absent property owners is a party
22 to this action, the doctrines of *res judicata* and collateral estoppel could not be
23 employed to limit their claims or defenses in a subsequent case") is simply
24 pointing out why the Coxes' are *wrong* – W-R-O-N-G – in their understanding
25 that the *First Amended Complaint* would have required the joinder of all absent
26 property owners even if the Coxes had not asserted the affirmative defense of
27 abandonment.
- 28 • The Court of Appeals then pointed out that the Coxes were *correct* that their
abandonment defense *did* require joinder. This was because abandonment, by
definition, requires a finding that the Declaration of Restrictions has been
abandoned *throughout the development*.
- The Court of Appeals further recognized that only a ruling *in the Coxes' favor*
on the issue of abandonment would affect the absent property owners. The court

1 stated, "A ruling in this case that the restrictions have been abandoned and are
2 no longer enforceable against the Coxes' property would affect the property
3 rights of all other owners subject to the Declaration." *Mem. Op.* at 19 (emphasis
4 added). "[E]ven if a ruling in favor of the Coxes on their affirmative defense of
5 abandonment were to apply only to the Coxes' property, all property owners
6 rights would still be affected simply by the Coxes' continued use of their
7 property, or by any future use adverse to the restrictions." *Id.* at 20 (emphasis
8 added).

- 9 ● A ruling *against the Coxes* on the issue of abandonment, on the other hand,
10 would not affect absent property owners at all. The effect would be the same as
11 if the abandonment defense had never been asserted. As the Court of Appeals
12 recognized, there would be no *res judicata* or collateral estoppel effect against
13 absent property owners.
- 14 ● Plaintiffs, with the guidance of Judge Mackey, did undertake good faith efforts
15 to join the absent property owners at a time when the Coxes still had some
16 possibility of success on their abandonment defense. Plaintiffs' efforts were
17 successful to a significant degree; if they had not been, Varilek would not be
18 participating in support of Plaintiffs and Defendants' counsel would not be
19 representing the multitude of property owners they claim to represent.
- 20 ● While Plaintiffs' and Varilek's *Motion for Summary Judgment* was pending,
21 Varilek raised the issue as to whether the service on the absent property owners
22 had comported with due process by filing a *Motion to Require Defendants Cox*
23 *to Serve the Indispensable Parties with Documents Comporting with Due*
24 *Process*, while Defendants responded with their own *Motion to Dismiss for*
25 *Failure of Plaintiffs to Join Indispensable Parties*. Varilek pointed out that, for
26 the reasons set forth above, a favorable ruling on the pending *Motion for*
27 *Summary Judgment* would render his motion (and Defendants' motion) moot.
- 28 ● When the Court granted the *Motion for Summary Judgment*, it recognized that
the elimination of the Coxes' abandonment defense rendered moot *any* issue
regarding the absent property owners – including any issue as to whether all of
them had been served and any issue as to whether those who were served were
properly served.
- The proposed *Final Judgment* concerns only the violation on the Coxes'
property and will be enforceable only as against the Coxes and the other
Defendants (who, by their own admission, were joined and engaged counsel to
appear on their behalf). As the Court of Appeals recognized, it will have no *res*
judicata or collateral estoppel effect against absent property owners who may
not have been joined at all.

1 **Defendants' argument concerning Counts II and III is the ultimate red**
2 **herring.** In what they obviously view as another clever "Gotcha!" moment, Defendants
3 suddenly argue that the relatively inconsequential violations of paragraphs 7e and 15 of
4 the Declaration alleged in Counts II and III of the *First Amended Complaint* have never
5 been litigated, that this case is *far* from over (another ten years or more from being over,
6 Defendants presumably hope), and that a *Final Judgment* cannot yet be entered. While
7 conceding that "the focal point of ten years of litigation has been paragraph 2 of the
8 Declaration" and that "virtually no litigation has concerned Plaintiffs' allegations that
9 Defendants have violated paragraphs 7e (pertaining to the number of residential structures
10 allowed) and 15 (pertaining to outdoor sanitary facilities)," Defendants incongruously
11 assert *in the next sentence* that they "do now, as they have since filing their Answer in this
12 case, adamantly deny those allegations." Where, precisely, have these supposedly
13 "adamant" denials been hiding for the past 10+ years?

14 The reality is, Plaintiffs have always made clear, and the Coxes have always
15 understood, that the alleged violations of paragraphs 7e and 15 arose out of the Coxes' use
16 of their property for business purposes in violation of paragraph 2. The *First Amended*
17 *Complaint* quotes all three paragraphs (2, 7e and 15) and asserts the Coxes' violations of
18 them in the "General Allegations Common to All Counts." At the oral argument on the
19 Coxes' *Motion for Summary Judgment Re: Agricultural Activities* on July 26, 2005,
20 counsel for Plaintiffs explained to the Court that Counts II and III concerned relatively
21 inconsequential violations arising out of the alleged violation of paragraph 2 and that
22 these counts were not really appropriate for separate litigation if the Court granted the
23 Coxes' motion on Count I. Accordingly, the Court's ruling of 7-26-2005 granting the
24 Coxes' motion on Count I (albeit incorrectly) noted the request by Plaintiffs' counsel that
25 "the other counts of the *First Amended Complaint* be held in abeyance" and ordered "that
26 Counts II, III, IV and V be held in abeyance pending Appellate review of the Court's
27 decision regarding Count I of the *First Amended Complaint*."
28

1 Now that Plaintiffs' have established the Coxes' violation of paragraph 2 and
2 prevailed on the Coxes' last remaining affirmative defenses of waiver and abandonment,
3 this case is *over* – and the Coxes know it. Their sudden interest in paragraphs 7e and 15 is
4 nothing more than a transparent attempt to prolong this litigation indefinitely and preclude
5 the entry of a *Final Judgment*. If the Coxes eliminate their violation of paragraph 2, as
6 the proposed *Final Judgment* requires them to do, any incidental violations of paragraphs
7 7e and 15 will necessarily be eliminated as well.

8 If the Court believes it is necessary to formally deal with Counts II and III,
9 Plaintiffs will stipulate to the dismissal of these counts at the hearing on Defendants'
10 *Response and Objection* and will, if necessary, file an amended complaint pursuant to
11 ARCP 15(b) (authorizing the amendment of pleadings to conform to the evidence, even
12 after judgment). (The revised form of *Final Judgment* attached hereto reflects the
13 dismissal of Counts II and III.) In no way, shape or form will the dismissal of such
14 inconsequential counts transform the thoroughly defeated Defendants into “successful
15 parties” for purposes of A.R.S. § 12-341.01(A). Nor will it affect the amount of attorney
16 fees to be awarded to Plaintiffs and Varilek, since Defendants concede that “virtually no
17 litigation” has concerned Counts II and III.

18 **Ninety days is a reasonable time for the Coxes to cure their violation.** The
19 proposed *Final Judgment* allows the Coxes a generous 90 days to eliminate the unlawful
20 business use of their property. Nevertheless, Defendants state in the *Response and*
21 *Objection*, “Assuming the importation of no new inventory following entry of a final
22 Judgment and given Defendants' knowledge of inventory turnover, Defendants Cox
23 anticipate that it will take 18 to 24 months within which to completely remove their
24 existing inventory from their property.” Put another way, the Coxes want the *two years*
25 that they estimate it will take them to *sell at retail* (“inventory turnover”) all of the
26 inventory that has been unlawfully maintained on the subject property for 10+ years. This
27 is patently unreasonable. And while Defendants further state that “Defendants Cox do not
28 have an alternate location that could accommodate what is on their property,” Mrs. Cox

1 testified at her deposition that they *do* have other business locations. Whether the other
2 locations can accommodate *all* of the inventory until it is *sold at retail* is not really
3 Plaintiffs' or Varilek's problem or a reason to allow the Coxes' unlawful use of the
4 subject property to continue beyond the time reasonably required to *discontinue* the use
5 and *remove* the inventory and structures that violate paragraph 2.

6 It is obvious that the Coxes are seethingly angry that they have lost, did not expect to
7 lose and confidently ignored the Court of Appeals' 2007 decision while continuing and
8 expanding their unlawful business use of the subject property. Now that they have had a
9 rude awakening, they want to continue their unlawful business use as long as possible and
10 wind it down with no inconvenience or loss of profit for themselves. Plaintiffs and Varilek
11 recognize the need for a reasonable period of time to cure the violation of paragraph 2, but
12 90 days is more than reasonable under the circumstances. If more time is needed despite
13 *genuinely diligent* efforts, the Coxes can perhaps attempt to convince the Court that
14 additional time is needed. Likewise, if they file an appeal and want to attempt to stay the
15 execution of the *Final Judgment* in whole or part, they can file an appropriate motion at
16 the appropriate time; there is no reason for a stay to be "built into" the *Final Judgment* as
17 Defendants request.²

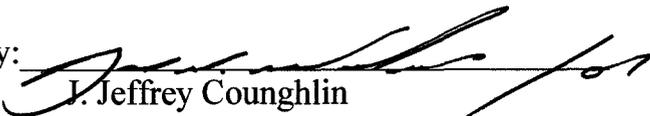
18 For the foregoing reasons, Plaintiffs and Varilek request the Court to enter its *Final*
19 *Judgment* in the form attached hereto as *Exhibit 1*.

20
21
22
23
24 ² Defendants bizarrely cite A.R.S. § 12-1258, which dates back to territorial days and
25 provides that in an action to recover real property, a defendant who is growing crops
26 may stay in possession until the next February 1st if he posts a bond equal to double the
27 value of the property during the period from the entry of judgment until the next
28 February 1st. Plaintiffs and Varilek have no idea why Defendants cite this statute. The
issue here is simply what constitutes a reasonable time to discontinue and remove a
nursery business that was determined to be unlawful by the Court of Appeals some six
years ago.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED August 21, 2013.

J. JEFFREY COUGHLIN P.L.L.C.

By: 
J. Jeffrey Coughlin
Attorney for Plaintiffs

and

FAVOUR & WILHELMSSEN, PLLC

By: 
David K. Wilhelmsen
Lance B. Payette
Attorneys for Property Owner James Varilek

Original and one copy of the foregoing *Reply* filed August 21, 2013 with:

Clerk, Superior Court of Yavapai County
120 S. Cortez Street
Prescott, AZ 86302

Copy of the foregoing *Reply* hand-delivered August 21, 2013 to:

The Honorable Kenton Jones
Yavapai County Superior Court
120 S. Cortez Street
Prescott, AZ 86303

Copy of the foregoing *Reply* mailed August 21, 2013 to:

Jeff Adams
THE ADAMS LAW FIRM PLLC
125 Grove Avenue
P.O. Box 2522
Prescott, AZ 86302

Attorney for the following named Defendants:

Donald & Catherine Cox;
Leon H. & Noreen N. Vaughn;

1 Martha Lillian Caudill;
Sandra Godinez;
Curtis Kincheloe;
2 John L. & Gena D. Hatfield, Trustees of
the Brit-Char Trust UDT 7-10-07;
3 Cindi E. Lebash;
Roberta L. Baldwin;
4 James H. & Doris L. Strom;
Joy D. Basset;
5 James B. & Lorraine Darrin, Trustees of
the Darrin Family Trust UDT 12-14-98;
6 Tracy L. Greenlee;
Franklin B. & Laura L. Lamberson;
7 Rhonda L. Folsom;
Daniel & Louella Bauman;
8 Theresa E. Massardi;
James & Shirley Stephenson;
9 West R. & Catherine S. Rivers;
Lawrence K. & Heide J. McCarthy,
10 Trustees of the McCarthy Living Trust
UDC 5-20-81;
11 Edward C. & Christine Woodworth;
Donald J. & Charlotte F. Klein, Trustees
12 of the Klein Family Trust;
Jeff & Mychel Westra;
13 Christine L. Bowra;
Charles R. Coakley, Trustee of the
14 Charles Coakley Trust UTD 6-10-91;
Else Clark, Trustee of the 2005 Else
15 Clark Revocable Trust UTD 10-27-05;
Wendy L. Changose;
16 Kari L. Dennis;
John P. & Karen R. Hough;
17 James Barstad;
Michael J. & Diane Glennon;
18 Michael D. White;
Steve M. & Deborah D. Wilson;
19 Ottis R. & Delores F. Clark;
Mark S. & Soma D. Williams, Trustees
20 of the Mark & Soma Williams Trust
UTD 10-10-07;
21 Geoffrey M. McNabb & Kristen D.
McNabb;
22 Grant L. & Pamela L. Griffiths;
Charles A. & Sherry S. Marx;
23 Kenneth R. & Elizabeth A. Yarbrough;
Gary Wanzek; and
24 Vincent J. & Dorothy M. Wanzek

25 Mark W. Drutz
Sharon-Sargent-Flack
26 MUSGROVE DRUTZ & KACK, P.C.
1135 W. Iron Springs Road
27 P.O. Box 2720
Prescott, AZ 86302
28 Attorneys for Defendant Veres

1 Hans Clugston
HANS CLUGSTON, PLLC
2 1042 Willow Creek Road
Suite A101-PMB 502
3 Prescott, AZ 86301
Attorney for Defendants
4 Northern Arizona Fiduciaries,
Inc.
5
6 Robert E. Schmitt
MURPHY, SCHMITT,
HATHAWAY & WILSON
7 117 East Gurley St.
Prescott, AZ 86301
8 Attorney for Robert H. Taylor &
Terri A. Thomson-Taylor
9
10 Noel J. Hebets
NOEL J. HEBETS, PLC
127 East 14th Street
11 Tempe, AZ 85281
Attorney for Defendant
12 William M. Grace
13
14 William Fred and Theresa Hyder
11411 E. Sweetwater Ave.
Scottsdale, AZ 85259
15
16 Joyce Hattab Trust
3449 Lorilou Ln. #D
Las Vegas, NV 89121
17
18 Leon H. and Noreen Vaughan
9235 N. Coyote Springs Rd.
Prescott Valley, AZ 86315
19
20 Gordon and Becki Nash
7901 N. Coyote Springs Rd.
Prescott Valley, AZ 86315
21
22 Jimmy and Nancy Hoffman
P.O. Box 639
Dewey, AZ 86327
23
24 Rodney and Victoria Page
8920 E. Smittys Pl.
Prescott Valley, AZ 86314
25
26 Deborah Ann and Richard A Davis
P.O. Box 4388
Prescott, AZ 86302
27
28 Bruce K and Teri A. Morgan
8520 E Lonesome Valley Road
Prescott Valley, AZ 86315

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Deborah Ann Curtis
6070 Little Papoose Dr.
Prescott Valley AZ 86314

Jeffrey and Renita Donaldson
2175 N. Concord Dr. #A
Dewey, AZ 86327

Corea Family Trust
Nicholas and Patricia Corea
4 Denia
Laguna Niguel, CA 92677

Charles and Kelly Markley
8999 E. Pronghorn Ln.
Prescott Valley, AZ 86315

Thomas and Nancy Tierney
7711 W. Michigan Ave.
Glendale, AZ 85308

Jerry L. Emerson
P.O. Box 27254
Prescott Valley, AZ 86312

Mary Ferra
4930 Antelope Dr.
Prescott, AZ 86301

Kirk and Joy Smith
8650 E. Marrow Rd.
Prescott Valley, AZ 86315

Jeffrey A. and Kimberly A. Sharp
8320 E. Plum Creek Way
Prescott valley, AZ 86315

Logan and Theresa Franks
8233 W. Country Gables Dr.
Peoria, AZ 85381

Humberto and Ana Pimentel
8419 E. Tracy Drive
Prescott Valley, AZ 86314

Jeffrey Carlson
1451 W. Irving Park Rd. #317
Itasca, IL 60143

Richard and Jessica Compsom
8805 E. Marrow Drive
Prescott Valley, AZ 86315

- 1 Stanley and Sharon Gonzales
8820 E. Slash Arrow Drive
2 Prescott Valley, AZ 86315
- 3 Bernard and Mary Milligan
29835 N. 56th Street
4 Cave Creek, AZ 85331
- 5 Autery Family Trust
8175 N. Coyote Springs Road
6 Prescott Valley, AZ 86315
- 7 Patrick and Vickie DiNieri
35807 N. 3rd Street
8 Phoenix, AZ 85086
- 9 George L. Gillan and Yuan-Ling Hong
8625 Mountain View Rd.
10 Prescott Valley, AZ 86315
- 11 Jacob McAllister
8620 Slash Arrow Dr.
12 Prescott Valley, AZ 86315
- 13 Jack and Delores Richardson
505 Oppenheimer Drive #412
14 Los Alamos, NM 87544
- 15 Paul J. and Mary E. Temple
535 Metropolitan Avenue
16 Brooklyn, NY 11211
- 17 David Ungerer
13229 W. Doty Ave #4A
18 Hawthorne, CA 90250
- 19 Peter J. Trevillian
8600 Turtle Rock Rd.
20 Prescott Valley, AZ 86315
- 21 John and Deirdre Feldhaus
3331 E. Sundance Cir.
22 Prescott, AZ 86303
- 23 Bonnie Rosson
8950 E. Plum Creek Way
24 Prescott Valley, AZ 86315
- 25 Marty and Sharon Mason
8945 E. Spurr Ln.
26 Prescott Valley, AZ 86315
- 27 Evelyn M. Sadler Trust
10575 N. Coyote Springs Road
28 Prescott Valley, AZ 86315

- 1 Ronald and Kellene Litchfield
8415 E. Marrow Road
2 Prescott Valley, AZ 86315
- 3 Stanley D. Hall and Anne Womack-Hall
8450 Morning Star Ranch Road
4 Prescott Valley, AZ 86315
- 5 Wayne L. and Bonnie L. Battram
8400 E. Morning Star Ranch Rd
6 Prescott Valley, AZ 86315
- 7 Watkins Family Trust
7455 Coyote Springs Road
8 Prescott Valley, AZ 86315
- 9 Loren James and Tracy Lee Peterson
P.O. Box 25977
10 Prescott Valley, AZ 86315
- 11 Gunther Family Living Trust
Richard H. and Lois M. Gunther
12 1035 Scott Dr. #256
13 Prescott, AZ 86301
- 14 James and Vicki Biscay
7090 N. Coyote Springs Rd.
15 Prescott Valley, AZ 86315
- 16 Central Baptist Church of Prescott
3298 N. Glassford Hill Rd. #104
17 Prescott Valley, AZ 86314
- 18 Robert Mancini
7425 N. Gueneviers Pl.
19 Prescott Valley, AZ 86315
- 20 Robert Laquerre
Laquerre Family Living Trust
8594 E. Kelly Rd.
21 Prescott Valley, AZ 86314
- 22 Daniel L. and Charlotte E. Sanders
P.O. Box 2542
23 Prescott, AZ 86302
- 24 Margaret Sue Pennington
Pennington MS Living Trust
25 5655 N. Camino Del Conde
26 Tucson, AZ 85718
- 27 Michael A. Kelley Family Trust
P.O. Box 26232
28 Prescott Valley, AZ 86312

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kenneth Paloutzian
8200 Long Mesa Drive
Prescott Valley, AZ 86315

Faith Inc.
7225 N.Coyote Springs Rd.
Prescott Valley, AZ 86315

John D. and Sheila K. Fox
1520 Scenic Loop
Fairbanks, AK 99701

Rosario Carrillo
8989 N. Coyote Springs Rd.
Prescott Valley AZ 86315

Jose and Rosario Carrillo
8989 N. Coyote Springs Rd.
Prescott Valley AZ 86314

Michael and Judy Strong
4415 N. 9th Avenue
Phoenix, AZ 85013

Cong Van Tong and Phi Thi Nguyen
8775 N. Coyote Springs Rd.
Prescott Valley AZ 86315

Nadia Y. Clark
8595 E. Turtle Rock Rd #1116
Prescott Valley, AZ 86315

James Wilson Holmes
8615 Windmill Acres Rd.
Prescott Valley, AZ 86314

Thomas P. and Kimberly L. Marty
8610 E. Marrow Rd.
Prescott Valley, AZ 86315

Donald S. Benker and D. Lynn Wheeler-Benker
8700 E. Marrow Rd.
Prescott Valley, AZ 86315

Amanda G. Deane
8250 E. Spurr Ln.
Prescott Valley, AZ 86315

Jennifer Silva and Carl and Jeanette Samuelson
8490 E. Spurr Ln.
Prescott Valley, AZ 86315

Neil B. Vince
8450 E. Spurr Ln.
Prescott Valley, AZ 86315

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gary W. and Dianna R. Cordes
8370 E. Spurr Ln.
Prescott Valley, AZ 86315

Terry L. and Grace M. Jones
10492 E. Old Black Canyon Hwy.
Dewey, AZ 86327

Kevin Eden
8275 E. Turtle Rock Rd.
Prescott Valley, AZ 86315

Guaranty Mortgage Trust, L.L.C.
15240 N. 44th Pl.
Phoenix, AZ 85032

Dana E. and Sherrilyn G. Tapp
8595 E. Easy St.
Prescott Valley, AZ 86315

Craig C. and Bronte J. Casperson
8301 E. Spouse Dr.
Prescott Valley, AZ 86314

Anthony and Angela Lawrence
8575 E. Far Away Pl.
Prescott Valley, AZ 86315

Richard A. and Patricia A. Pinney
43945 W. Kramer Ln.
Maricopa, AZ 85238

Leonara Cardella and Santo Fricano
12404 N. 33rd St.
Phoenix, AZ 85032

Daniel and Christine Turner
8959 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

Larry Michael and Debra Ann Kirby
Kirby Family Trust
8801 Lonesome Valley Rd.
Prescott Valley, AZ 86315

Christopher Lefebvre
8250 E. Sparrow Hawk Rd.
Prescott Valley, AZ 86315

Karen L. Thompson
8100 E. Sparrow Hawk Rd.
Prescott Valley, AZ 86315

1 Weldon Family Trust
P.O. Box 9208
2 Rancho Santa Fe, CA 92067

3 Sergio Martinez and Susana Navarro
10150 N. Lawrence Ln.
4 Prescott Valley, AZ 86315

5 Bernard D. and Diana M. Anderson
7601 N. Gueneviers Pl.
6 Prescott Valley, AZ 86315

7 William J. Lumme
7570 N. Coyote Springs Rd.
8 Prescott Valley, AZ 86315

9 Santo and Rosa Fricano
5902 W. Cortez
10 Glendale, Arizona 85304

11 William E. Brumbill Trust
8910 Morrow Drive
12 Prescott Valley, Arizona 86314

13 Kevin Paul Sasse
9125 E. Dog Ranch Rd.
14 Prescott Valley, AZ 86315

15 Jesus O. and Rosa M. Manjarrez
105 Paseo Sarta #C
16 Green Valley, AZ 85614

17 Rackley Family Living Trust
8565 Dog Ranch Road
18 Prescott Valley, AZ 86315

19 Jayme Salazar
11826 Coyote Springs Road
20 Prescott Valley, AZ 86315

21 Anglin Living Trust
11950 Coyote Springs Road
22 Prescott Valley, AZ 86315

23 Renee Meeks
8975 N. Lawrence Lane
24 Prescott Valley, Arizona 86315

25 Ken and Fay Lawrence
P.O. Box 25905
26 Prescott Valley, Arizona 86312

27 Kenneth and Lois Fay Lawrence Trust
P.O. Box 25905
28 Prescott Valley Arizona 86312

- 1 Anthony and Patricia Sinclair
P.O. Box 25457
2 Prescott Valley, AZ 86312
- 3 Gary L. and Suzanne J. Spurr
8240 E. Spurr Ln.
4 Prescott Valley, AZ 86314
- 5 Joshua F. and Anita D. Ollinger
Ollinger Family Revocable Trust
6 14202 N. 68th Pl.
7 Scottsdale, AZ 85254
- 8 Lisa Soronow
Ginomai Living 2004 Trust
3530 Wilshire Blvd. #1600
9 Los Angeles, CA 90010
- 10 Fritz and Janet Doerstling Revocable Trust
8610 Mountain View Rd.
11 Prescott Valley, AZ 86315
- 12 Ernest and Judy Rojas
Rojas Family Living Trust
13 8310 N. Coyote Springs Rd.
14 Prescott Valley, Arizona 86315
- 15 Anthony B. Lee
8496 Coyote Springs Rd.
16 Prescott Valley, AZ 86315
- 17 Thomas K. and Gwendolyn D. Anderson
8922 E. Windmill Acres
18 Prescott Valley, AZ 86315
- 19 Nguyen Nghia Huu and Le Dung Ngoc
3616 W. Country Gables Dr.
20 Phoenix, AZ 85023
- 21 Donald G. and Deborah T. Southworth
7595 Coyote Springs Rd.
22 Prescott Valley, AZ 86315
- 23 Janis Revocable Trust
7685 N. Coyote Springs Rd.
24 Prescott Valley, AZ 86315
- 25 Christiene R. Andrews
16355 Orchard Bend Rd.
26 Poway, CA 92064
- 27 Valentino and Hildegard Muraca
Muraca Trust
10895 E. Manzenita Trl.
28 Dewey, AZ 86327

1 Dorothy T. Baker Revocable Trust
190 Wildwood Dr.
2 Prescott, AZ 86301

3 Francis M. Moyer
6 Meadow Green Ct.
4 Johnson City, TN 37601

5 James W. and Corrine A. Stueve
Stueve Living Trust
6 10025 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

7
8 Thanh Huu and Dung L. Nguyen
Nguyen Family Trust
12601 N. 29th Ave.
9 Phoenix, AZ 85029

10 William and Joanne Friend
Friend Family Trust
11 17661 Mariposa
Yorba Linda, CA 92886

12
13 Art and Debra G. Gustafson
9975 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

14
15 James R. and Barbara L. Bowman
P.O. Box 2959
Okeechobee, FL 34973

16
17 Hendrickson 2002 Family Trust
P.O. Box 13069
Prescott, AZ 86304

18
19 Howard P. Roberts
9936 Coyote Springs Rd.
Prescott Valley, AZ 86315

20
21 Mainland Water Investments, L.L.C.
P.O. Box 2945
Prescott, AZ 86302

22
23 Paul and Amella Stegall
8275 E. Spurr Lane
Prescott Valley, AZ 86315

24
25 Robert and Starr Ladehoff
7805 E. Pharlap Ln.
Prescott Valley, AZ 86315

26
27 Opal L. Belland
Opal L. Belland Trust
10936 Caloden St.
28 Oakland, CA 94605

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kennard L. Easter
10350 N. Lawrence Ln.
Prescott Valley, AZ 86315

Jerry and Leann Carver Family Trust
8940 E. Spurr Ln.
Prescott Valley, AZ 86315

Justin Gardner and Kathy Welsh
10791 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Terri A. Carver
P.O. Box 3499
Los Altos CA 94024

Richard and Regina Recano
14090 E. Camino Pl.
Fontana, CA 92337

Robert Lee and Patti Ann Stack
Robert Lee and Patti Ann Stack Trust
10375 Lawrence Ln.
Prescott Valley, AZ 86315

Kathy A. Ware and Patricia Pursell
Ware Family Living Trust
1525 S. Verde Dr.
Cottonwood, AZ 86326

Todd A. Swaim
8500 E. Turtle Rock Rd.
Prescott Valley, AZ 86315

Richard and Darlene Mauler
9655 N. Coyote Springs Road
Prescott Valley, AZ 86315

Jane L. Hesse
4729 N. Sauter Dr.
Prescott Valley, AZ 86314

Terry Lee Pettigrew
6721 W. Villa St. #12
Phoenix, AZ 85043

Nancy A. Painter Family Trust
Nancy A. Painter
1022 N. Cloud Cliff Pass
Prescott Valley, AZ 86314

James D. Borel MD LTD Restated PRFT Plan
P.O. Box 9870
Phoenix, AZ 85068

1 Masumi Gavinski
P.O. Box 27377
2 Prescott Valley, AZ 86314

3 Jesus and Inez Valdez
Valdez Trust
4 2410 E. Whitton
Phoenix, AZ 85016

5 Wiley and Kathleen Williams
6 9575 E. Turtle Rock
Prescott Valley, AZ 86315

7 Glenn and Gina Higa
8 9350 E. Mountain View Rd.
Prescott Valley, AZ 86315

9 Gilstrap Family Trust
10 Ladonna J. Leppert
6361 Mann Ave.
11 Mira Loma, CA 91752

12 Richard and Beverly Strissel
9350 E. Slash Arrow Dr.
13 Prescott Valley, AZ 86314

14 Michael and Julie Davis
9147 E. Morning Star Ranch Road
15 Prescott Valley, AZ 86315

16 Edward R. and Anna E. Fleetwood Family Trust
4838 E. Calle Redonda
17 Phoenix, AZ 85018

18 John and Paula Warren
9180 E. Pronghorn Lane
19 Prescott Valley, AZ 86315

20 1999 Winter Family Trust
10830 E. Oak Creek Trail
21 Cornville, AZ 86325

22 Steven and Becky Ducharme
9410 Slash Arrow
23 Prescott Valley, AZ 86315

24 Charles and Billie Hutchison
5737 N. 40th Lane
25 Phoenix, AZ 85019

26 Gerald and Laurel Osher
9015 E. Mummy View Dr.
27 Prescott Valley, AZ 86315

28

1 Wiechens Living Trust
2 2501 S. Avenue 44 E
3 Roll, AZ 85347

4 Grass Family Trust
5 1640 W. Acoma Drive
6 Phoenix, AZ 85023

7 Bolen Trust
8 9525 Mummy View Dr.
9 Prescott Valley, AZ 86315

10 Linda J. Hahn Revocable Living Trust
11 10367 W. Mohawk Lane
12 Peoria, AZ 85382

13 William R. and Judith K. Stegeman Trust
14 9200 W. Far Away Place
15 Prescott Valley, AZ 86315

16 Travis Clinton Black
17 9148 E. Mummy View Drive
18 Prescott Valley, AZ 86315

19 Edward A. and Jane M. Toasperm
20 Brent E. and D A Schoeneck Trust
21 2526 E. Huntington Dr.
22 Tempe, AZ 85282

23 Plan B Holdings, L.L.C.
24 340 W. Willis St. #2
25 Prescott, AZ 86301

26 Bradley T. Copper
27 1401 E. Westcott
28 Phoenix, AZ 85024

29 Robert Taylor
30 10555 N. Orion Way
31 Prescott Valley, AZ 86315

32 Robert and Heather Gardiner
33 9690 Plum Creek Way
34 Prescott Valley, AZ 86315

35 Eric Cleveland Trust
36 9605 E. Disway
37 Prescott Valley, AZ 86315

38 Donald D. Chase
39 3125 Duke Drive
40 Prescott, AZ 86301

1 Linda Annette Gravatt
2 9612 E. Mummy View Dr.
3 Prescott Valley, AZ 86315

4 David and Michelle Krause Revocable Trust
5 3824 Topeka Dr.
6 Glendale, AZ 85308

7 Madelein C. Alston Trust
8 9270 E. Turtle Rock Road
9 Prescott Valley, AZ 86315

10 Leo and Marilyn Murphy
11 9366 E. Turtle Rock Road
12 Prescott Valley, AZ 86315

13 Ross and Kara Rozendaal
14 9336 E. Turtle Rock Road
15 Prescott Valley, AZ 86315

16 James and Kathryn McCormack
17 11780 N. Dusty Rd.
18 Prescott Valley, AZ 86315

19 Leslie J. Laird
20 11795 North Hawthorne Lane
21 Prescott Valley, AZ 86315

22 Koller Family Revocable Trust
23 P.O. Bo 27191
24 Prescott Valley, AZ 86312

25 Fannie Mae
26 14523 SW Millikan Way #200
27 Beaverton, OR 97005

28 1981 Bolin Trust
9525 E. Mummy View Drive
Prescott Valley, AZ 86315

Mantione Family Living Trust
7761 E. Day Break Circle
Prescott Valley, AZ 86315

Francis H. Jr. and Patricia A. Smith
11605 N. Hawthorne Lane
Prescott Valley, AZ 86315

Robert and Gladys Tarr
11550 N. Dusty Road
Prescott Valley, AZ 86315

Wayne and Jeanette Doerksen
10610 N. Wits End
Prescott Valley, AZ 86315

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Spurr Holding L.L.C.
14153 Grand Island Rd.
Walnut Grove, CA 95690

Jerry and Paulette Getz
P.O. Box 25567
Prescott Valley, AZ 86312

Gary W. Cordes
8370 E. Spurr Ln.
Prescott Valley, AZ 86315

Holly Lucero
aka Holly Denise Bowers
1426 S. Rita Lane
Tempe, AZ 85281

Harold and Diana Muckelroy
6650 E. Sunset Lane
Prescott Valley, AZ 86314

HVS LLC
3287 E. Raven Ct.
Chandler, AZ 85286

John Mitchell and Troy Stoll
P.O. Box 249
Fort Bridger, WY 82933

Michael Zager and Susan Bette-Zager
9397 Mountain View Road
Prescott Valley, AZ 86315

Karen Messenlehner
3650 N. Zircon Drive
Prescott Valley, AZ 86314

Michael Furness
9990 E. Turtle Rock Road
Prescott Valley, AZ 86315

Aaron and Kathleen Cormier
9860 E. Turtle Rock Road
Prescott Valley, AZ 86315

Dennis J. Booth
9425 E. Mummy View Drive
Prescott Valley, AZ 86315

William E. Probst
9440 E. Far Away Place
Prescott Valley, AZ 86315

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kathryn M. Pyles
254 Monroe Ave.
N. Martinsville, WV 26155

Timothy and Virginia Kilduff
9315 E. Spurr Lane
Prescott Valley, AZ 86315

Kenneth and Sharon Petrone
3267 WW Avenue
Wellman, IA 52356

John D. Rutledge and Elaine Gordon
9425 E. Spurr Lane
Prescott Valley, AZ 86315

Daniel C. Mussey
7777 E. Main St. #355
Scottsdale, AZ 85251

Michael and Lisa Faircloth
9100 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

Michael and Julie Davis
9147 E. Morning Star Ranch Road
Prescott Valley, AZ 86315

Ann and Noel Fidel
1010 W. Monte Vista Road
Phoenix, AZ 85007

Dick Living Trust
9955 E. Disway
Prescott Valley, AZ 86315

Ronald J. Smith
9180 E. Spurr Ln.
Prescott Valley, AZ 86315

Gary and Sabra Feddema
9601 E. Far Away Place
Prescott Valley, AZ 86315

David L. and Lisa P. Bradley
9450 E. Spurr Ln.
Prescott Valley AZ 86315

David and Lori Rentschler Revocable Living Trust
9251 E. Far Away Place
Prescott Valley, AZ 86315

1 Madelein C. Alston and Nicholas Faulstick
2 Madelein C. Alston Trust
3 9270 E. Turtle Rock Road
4 Prescott Valley, AZ 86315

5 Angel and Lillian Aguilera
6 9220 E. Turtle Rock Road
7 Prescott Valley, AZ 86315

8 Joyce E. Ridgway
9 4060 Salt Creek Road
10 Templeton, CA 93456

11 Robert L. Weaver and Diana K. Garcia
12 P.O. Box 25717
13 Prescott Valley, AZ 86312

14 James and Jennifer Woods
15 4554 N. Grafton Drive
16 Prescott Valley, AZ 86314

17 George and Romala Heady
18 705 W. Happy Valley Road
19 Phoenix, AZ 85085

20 Warren Don Oster
21 3401 W. Mauna Loa Lane
22 Phoenix, AZ 85053

23 Todd and Barbara Bloomfield
24 9010 E. Plum Creek Way
25 Prescott Valley, AZ 86315

26 Lauanders Family Trust
27 9295 E. Spurr Lane
28 Prescott Valley, AZ 86315

Michaelis Family Trust
6930 Parsons Trail
Tujuga, CA 91042

Dave Slate
9910 E. Spurr Lane
Prescott Valley, AZ 86315

Donn and Valerie Jahnke
9950 E. Spurr Lane
Prescott Valley, AZ 86315

Patricia A. Hennis
9825 E. Mummy View Dr.
Prescott Valley, AZ 86315

1 Regina A. Anglin
2 508 W. Villa Rita Dr.
3 Phoenix, AZ 85023

4 William and Shaunla Heckethorn
5 9715 E. Far Away Place
6 Prescott Valley, AZ 86315

7 Rynda and Jimmy Hoffman
8 9650 E. Spurr Lane
9 Prescott Valley, AZ 86315

10 John and Rebecca Feddema
11 9550 E. Spurr Lane
12 Prescott Valley, AZ 86315

13 Daniel and Cynthia Warta
14 9125 E. Pronghorn Lane
15 Prescott Valley, AZ 86315

16 Kenneth and Jacquelyn Kimsey
17 537 N. Hassayampa Drive
18 Prescott, AZ 86303

19 James R. Griset
20 444 Old Newport Blvd. #A
21 Newport Beach, CA 92663

22 Kathleen Marie Wargo
23 5801 Woodlawn Gable Dr. #D
24 Alexandria, VA 22309

25 Michael and Karen Wargo
26 9200 E. Spurr Lane
27 Prescott Valley, AZ 86315

28 Arvid and Donna Severson
9920 E. Far Away Place
Prescott Valley, AZ 86315

Leon F. Cardini
275 S. 4th Street
Camp Verde, AZ 86322

Nancy L. Reed and Kimberly Hodges
9825 E. Mummy View Dr.
Prescott Valley, AZ, 86315

Debra A. Krakower
13941 E. Vista Verde Drive
Chandler, AZ 85249

Michael R. & Lynda K. Vyne
12864 N. 65th Pl.
Scottsdale, AZ 85254

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

James Leroy & Velia Lupe Wafflard
19711 W. Encanto Blvd.
Buckeye, AZ 85326

James A. & Linda D. Kirk Family Trust
105 2nd St.
Buckeye, AZ 85326

Yavapai Title Co.
Dennis J. Huber Living Trust
721 W. Summit Pl.
Chandler, AZ 85225

John C. Kennedy
8577 E. Saddlehorn Trl.
Prescott Valley, AZ 86315

James D. & Cheryl J. Nardo
11410 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Carl G. Pisarik
8610 E. Mummy View Dr.
Prescott Valley, AZ 86315

Kaaren L. Trone
8690 Mummy View Dr.
Prescott Valley, AZ 86315

Furbee Family Trust
William W. & Linda Furbee
3019 Amity Rd.
Pearcy, AR 71964

Steven Lee Grahlmann
P.O. Box 25271
Prescott Valley, AZ 86312

Carl Hendrickson Living Trust
Carl Hendrickson
1112 Woburn Green
Bloomfield Hills, MI 48302

Elvera M. Barycki
2828 Monogram Ave.
Long Beach, CA 90815

Timothy L. Konkol
8685 E. Mummy View Dr.
Prescott Valley, AZ 86315

Patrick & Ann Bresett
25313 W. Pueblo Ave.
Buckeye, AZ 85326

1 Todd D. Steven
8575 Mummy View Dr.
2 Prescott Valley, AZ 86315

3 David J. & Susan M. Waters
9111 Alicia Dawn Dr.
4 Rogers, AR 72758

5 Howard and Elaine Boucher
P.O. Box 27845
6 Prescott Valley, AZ 86312

7 Roberta Hartmann
8555 E. Plum Creek Way
8 Prescott Valley, AZ 86315

9 Timothy Jon Miller
10125 N. Orion Way
10 Prescott Valley, AZ 86315

11 Paul M. Shifrin Trust
Paul M. Shifrin
12 2040 E. Camero Ave.
Las Vegas, NV 89123

13 Jose A. & Gloria G. Garza
14 9200 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

15 Mark S. Phillips
16 8480 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

17 Scott & Audrey Hovelsrud
18 9085 E. Mountain View Rd.
Prescott Valley, AZ 86315

19 Jesus & Beatriz Martinez
20 9150 E. Slash Arrow Dr.
Prescott Valley, AZ 86315

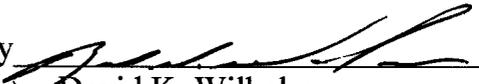
21 Pauline Matheson Trust
22 Pauline Matheson
4755 E. Main St.
23 Mesa, AZ 85205

24 Christopher Mattson
7515 N. Coyote Springs Rd.
25 Prescott Valley, AZ 86315

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Prescott Valley Growers, L.L.C.
6750 N. Viewpoint Dr.
Prescott Valley, AZ 86314

By 
David K. Wilhelmsen

1 FAVOUR & WILHELMSSEN, PLLC
Post Office Box 1391
2 Prescott, AZ 86302
928-445-2444 – Telephone
3 928-771-0450 – Facsimile
FMWlaw@fmwlaw.net
4 David K. Wilhelmsen 007112
Lance B. Payette 007556
5

6 Attorneys for Property Owner James Varilek

7 **SUPERIOR COURT OF ARIZONA**

8 **YAVAPAI COUNTY**

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

13 Plaintiffs,

14 v.

15 DONALD COX and CATHERINE COX,
16 husband and wife, *et al.*, *et ux.*,

17 Defendants.

Case No. CV 2003-0399

Division 4

FINAL JUDGMENT

18 This matter having come before the Court on Plaintiffs' *Motion for Summary*
19 *Judgment*, said motion having been joined by joined Plaintiff property owner James
20 Varilek ("Varilek"), and following oral argument thereon on April 16, 2013, the Court
21 finds as follows:

- 22 1. On March 18, 2004, Plaintiffs filed *Plaintiffs' First Amended Complaint*,
23 asserting three counts for breach of contract (Counts I-III), one count for
24 declaratory relief (Count IV) and one count for injunctive relief (Count V), all
25 relating to an alleged violation of the Declaration of Restrictions of Coyote
26 Springs Ranch (as recorded in Book 916, page 680, official records of Yavapai
27 County, Arizona) by Defendants Donald Cox and Catherine Cox ("Defendants
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Cox”) on certain real property in Coyote Springs Ranch as legally described in paragraph 3 below.

- 2. The real property comprising Coyote Springs Ranch and to which said Declaration of Restrictions applies is legally described as follows:

Government Lots One (1) and Two (2) and the south half of the Northeast quarter and the Southeast quarter of Section One (1); all of Section Twelve (12); the East half and the East half of the Southwest quarter and the East half of the East half of the Northeast quarter and the Northwest quarter of the Northeast quarter of Section Thirteen (13); the East half of Section Twenty-Four (24); the East half of Section Twenty-Five (25), all in Township Fifteen (15) North, Range One (1) West of the Gila and Salt River Base and Meridian; and

All of Section Six (6); all of Section (7), Government Lots One (1), Two (2), Three (3, and Four (4), and the Southeast quarter of the Southwest quarter and the South half of the Northeast quarter of the Southwest quarter of Section Nineteen (19), all in Township Fifteen (15) North, Range One (1) East of the Gila and Salt River Base and Meridian.

- 3. The real property within Coyote Springs Ranch owned by Defendants Cox as of the date on which *Plaintiffs’ First Amended Complaint* was filed is legally described as follows:

All that portion of Section 25, Township 15 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the East quarter corner of Section 25 marked with a GLO brass cap monument;

Then South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet along the East line of Section 25 to a one half inch rebar and the TRUE POINT OF BEGINNING;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet to a one half inch rebar;

Thence North 89 degrees, 59 minutes, 02 seconds West, 1321.37 feet;

1 Thence North 00 degrees, 03 minutes, 08 seconds West,
660.32 feet;

2 Thence South 89 degrees, 58 minutes, 54 seconds East,
3 1321.15 feet to the TRUE POINT OF BEGINNING.

4 EXCEPT all oil, gas, coal and minerals as set forth in
5 instrument recorded in Book 192 of Deeds, Page 415.

6 4. On May 21, 2004, Defendants Cox filed their *Answer to Plaintiffs' First*
7 *Amended Complaint*, wherein they asserted the affirmative defenses of laches,
8 estoppel, unclean hands, waiver and abandonment.

9 5. *Plaintiffs' First Amended Complaint* alleged that a business enterprise
10 conducted by Defendants Cox on the real property legally described in
11 paragraph 3 above violates the following sections of said Declaration of
12 Restrictions:

13 2. No trade, business, profession or any other type of
14 commercial or industrial activity shall be initiated or
15 maintained within said property or any portion thereof.

16 7.(e) No structure whatsoever other than one single family
17 dwelling or mobile home, as herein provided, together with
18 a private garage for not more than three (3) cars, a guest
19 house, service quarters and necessary out buildings shall be
20 erected, placed or permitted to remain on any portion of
21 said property.

22 15. No outside toilet or other sanitary conveniences or
23 facilities shall be erected or maintained on the premises.

24 6. On December 1, 2004, Plaintiffs filed *Plaintiffs' Motion for Summary Judgment*
25 *Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of*
26 *Estoppel, Laches and Unclean Hands*. On April 4, 2005, the Court entered an
27 *Under Advisement Ruling* awarding partial summary judgment in favor of
28 Plaintiffs on the affirmative defenses of estoppel, laches and unclean hands as
asserted by Defendants Cox.

7. On June 24, 2005, Defendants Cox filed a *Motion for Summary Judgment Re:*
Agricultural Activities. On July 26, 2005, the Court awarded partial summary
judgment in favor of Defendants Cox on Count I of *Plaintiffs' First Amended*

1 *Complaint*. On February 10, 2006, the Court entered a *Partial Final Judgment*,
2 finding that the business enterprise conducted by Defendants Cox did not violate
3 section 2 of said Declaration of Restrictions and awarding summary judgment in
4 favor of Defendants Cox on Count I of *Plaintiffs' First Amended Complaint* and
5 on Counts IV and V to the extent they were predicated on a violation of section
6 2 of said Declaration of Restrictions.

7 8. On June 24, 2005, Defendants Cox filed a *Motion to Join Indispensable Parties*
8 *Pursuant to Rule 19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to*
9 *Dismiss Pursuant to Rule 12(B)(7), Ariz. R. Civ. P., for Failure to Join*
10 *Indispensable Parties*. On July 18, 2005, the Court entered a *Ruling Re:*
11 *Motions* denying said motion.

12 9. Plaintiffs appealed the *Partial Final Judgment* to Division One of the Arizona
13 Court of Appeals; Defendants Cox cross-appealed the partial granting of
14 *Plaintiffs' Motion for Summary Judgment Re: Defendants' Violations of*
15 *Restrictive Covenants; Affirmative Defenses of Estoppel, Laches and Unclean*
16 *Hands* on their affirmative defenses of estoppel, laches and unclean hands, as
17 well the denial of their *Motion to Join Indispensable Parties Pursuant to Rule*
18 *19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to Dismiss Pursuant to*
19 *Rule 12(B)(7), Ariz. R. Civ. P., for Failure to Join Indispensable Parties*. On
20 May 24, 2007, the Court of Appeals issued its *Memorandum Decision* in No. 1
21 CA-CV 06-0165. The Court of Appeals affirmed this Court's award of partial
22 summary judgment to Plaintiffs on the affirmative defenses of estoppel, laches
23 and unclean hands as asserted by Defendants Cox; reversed this Court's award
24 of partial summary judgment in favor of Defendants Cox on Count I of
25 *Plaintiffs' First Amended Complaint*, holding on the basis of the appellate record
26 and its interpretation of section 2 of said Declaration of Restrictions that the
27 business enterprise conducted by Defendants Cox clearly violated said section 2;
28 and reversed this Court's denial of the *Motion to Join Indispensable Parties*
Pursuant to Rule 19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to

1 *Dismiss Pursuant to Rule 12(B)(7), Ariz. R. Civ. P., for Failure to Join*
2 *Indispensable Parties*, holding that all other property owners in Coyote Springs
3 Ranch were necessary parties, and remanded for a determination as to whether
4 the necessary parties were also indispensable under ARCP 19(b).

5 10. Upon remand, this Court on August 25, 2008 entered a *Ruling* finding the
6 necessary parties to be indispensable and ordering Plaintiffs to take substantial
7 steps to join all indispensable parties within 90 days. On April 18, 2011,
8 Plaintiffs filed a *Notice of Compliance with June 17, 2010 Notice Re: Service of*
9 *Property Owners*.

10 11. Served upon the indispensable parties, in addition to a summons and a copy of
11 *Plaintiffs' First Amended Complaint*, was a *Notice* by the Court dated June 15,
12 2010, notifying them, *inter alia*, that the Court would determine from the nature
13 of their responses whether they should be joined with the Plaintiffs or the
14 Defendants. Varilek was subsequently joined with Plaintiffs and the other
15 property owners who responded were joined with Defendants.

16 12. On December 28, 2012, Plaintiffs filed their *Motion for Summary Judgment* on
17 the affirmative defenses of waiver and abandonment asserted by Defendants
18 Cox. On January 7, 2013, Varilek filed *James Varilek's Joinder in Plaintiffs'*
19 *Motion for Summary Judgment*. Following oral argument on said motion on
20 April 16, 2013, the Court entered an *Under Advisement Ruling* on June 14,
21 2013, finding that Coyote Springs Ranch remains a rural residential
22 development and that no genuine issue of material fact exists with respect to the
23 affirmative defenses of waiver and abandonment of said Declaration of
24 Restrictions as asserted by Defendants Cox and granting Plaintiffs' and
25 Varilek's *Motion for Summary Judgment*.

26 13. According to the official records of Yavapai County, Arizona, Defendants Cox,
27 without notice to the Court or the other parties, transferred the real property
28 legally described in paragraph 3 above to High C's, LLC, an Arizona limited
 liability company of which Defendants Cox were the sole members, by a Quit

1 Claim Deed recorded in the Office of the Yavapai County Recorder in Book
2 4592, Page 104. Thereafter, High C's. LLC, without notice to the Court or the
3 other parties, transferred the real property legally described in paragraph 3 above
4 to Prescott Valley Growers, LLC, an Arizona limited liability company of which
5 Defendants Cox are members together with James Michael Cox, by a Quit
6 Claim Deed recorded in the Office of the Yavapai County Recorder in Book
7 4753, Page 820. The Court finds that these transfers should have been disclosed
8 to the Court and the other parties and that this *Final Judgment* should be binding
9 upon the Coxes' and any heir, successor or assign of their interest in the real
10 property described in paragraph 3 above in whole or part.

11 14. After Plaintiffs and Varilek had jointly lodged a proposed form of *Final*
12 *Judgment*, Defendants objected that Counts II and III of *Plaintiffs' First*
13 *Amended Complaint*, alleging violations of sections 7(e) and 15 of said
14 Declaration of Restrictions as set forth in paragraph 5 above, had never been
15 litigated. The Court finds that Plaintiffs have consistently taken the position
16 since at least the July 26, 2005 oral argument on the *Motion for Summary*
17 *Judgment Re: Agricultural Activities* filed by Defendants Cox that the violations
18 alleged in Counts II and III arise out of the violation of section 2 as to which
19 summary judgment has been granted in favor of Plaintiffs and Varilek and that
20 those alleged violations will be cured as part and parcel of the cure of the
21 violation of section 2 by Defendants Cox. Moreover, Plaintiffs have stipulated
22 to the dismissal of Counts II and III pursuant to Rule 15(b), Ariz. R. Civ. Proc.
23 Accordingly, the Court finds that there are no remaining issues and that the entry
24 of final judgment is proper.

25 15. After Plaintiffs and Varilek had jointly lodged their proposed form of *Final*
26 *Judgment*, Defendants also objected that before granting Plaintiffs' and
27 Varilek's *Motion for Summary Judgment* the Court had failed to rule on pending
28 motions by Varilek and Defendants as to whether all indispensable parties had
been properly served and joined. However, the Court of Appeals clearly

1 recognized in its *Memorandum Decision* described in paragraph 9 above that the
2 other property owners in Coyote Springs Ranch were necessary parties only
3 because of the possibility that the affirmative defense of abandonment asserted
4 by Defendants Cox might be successful. Because this Court's ruling in favor of
5 Plaintiffs and Varilek on their *Motion for Summary Judgment* disposed of the
6 abandonment defense asserted by Defendants Cox, any issue as to the joinder of
7 the indispensable parties, together with Varilek's and Defendants' pending
8 motions, became moot. The *Final Judgment* will bind only Plaintiffs, Varilek,
9 Defendants Cox and their successors and assignees as of the date of entry, and
10 those indispensable parties who have appeared and been joined as Defendants.

11 16. As the successful parties, Plaintiffs and Varilek are entitled to an award against
12 Defendants Cox of their costs incurred herein, as well as to an award against
13 Defendants Cox pursuant to A.R.S. § 12-341.01(A) of their reasonable attorney
14 fees incurred herein.

15 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
16 DECREED as follows:

17 A. Judgment is awarded in favor of Plaintiffs and against Defendants on *Plaintiffs'*
18 *First Amended Complaint* as follows:

- 19 1. The Declaration of Restrictions of Coyote Springs Ranch, as recorded in
20 Book 916, page 680, official records of Yavapai County, Arizona, has not
21 been abandoned and is valid and enforceable against the real property
22 legally described in paragraph 3 above.
- 23 2. The business enterprise operated by Defendants Donald Cox and Catherine
24 Cox as described in *Plaintiffs' First Amended Complaint* on the real
25 property legally described in paragraph 3 above violates said Declaration of
26 Restrictions of Coyote Springs Ranch, and Defendants Cox and their heirs,
27 successors and assigns, specifically including those identified in paragraph
28 13 above, are permanently enjoined from operating said business enterprise
on said real property.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Defendants Donald Cox and Catherine Cox or their heirs, successors and assigns shall promptly and diligently eliminate any and all conditions or activities on the real property legally described in paragraph 3 above that violate section 2 of said Declaration of Restrictions as set forth in paragraph 5 above, such work of elimination to be completed no later than 90 days from and after the date this *Final Judgment* is entered by the Clerk of the Court.

B. As against Defendants Donald Cox and Catherine Cox, Plaintiffs and Varilek are awarded their costs incurred herein, together with their reasonable attorney fees incurred herein pursuant to A.R.S. § 12-341.01(A), said costs and reasonable attorney fees to be set forth in a separate *Judgment for Costs and Attorney Fees* after the determination of the amounts to which Plaintiffs and Varilek are entitled.

DONE IN OPEN COURT on _____, 2013.

HON. KENTON D. JONES
JUDGE OF THE SUPERIOR COURT

08/17/2013

Arizona Corporation Commission
State of Arizona Public Access System

12:38 PM

Jump To...

[Scanned Documents](#) [Amendments](#) [Microfilm](#)

Corporate Inquiry

File Number: L-1434869-8

[Check Corporate Status](#)

Domestic Address

Corp. Name: HIGH C'S, LLC
6750 N VIEWPOINT DR
PRESCOTT VALLEY, AZ 86314

Statutory Agent Information

Agent Name: JEFFREY R ADAMS

Agent Mailing/Physical Address:

% ADAMS & MULL, PLLC
211 E SHELDON ST
PRESCOTT, AZ 86301

Agent Status: APPOINTED 03/07/2008

Agent Last Updated: 03/31/2008

Additional Corporate Information

Corporation Type: DOMESTIC L.L.C.

Business Type:

Incorporation Date: 03/07/2008

Corporate Life Period: PERPETUAL

Domicile: ARIZONA

County: YAVAPAI

Approval Date: 03/27/2008

Original Publish Date: 08/11/2008

Manager/Member Information

CATHERINE COX

DONALD COX

MEMBER

MEMBER

6750 N VIEWPOINT DR
PRESCOTT VALLEY, AZ 86314

6750 N VIEWPOINT DR
PRESCOTT VALLEY, AZ 86314

Date of Taking Office: 03/07/2008

Date of Taking Office: 03/07/2008

Last Updated: 03/27/2008

Last Updated: 03/27/2008

JAMES MICHAEL COX
 MEMBER
 6750 N VIEWPOINT DR
 PRESCOTT VALLEY, AZ 86314
 Date of Taking Office: 03/07/2008
 Last Updated: 07/27/2010

Scanned Documents

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

Document Number	Description	Date Received
02012238	ARTICLES OF ORGANIZATION	03/07/2008
02370651	AMENDMENT	03/31/2008
02378618	AMENDMENT	04/08/2008
02528417	PUB OF ARTICLES OF ORGANIZATION	08/11/2008
03206505	AMENDMENT	07/23/2010

[Back To Top](#)

Amendment Date	Amendment Type	Publish Date	Publish Exception
07/23/2010	AMENDMENT		WAIVE
04/08/2008	NAME CHANGE		
03/31/2008	NAME CHANGE		

[Back To Top](#)

Description	Corporation Name	Date
CHANGED FROM	RAIN DOWN, LLC	04/08/2008
CHANGED FROM	PRESCOTT VALLEY GROWERS, LLC	03/31/2008

Location	Date Received	Description
32116004339	03/07/2008	ARTICLES OF ORGANIZATION
32117001762	03/31/2008	AMENDMENT
32120003408	04/08/2008	AMENDMENT
32150004643	08/11/2008	PUB OF ARTICLES OF ORGANIZATION

[Back To Top](#)

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

When Recorded, Mail to:
Jeffrey R. Adams, Esq.
ADAMS & MULL, PLLC
211 East Sheldon Road
First Floor
Prescott, AZ 86301



B-4592 P-104
Page: 1 of 2
GCD 4231017

FEE
\$6
\$8
\$5
\$1
\$14

No Transfer Fee Necessary - Exempt Under A.R.S. § 11-1134(A)(4)

QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of FIVE DOLLARS (\$5.00) and other valuable consideration, Donald K. Cox and Catherine H. Cox, husband and wife (collectively, "Grantors"), do hereby convey to High C's, LLC, an Arizona limited liability company, all of Grantors' right, title and interest in the following real property situated in Yavapai County, Arizona:

See Exhibit "A" attached hereto.

DATED this 9 day of April, 2008.

GRANTORS:

Donald K. Cox
Donald K. Cox

Catherine H. Cox
Catherine H. Cox

STATE OF ARIZONA)
) ss.
COUNTY OF Maricopa

On this 9 day of April, 2008, before me, the undersigned Notary Public, personally appeared Donald K Cox and Catherine H. Cox, husband and wife, known to me to be the person described in and who executed and acknowledged the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
NOTARY PUBLIC

My Commission Expires:
10-20-2010

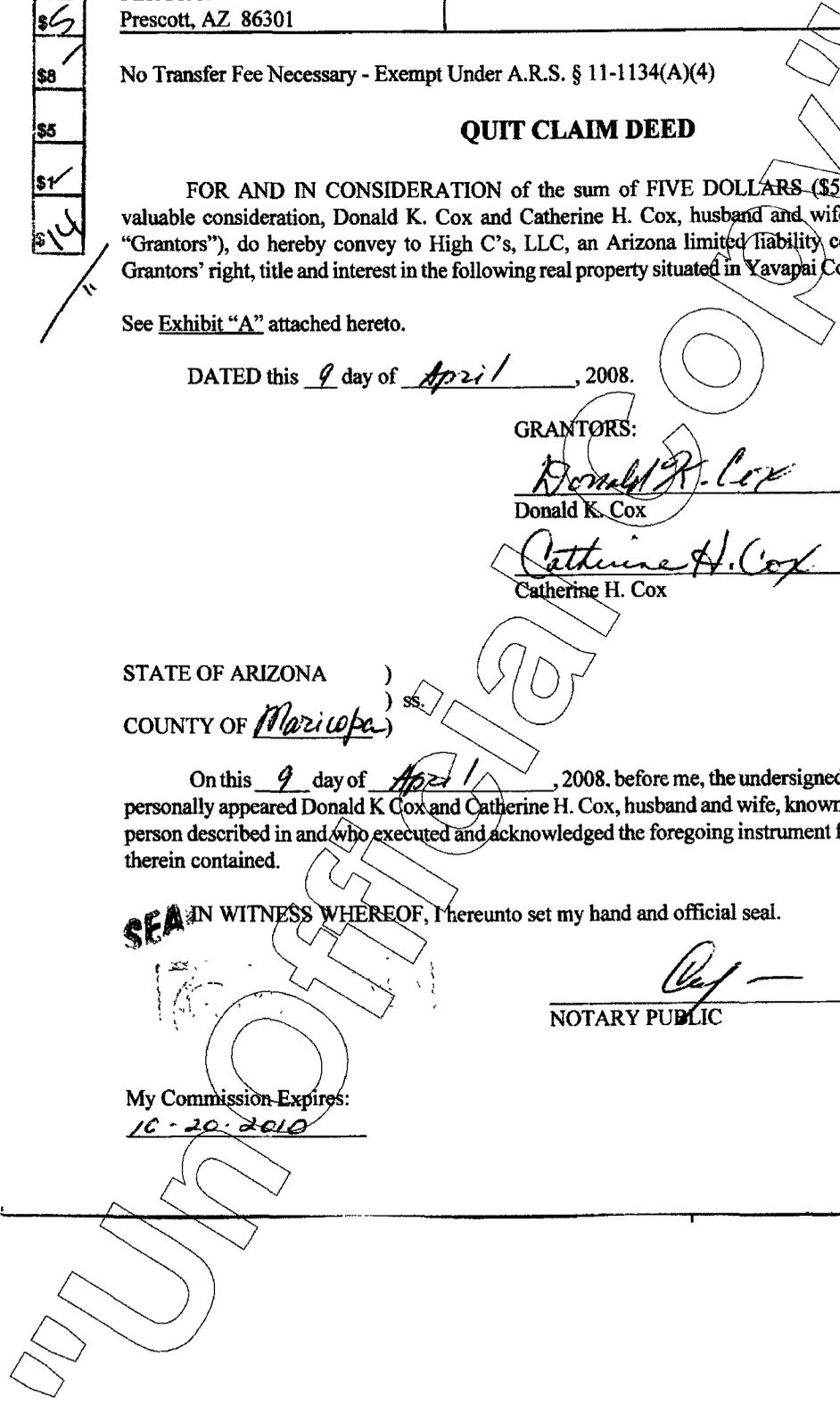




Exhibit "A"

All that portion of Section 25, Township 15 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the East quarter corner of Section 25 marked with a GLO brass cap monument;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet along the East line of Section 25 to a one half inch rebar and the TRUE POINT OF BEGINNING;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet to a one half inch rebar;

Thence North 89 degrees, 59 minutes, 02 seconds West, 1321.37 feet;

Thence North 00 degrees, 03 minutes, 08 seconds West, 660.32 feet;

Thence South 89 degrees, 58 minutes, 54 seconds East, 1321.15 feet to the TRUE POINT OF BEGINNING.

EXCEPT all oil, gas, coal and minerals as set forth in instrument recorded in Book 192 of Deeds, Page 415.

Unofficial Copy

B: 4753 P: 820 07/22/2010 04:33:34 PM GCD
Ana Wayman-Trujillo
OFFICIAL RECORDS OF YAVAPAI COUNTY \$14.00
ADAMS & MULL 2010-4404434

B: 4753 P: 820 07/22/2010 04:33:34 PM GCD
\$14.00 Page: 1 of 3 2010-4404434



FEE
\$
\$8
\$5
\$1

When Recorded, Mail to:

Jeffrey R. Adams, Esq.
ADAMS & MULL, PLLC
211 East Sheldon Street
PO Box 1031
Prescott, Arizona 86302

QUIT CLAIM DEED

"Unofficial Copy"

Exhibit "A"

All that portion of Section 25, Township 15 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the East quarter corner of Section 25 marked with a GLO brass cap monument;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet along the East line of Section 25 to a one half inch rebar and the TRUE POINT OF BEGINNING;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet to a one half inch rebar;

Thence North 89 degrees, 59 minutes, 02 seconds West, 1321.37 feet;

Thence North 00 degrees, 03 minutes, 08 seconds West, 660.32 feet;

Thence South 89 degrees, 58 minutes, 54 seconds East, 1321.15 feet to the TRUE POINT OF BEGINNING.

EXCEPT all oil, gas, coal and minerals as set forth in instrument recorded in Book 192 of Deeds, Page 415.

"Unofficial Copy"