

2010 OCT 27 PM 8:43 ✓

JEANNE HICKS, CLERK

BY: S. LANDINO

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6 Attorneys for Property Owner James Varilek

7 **IN THE SUPERIOR COURT OF ARIZONA**

8 **COUNTY OF YAVAPAI**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.)

Case No. P1300CV20030399

Division 1

**NOTICE OF APPEARANCE
AND
REQUEST FOR ALIGNMENT
AS PARTY-PLAINTIFF**

18 NOTICE is given hereby that the law firm of FAVOUR MOORE & WILHELMSSEN, P.A.,
19 appears as counsel of record on behalf of Property Owner, James Varilek.

20 Property Owner Varilek hereby requests alignment with parties-Plaintiff on the issues
21 remaining for adjudication pursuant to the decision rendered in this case by the Arizona Court of
22 Appeals, Division One.

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RESPECTFULLY SUBMITTED this 27th day of October, 2010.

FAVOUR MOORE & WILHELMSSEN, P.A.

By: 
David K. Wilhelmsen
Marguerite Kirk
Post Office Box 1391
Prescott, Arizona 86302
Attorneys for Property Owner Varilek

Original of the foregoing filed
this 27th day of October, 2010, with:

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

A copy of the foregoing hand-delivered
this 27th day of October, 2010, to:

Honorable David L. Mackey
Judge, Superior Court of Arizona
Yavapai County, Division 1
120 S. Cortez Street
Prescott, Arizona 86302

And, a copy of the foregoing mailed
to lead counsel in this case
this 27th day of October, 2010, to:

J. Jeffrey Coughlin
114 S. Pleasant Street
Prescott, Arizona 86303
Attorney for Plaintiffs Cundiff

Jeffrey Adams
ADAMS & MULL, PLLC
211 E. Sheldon St.
Prescott, Arizona 86301

By 
David K. Wilhelmsen
Marguerite Kirk