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7 Attorneys for Defendants

8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF YAVAPAI**

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

17 Plaintiffs,

18 v.

19 DONALD COX and CATHERINE)
20 COX, husband and wife,

21 Defendants.

CASE NO. CV 2003-0399

DIVISION 1

**ANSWER TO PLAINTIFFS' FIRST
AMENDED COMPLAINT**

(Assigned to the Honorable David L. Mackey)

22 Defendants Donald Cox and Catherine Cox, husband and wife ("**Defendants**"), by and through
23 undersigned counsel, hereby answer Plaintiffs' First Amended Complaint ("**Complaint**") in the
24 above-captioned matter as follows:

- 25 1. Defendants admit the allegations contained in Paragraphs 1, 2 and 3 of the Complaint.
- 26 2. Defendants deny the allegations contained in Paragraph 4 of the Complaint.
- 27 3. Answering Paragraphs 5 and 6 of the Complaint, Defendants lack knowledge or
28 information sufficient to form a belief as to the truth or falsity of the allegations of said paragraphs
and, accordingly, deny the same.
4. Defendants deny the allegations contained in Paragraph 7 of the Complaint.
5. Answering Paragraph 8 of the Complaint, Defendants assert that the Declaration of
Restrictions attached as EXHIBIT A to the Complaint speaks for itself but deny that the subject

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1 Declaration of Restrictions encumbered Defendants' property or were breached by Defendants in any
2 way and therefore Defendants deny the allegations or any inferences contained in Paragraph 8 of the
3 Complaint.

4 6. Answering Paragraph 9 of the Complaint, Defendants lack knowledge or information
5 sufficient to form a belief as to the truth or falsity of the allegations of said paragraph, and accordingly,
6 deny the same.

7 7. Defendants deny the allegations contained in Paragraphs 10, 11, 12, 13 and 14 of the
8 Complaint.

9 8. Defendants admit the allegations contained in Paragraph 15 of the Complaint.

10 9. Answering Paragraph 16 of the Complaint, Defendants reallege and incorporate by
11 reference their answers to Paragraphs 1-15 of the Complaint as if each were fully set forth herein.

12 10. Defendants deny the allegations contained in Paragraphs 17 and 18 of the Complaint.

13 11. Answering Paragraph 19 of the Complaint, Defendants reallege and incorporate by
14 reference their answers to Paragraphs 1-18 of the Complaint as if each were fully set forth herein.

15 12. Defendants deny the allegations contained in Paragraphs 20 and 21 of the Complaint.

16 13. Answering Paragraph 22 of the Complaint, Defendants reallege and incorporate by
17 reference their answers to Paragraphs 1-21 of the Complaint as if each were fully set forth herein.

18 14. Defendants deny the allegations contained in Paragraphs 23 and 24 of the Complaint.

19 15. Answering Paragraph 25 of the Complaint, Defendants reallege and incorporate by
20 reference their answers to Paragraphs 1-24 of the Complaint as if each were fully set forth herein.

21 16. Defendants deny the allegations contained in Paragraph 26, 27 and 28 of the
22 Complaint.

23 17. Answering Paragraph 29 of the Complaint, Defendants reallege and incorporate by
24 reference their answers to Paragraphs 1-28 of the Complaint as if each were fully set forth herein.

25 18. Defendants deny the allegations contained in Paragraph 30 of the Complaint.

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VERIFICATION

STATE OF ARIZONA)
) ss.
County of Yavapai)

Catherine Cox, being first duly sworn upon her oath, deposes and says:

That she is one of the Defendants in the above-captioned matter; that she has read the foregoing Answer to Plaintiffs' First Amended Complaint and that the contents contained therein are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, she believes them to be true.

Catherine Cox
CATHERINE COX

SUBSCRIBED AND SWORN to before me this 9th day of May, 2004, by Catherine Cox.

Lois J. Tornquist
Notary Public

My Commission Expires:

9/19/05

