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BY: ~~M. BRITTON~~

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4 **MUSGROVE, DRUTZ & KACK, P.C.**  
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8 *Attorneys for Defendants*

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

11 JOHN B. CUNDIFF and BARBARA C.  
12 CUNDIFF, husband and wife; BECKY  
13 NASH, a married woman dealing with her  
14 separate property; KENNETH PAGE and  
15 KATHRYN PAGE, as Trustee of the Kenneth  
16 Page and Catherine Page Trust,  
17  
18 **Plaintiffs,**  
19  
20 v.  
21 DONALD COX and CATHERINE COX,  
22 husband and wife,  
23  
24 **Defendants.**

Case No. CV 2003-0399

Division No. 1

**STIPULATION TO POST BOND**

25 The parties, through their respective counsel undersigned, hereby stipulate that Plaintiffs'  
26 supersedeas bond on appeal in the stipulated amount of \$77,733.72 will be placed in an interest-  
27 bearing account at Summit Bank in the names of Favour, Moore & Wilhelmsen, P.A. and Musgrove,  
28 Drutz & Kack, P.C. In the event the appellate court affirms the award of attorneys' fees and costs  
to Defendants in the Judgment dated February 10, 2006, the monies in the account shall be used to  
satisfy the Judgment and paid to Defendants' counsel, Musgrove, Drutz & Kack, P.C. Any monies  
in the account in excess of the sum necessary to satisfy the Judgment shall be paid to Plaintiffs'

1 counsel, Favour, Moore & Wilhelmsen, P.A. However, in the event the appellate court awards  
2 Defendants attorneys' fees and/or costs on appeal, the monies in the account in excess of the sum  
3 necessary to satisfy the Judgment shall be applied to the award of attorneys' fees and/or costs on  
4 appeal and paid to Defendants' counsel, Musgrove, Drutz & Kack, P.C. Plaintiffs will remain liable  
5 for any attorneys' fees and/or costs which are not paid out of the monies in the account or the \$500  
6 cost bond posted by Plaintiffs.  
7

8  
9 In the event the appellate court reverses the award of attorneys' fees and costs to Defendant  
10 in the Judgment, then the monies in the account shall be paid to Plaintiffs' counsel, Favour, Moore  
11 & Wilhelmsen, P.A.

12 Dated this 20<sup>th</sup> day of April, 2006.

13  
14 FAVOUR, MOORE & WILHELMSSEN, P.A.

MUSGROVE, DRUTZ & KACK, P.C.

15  
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By Mark W. Drutz

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