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8 *Attorneys for Defendants*

**FILED**  
O'Clock  
MAY 03 2006  
BY JEANNE HARRIS CLERK  
SHEETAL PATEL  
Deputy

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 Plaintiffs,

18 v.

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

21 Defendants.

Case No. CV 2003-0399

Division No. 1

**ORDER RE: POSTING BOND**

22 Pursuant to the Stipulation to Post Bond filed herein and good cause appearing therefore,

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

Plt/Att, Favour ( ) Arb w/ file  
Def/Atty Musgrove TOTAL 4  
Appeal CK w/ file Arbitr  
( ) Disoo Clk ( ) Other Obl 5/3/06

1 to satisfy the Judgment shall be paid to Plaintiffs' counsel, Favour, Moore & Wilhelmsen, P.A.  
2 However, in the event the appellate court awards Defendants attorneys' fees and/or costs on appeal,  
3 the monies in the account in excess of the sum necessary to satisfy the Judgment shall be applied to  
4 the award of attorneys' fees and/or costs on appeal and paid to Defendants' counsel, Musgrove,  
5 Drutz & Kack, P.C. Plaintiffs will remain liable for any attorneys' fees and/or costs which are not  
6 paid out of the monies in the account or the \$500 cost bond posted by Plaintiffs.  
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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 DONE IN OPEN COURT this 2<sup>nd</sup> day of May, 2006.  
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16 JUDGE, YAVAPAI COUNTY SUPERIOR COURT  
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