

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

<p>JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; BECKY NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>DONALD COX and CATHERINE COX, husband and wife,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. CV2003-0399</p> <p>RULING RE: NOTICE</p>	<p style="text-align: right;">FILED ✓</p> <p>DATE: <u>SEP 22 2008</u></p> <p><u>11</u> O'Clock <u>A</u> .M.</p> <p style="text-align: center;">JEANNE HICKS, CLERK</p> <p>BY: <u>S. Shoemaker</u> Deputy</p>
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<p>HONORABLE DAVID L. MACKEY</p> <p>DIVISION 1</p>	<p>BY: Cheryl Wagster Judicial Assistant</p> <p>DATE: September 19, 2008</p>
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The Court has received the Notice of Change of Judge filed by Plaintiffs.

IT IS ORDERED Plaintiffs' Notice of Change of Judge is **DENIED** as Plaintiffs have waived the right to a Change of Judge, per Rule 42(f)(1)(D)(ii)(aa), *Arizona Rules of Civil Procedure*, since the Court has issued rulings on contested issues since the remand from the Court of Appeals.

cc: David K. Wilhelmsen/Marguerite Kirk – Favour Moore & Wilhelmsen, P.O. Box 1391,
Prescott, AZ 86302
Jeffrey Adams – Adams & Mull, P.O. Box 1031, Prescott, AZ 86302

SEP 19 2008
AFTER 2 P.M.