SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2013 JUL 26 PM 3:49
SANDRA L. MARKHAM, CLERK
BY: V REISINGER

FAVOUR & WILHELMSEN, PLLC
Post Office Box 1391
Prescott, AZ 86302
928-445-2444 – Telephone
928-771-0450 – Facsimile
FMWlaw@fmwlaw.net
David K. Wilhelmsen 007112
Lance B. Payette 007556

Attorneys for Property Owner James Varilek

SUPERIOR COURT OF ARIZONA

YAVAPAI COUNTY

JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate properly; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,

Plaintiffs,

v.

DONALD COX and CATHERINE COX, husband and wife, *et al., et ux.,*

Defendants.

Case No. CV 2003-0399

Division 4

NOTICE OF LODGING OF PROPOSED FINAL JUDGMENT

Plaintiffs and aligned plaintiff property owner James Varilek hereby give notice to all interested parties that they have today lodged with the Court a proposed *Final Judgment* in the form attached hereto as *Exhibit 1*.

RESPECTFULLY SUBMITTED July 26, 2013.

FAVOUR & WILHELMSEN, PLLC

By: _____
David K. Wilhelmsen
Lance B. Payette
Attorneys for Property Owner
James Varilek

J. JEFFREY COUGHLIN P.L.L.C.

By: _____
J. Jeffrey Coughlin
Attorney for Plaintiffs

Original of the foregoing filed
on July 26, 2013 with:

Clerk, Superior Court of Yavapai County
120 S. Cortez Street
Prescott, AZ 86303

Copy of the foregoing hand-delivered
on July 26, 2013 to:

Honorable Kenton D. Jones
Yavapai County Superior Court
120 S. Cortez Street
Prescott, AZ 86303

Copy of the foregoing
mailed on July 26, 2013 to:

Jeff Adams
THE ADAMS LAW FIRM PLLC
125 Grove Avenue
P.O. Box 2522
Prescott, AZ 86302
Attorney for the following named
Defendants:

Donald & Catherine Cox;
Leon H. & Noreen N. Vaughn;
Martha Lillian Caudill;
Sandra Godinez;
Curtis Kincheloe;
John L. & Gena D. Hatfield, Trustees of
the Brit-Char Trust UDT 7-10-07;
Cindi E. Lebash;
Roberta L. Baldwin;
James H. & Doris L. Strom;
Joy D. Basset;
James B. & Lorraine Darrin, Trustees of
the Darrin Family Trust UDT 12-14-98;
Tracy L. Greenlee;
Franklin B. & Laura L. Lamberson;
Rhonda L. Folsom;
Daniel & Louella Bauman;
Theresa E. Massardi;
James & Shirley Stephenson;
West R. & Catherine S. Rivers;
Lawrence K. & Heide J. McCarthy,
Trustees of the McCarthy Living Trust
UDC 5-20-81;
Edward C. & Christine Woodworth;

Donald J. & Charlotte F. Klein, Trustees of the Klein Family Trust;
Jeff & Mychel Westra;
Christine L. Bowra;
Charles R. Coakley, Trustee of the Charles Coakley Trust UTD 6-10-91;
Else Clark, Trustee of the 2005 Else Clark Revocable Trust UTD 10-27-05;
Wendy L. Changose;
Kari L. Dennis;
John P. & Karen R. Hough;
James Barstad;
Michael J. & Diane Glennon;
Michael D. White;
Steve M. & Deborah D. Wilson;
Ottis R. & Delores F. Clark;
Mark S. & Soma D. Williams, Trustees of the Mark & Soma Williams Trust UTD 10-10-07;
Geoffrey M. McNabb & Kristen D. McNabb;
Grant L. & Pamela L. Griffiths;
Charles A. & Sherry S. Marx;
Kenneth R. & Elizabeth A. Yarbrough;
Gary Wanzek; and
Vincent J. & Dorothy M. Wanzek

Mark W. Drutz
Sharon-Sargent-Flack
MUSGROVE DRUTZ & KACK, P.C.
1135 W. Iron Springs Road
P.O. Box 2720
Prescott, AZ 86302
Attorneys for Defendant Veres

Hans Clugston
HANS CLUGSTON, PLLC
1042 Willow Creek Road
Suite A101-PMB 502
Prescott, AZ 86301
Attorney for Defendants Northern Arizona Fiduciaries, Inc.

Robert E. Schmitt
MURPHY, SCHMITT, HATHAWAY & WILSON
117 East Gurley St.
Prescott, AZ 86301
Attorney for Robert H. Taylor & Terri A. Thomson-Taylor

Noel J. Hebets
NOEL J. HEBETS, PLC
127 East 14th Street
Tempe, AZ 85281
Attorney for Defendant
William M. Grace

William Fred and Theresa Hyder
11411 E. Sweetwater Ave.
Scottsdale, AZ 85259

Joyce Hattab Trust
3449 Lorilou Ln. #D
Las Vegas, NV 89121

Leon H. and Noreen Vaughan
9235 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Gordon and Becki Nash
7901 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Jimmy and Nancy Hoffman
P.O. Box 639
Dewey, AZ 86327

Rodney and Victoria Page
8920 E. Smittys Pl.
Prescott Valley, AZ 86314

Deborah Ann and Richard A Davis
P.O. Box 4388
Prescott, AZ 86302

Bruce K and Teri A. Morgan
8520 E Lonesome Valley Road
Prescott Valley, AZ 86315

Deborah Ann Curtis
6070 Little Papoose Dr.
Prescott Valley AZ 86314

Jeffrey and Renita Donaldson
2175 N. Concord Dr. #A
Dewey, AZ 86327

Corea Family Trust
Nicholas and Patricia Corea
4 Denia
Laguna Niguel, CA 92677

Charles and Kelly Markley
8999 E. Pronghorn Ln.
Prescott Valley, AZ 86315

Thomas and Nancy Tierney
7711 W. Michigan Ave.
Glendale, AZ 85308

Jerry L. Emerson
P.O. Box 27254
Prescott Valley, AZ 86312

Mary Ferra
4930 Antelope Dr.
Prescott, AZ 86301

Kirk and Joy Smith
8650 E. Marrow Rd.
Prescott Valley, AZ 86315

Jeffrey A. and Kimberly A. Sharp
8320 E. Plum Creek Way
Prescott valley, AZ 86315

Logan and Theresa Franks
8233 W. Country Gables Dr.
Peoria, AZ 85381

Humberto and Ana Pimentel
8419 E. Tracy Drive
Prescott Valley, AZ 86314

Jeffrey Carlson
1451 W. Irving Park Rd. #317
Itasca, IL 60143

Richard and Jessica Compsom
8805 E. Marrow Drive
Prescott Valley, AZ 86315

Stanley and Sharon Gonzales
8820 E. Slash Arrow Drive
Prescott Valley, AZ 86315

Bernard and Mary Milligan
29835 N. 56th Street
Cave Creek, AZ 85331

Autery Family Trust
8175 N. Coyote Springs Road
Prescott Valley, AZ 86315

Patrick and Vickie DiNieri
35807 N. 3rd Street
Phoenix, AZ 85086

George L. Gillan and Yuan-Ling Hong
8625 Mountain View Rd.
Prescott Valley, AZ 86315

Jacob McAllister
8620 Slash Arrow Dr.
Prescott Valley, AZ 86315

Jack and Delores Richardson
505 Oppenheimer Drive #412
Los Alamos, NM 87544

Paul J. and Mary E. Temple
535 Metropolitan Avenue
Brooklyn, NY 11211

David Ungerer
13229 W. Doty Ave #4A
Hawthorne, CA 90250

Peter J. Trevillian
P.O. Box 27011
Prescott Valley, AZ 86312

John and Deirdre Feldhaus
3331 E. Sundance Cir.
Prescott, AZ 86303

Bonnie Rosson
8950 E. Plum Creek Way
Prescott Valley, AZ 86315

Marty and Sharon Mason
8945 E. Spurr Ln.
Prescott Valley, AZ 86315

Evelyn M. Sadler Trust
10575 N. Coyote Springs Road
Prescott Valley, AZ 86315

Ronald and Kellene Litchfield
8415 E. Marrow Road
Prescott Valley, AZ 86315

Stanley D. Hall and Anne Womack-Hall
8450 Morning Star Ranch Road
Prescott Valley, AZ 86315

Wayne L. and Bonnie L. Battram
8400 E. Morning Star Ranch Rd
Prescott Valley, AZ 86315

Watkins Family Trust
7455 Coyote Springs Road
Prescott Valley, AZ 86315

Loren James and Tracy Lee Peterson
P.O. Box 25977
Prescott Valley, AZ 86315

Gunther Family Living Trust
Richard H. and Lois M. Gunther
1035 Scott Dr. #256
Prescott, AZ 86301

James and Vicki Biscay
7090 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Central Baptist Church of Prescott
3298 N. Glassford Hill Rd. #104
Prescott Valley, AZ 86314

Robert Mancini
7425 N. Gueneviers Pl.
Prescott Valley, AZ 86315

Robert Laquerre
Laquerre Family Living Trust
8594 E. Kelly Rd.
Prescott Valley, AZ 86314

Daniel L. and Charlotte E. Sanders
P.O. Box 2542
Prescott, AZ 86302

Margaret Sue Pennington
Pennington MS Living Trust
5655 N. Camino Del Conde
Tucson, AZ 85718

Michael A. Kelley Family Trust
P.O. Box 26232
Prescott Valley, AZ 86312

Kenneth Paloutzian
8200 Long Mesa Drive
Prescott Valley, AZ 86315

Faith Inc.
7225 N.Coyote Springs Rd.
Prescott Valley, AZ 86315

John D. and Sheila K. Fox
1520 Scenic Loop
Fairbanks, AK 99701

Rosario Carrillo
8989 N. Coyote Springs Rd.
Prescott Valley AZ 86315

Jose and Rosario Carrillo
8989 N. Coyote Springs Rd.
Prescott Valley AZ 86314

Michael and Judy Strong
4415 N. 9th Avenue
Phoenix, AZ 85013

Cong Van Tong and Phi Thi Nguyen
8775 N. Coyote Springs Rd.
Prescott Valley AZ 86315

Nadia Y. Clark
8595 E. Turtle Rock Rd #1116
Prescott Valley, AZ 86315

James Wilson Holmes
8615 Windmill Acres Rd.
Prescott Valley, AZ 86314

Thomas P. and Kimberly L. Marty
8610 E. Marrow Rd.
Prescott Valley, AZ 86315

Donald S. Benker and D. Lynn Wheeler-Benker
8700 E. Marrow Rd.
Prescott Valley, AZ 86315

Amanda G. Deane
8250 E. Spurr Ln.
Prescott Valley, AZ 86315

Jennifer Silva and Carl and Jeanette Samuelson
8490 E. Spurr Ln.
Prescott Valley, AZ 86315

Neil B. Vince
8450 E. Spurr Ln.
Prescott Valley, AZ 86315

Gary W. and Dianna R. Cordes
8370 E. Spurr Ln.
Prescott Valley, AZ 86315

Terry L. and Grace M. Jones
10492 E. Old Black Canyon Hwy.
Dewey, AZ 86327

Kevin Eden
8275 E.Turtle Rock Rd.
Prescott Valley, AZ 86315

Guaranty Mortgage Trust, L.L.C.
15240 N. 44th Pl.
Phoenix, AZ 85032

Dana E. and Sherrilyn G. Tapp
8595 E. Easy St.
Prescott Valley, AZ 86315

Craig C. and Bronte J. Casperson
8301 E. Spouse Dr.
Prescott Valley, AZ 86314

Anthony and Angela Lawrence
8575 E. Far Away Pl.
Prescott Valley, AZ 86315

Richard A. and Patricia A. Pinney
43945 W. Kramer Ln.
Maricopa, AZ 85238

Leonara Cardella and Santo Fricano
12404 N. 33rd St.
Phoenix, AZ 85032

Daniel and Christine Turner
8959 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

Larry Michael and Debra Ann Kirby
Kirby Family Trust
8801 Lonesome Valley Rd.
Prescott Valley, AZ 86315

Christopher Lefebvre
8250 E. Sparrow Hawk Rd.
Prescott Valley, AZ 86314

Karen L. Thompson
8100 E. Sparrow Hawk Rd.
Prescott Valley, AZ 86315

Weldon Family Trust
P.O. Box 9208
Rancho Santa Fe, CA 92067

Sergio Martinez and Susana Navarro
10150 N. Lawrence Ln.
Prescott Valley, AZ 86315

Bernard D. and Diana M. Anderson
7601 N. Gueneviers Pl.
Prescott Valley, AZ 86315

William J. Lumme
7570 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Santo and Rosa Fricano
5902 W. Cortez
Glendale, Arizona 85304

William E. Brumbill Trust
8910 Morrow Drive
Prescott Valley, Arizona 86314

Kevin Paul Sasse
9125 E. Dog Ranch Rd.
Prescott Valley, AZ 86315

Jesus O. and Rosa M. Manjarrez
105 Paseo Sarta #C
Green Valley, AZ 85614

Rackley Family Living Trust
8565 Dog Ranch Road
Prescott Valley, AZ 86315

Jayme Salazar
11826 Coyote Springs Road
Prescott Valley, AZ 86315

Anglin Living Trust
11950 Coyote Springs Road
Prescott Valley, AZ 86314

Renee Meeks
8975 N. Lawrence Lane
Prescott Valley, Arizona 86315

Ken and Fay Lawrence
P.O. Box 25905
Prescott Valley, Arizona 86312

Kenneth and Lois Fay Lawrence Trust
P.O. Box 25905
Prescott Valley Arizona 86312

Anthony and Patricia Sinclair
P.O. Box 25457
Prescott Valley, AZ 86312

Gary L. and Suzanne J. Spurr
8240 E. Spurr Ln.
Prescott Valley, AZ 86314

Joshua F. and Anita D. Ollinger
Ollinger Family Revocable Trust
14202 N. 68th Pl.
Scottsdale, AZ 85254

Lisa Soronow
Ginomai Living 2004 Trust
3530 Wilshire Blvd. #1600
Los Angeles, CA 90010

Fritz and Janet Doerstling Revocable Trust
8610 Mountain View Rd.
Prescott Valley, AZ 86314

Ernest and Judy Rojas
Rojas Family Living Trust
8310 N. Coyote Springs Rd.
Prescott Valley, Arizona 86315

Anthony B. Lee
8496 Coyote Springs Rd.
Prescott Valley, AZ 86315

Thomas K. and Gwendolyn D. Anderson
8922 E. Windmill Acres
Prescott Valley, AZ 86315

Nguyen Nghia Huu and Le Dung Ngoc
3616 W. Country Gables Dr.
Phoenix, AZ 85023

Donald G. and Deborah T. Southworth
7595 Coyote Springs Rd.
Prescott Valley, AZ 86314

Janis Revocable Trust
7685 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Christiene R. Andrews
16355 Orchard Bend Rd.
Poway, CA 92064

Valentino and Hildegard Muraca
Muraca Trust
10895 E. Manzenita Trl.
Dewey, AZ 86327

Dorothy T. Baker Revocable Trust
190 Wildwood Dr.
Prescott, AZ 86301

Francis M. Moyer
6 Meadow Green Ct.
Johnson City, TN 37601

James W. and Corrine A. Stueve
Stueve Living Trust
10025 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Thanh Huu and Dung L. Nguyen
Nguyen Family Trust
12601 N. 29th Ave.
Phoenix, AZ 85029

William and Joanne Friend
Friend Family Trust
17661 Mariposa
Yorba Linda, CA 92886

Art and Debra G. Gustafson
9975 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

James R. and Barbara L. Bowman
P.O. Box 2959
Okeechobee, FL 34973

Hendrickson 2002 Family Trust
P.O. Box 13069
Prescott, AZ 86304

Howard P. Roberts
9936 Coyote Springs Rd.
Prescott, AZ 86315

Mainland Water Investments, L.L.C.
P.O. Box 2945
Prescott, AZ 86302

Paul and Amella Stegall
8275 E. Spurr Lane
Prescott Valley, AZ 86315

Robert and Starr Ladehoff
7805 E. Pharlap Ln.
Prescott Valley, AZ 86315

Opal L. Belland
Opal L. Belland Trust
10936 Caloden St.
Oakland, CA 94605

Kennard L. Easter
10350 N. Lawrence Ln.
Prescott Valley, AZ 86315

Jerry and Leann Carver Family Trust
8940 E. Spurr Ln.
Prescott Valley, AZ 86315

Justin Gardner and Kathy Welsh
10791 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Terri A. Carver
P.O. Box 3499
Los Altos CA 94024

Richard and Regina Recano
14090 E. Camino Pl.
Fontana, CA 92337

Robert Lee and Patti Ann Stack
Robert Lee and Patti Ann Stack Trust
10375 Lawrence Ln.
Prescott Valley, AZ 86315

Kathy A. Ware and Patricia Pursell
Ware Family Living Trust
1525 S. Verde Dr.
Cottonwood, AZ 86326

Todd A. Swaim
8500 E. Turtle Rock Rd.
Prescott Valley, AZ 86315

Richard and Darlene Mauler
9655 N. Coyote Springs Road
Prescott Valley, AZ 86315

Jane L. Hesse
4729 N. Sauter Dr.
Prescott Valley, AZ 86314

Terry Lee Pettigrew
6721 W. Villa St. #12
Phoenix, AZ 85043

Nancy A. Painter Family Trust
Nancy A. Painter
1022 N. Cloud Cliff Pass
Prescott Valley, AZ 86314

James D. Borel MD LTD Restated PRFT Plan
P.O. Box 9870
Phoenix, AZ 85068

Masumi Gavinski
P.O. Box 27377
Prescott Valley, AZ 86314

Jesus and Inez Valdez
Valdez Trust
2410 E. Whitton
Phoenix, AZ 85016

Wiley and Kathleen Williams
9575 E. Turtle Rock
Prescott Valley, AZ 86315

Glenn and Gina Higa
9350 E. Mountain View Rd.
Prescott Valley, AZ 86315

Gilstrap Family Trust
Ladonna J. Leppert
6361 Mann Ave.
Mira Loma, CA 91752

Richard and Beverly Strissel
9350 E. Slash Arrow Dr.
Prescott Valley, AZ 86314

Michael and Julie Davis
9147 E. Morning Star Ranch Road
Prescott Valley, AZ 86315

Edward R. and Anna E. Fleetwood Family Trust
4838 E. Calle Redonda
Phoenix, AZ 85018

John and Paula Warren
9180 E. Pronghorn Lane
Prescott Valley, AZ 86315

1999 Winter Family Trust
10830 E. Oak Creek Trail
Cornville, AZ 86325

Steven and Becky Ducharme
9410 Slash Arrow
Prescott Valley, AZ 86315

Charles and Billie Hutchison
5737 N. 40th Lane
Phoenix, AZ 85019

Gerald and Laurel Osher
9015 E. Mummy View Dr.
Prescott Valley, AZ 86315

Wiechens Living Trust
2501 S. Avenue 44 E
Roll, AZ 85347

Grass Family Trust
1640 W. Acoma Drive
Phoenix, AZ 85023

Bolen Trust
9525 Mummy View Dr.
Prescott Valley, AZ 86314

Linda J. Hahn Revocable Living Trust
10367 W. Mohawk Lane
Peoria, AZ 85382

William R. and Judith K. Stegeman Trust
9200 W. Far Away Place
Prescott Valley, AZ 86315

Travis Clinton Black
9148 E. Mummy View Drive
Prescott Valley, AZ 86315

Edward A. and Jane M. Toaspern
Brent E. and D A Schoeneck Trust
2526 E. Huntington Dr.
Tempe, AZ 85282

Plan B Holdings, L.L.C.
340 W. Willis St. #2
Prescott, AZ 86301

Bradley T. Copper
1401 E. Westcott
Phoenix, AZ 85024

Robert Taylor
10555 N. Orion Way
Prescott Valley, AZ 86315

Robert and Heather Gardiner
9690 Plum Creek Way
Prescott Valley, AZ 86315

Eric Cleveland Trust
9605 E. Disway
Prescott Valley, AZ 86315

Donald D. Chase
3125 Duke Drive
Prescott, AZ 86301

Linda Annette Gravatt
9612 E. Mummy View Dr.
Prescott Valley, AZ 86315

David and Michelle Krause Revocable Trust
3824 Topeka Dr.
Glendale, AZ 85308

Madelein C. Alston Trust
9270 E. Turtle Rock Road
Prescott Valley, AZ 86315

Leo and Marilyn Murphy
9366 E. Turtle Rock Road
Prescott Valley, AZ 86315

Ross and Kara Rozendaal
9336 E. Turtle Rock Road
Prescott Valley, AZ 86315

James and Kathryn McCormack
11780 N. Dusty Rd.
Prescott Valley, AZ 86315

Leslie J. Laird
11795 North Hawthorne Lane
Prescott Valley, AZ 86315

Koller Family Revocable Trust
P.O. Bo 27191
Prescott Valley, AZ 86312

Fannie Mae
14523 SW Millikan Way #200
Beaverton, OR 97005

1981 Bolin Trust
9525 E. Mummy View Drive
Prescott Valley, AZ 86315

Mantione Family Living Trust
7761 E. Day Break Circle
Prescott Valley, AZ 86315

Francis H. Jr. and Patricia A. Smith
11605 N. Hawthorne Lane
Prescott Valley, AZ 86315

Robert and Gladys Tarr
11550 N. Dusty Road
Prescott Valley, AZ 86314

Wayne and Jeanette Doerksen
10610 N. Wits End
Prescott Valley, AZ 86315

Spurr Holding L.L.C.
14153 Grand Island Rd.
Walnut Grove, CA 95690

Jerry and Paulette Getz
P.O. Box 25567
Prescott Valley, AZ 86312

Gary W. Cordes
8370 E. Spurr Ln.
Prescott Valley, AZ 86315

Holly Lucero
aka Holly Denise Bowers
1426 S. Rita Lane
Tempe, AZ 85281

Harold and Diana Muckelroy
6650 E. Sunset Lane
Prescott Valley, AZ 86314

HVS LLC
3287 E. Raven Ct.
Chandler, AZ 85286

John Mitchell and Troy Stoll
P.O. Box 249
Fort Bridger, WY 82933

Michael Zager and Susan Bette-Zager
9397 Mountain View Road
Prescott Valley, AZ 86315

Karen Messenlehner
3650 N. Zircon Drive
Prescott Valley, AZ 86314

Michael Furness
9990 E. Turtle Rock Road
Prescott Valley, AZ 86315

Aaron and Kathleen Cormier
9860 E. Turtle Rock Road
Prescott Valley, AZ 86315

Dennis J. Booth
9425 E. Mummy View Drive
Prescott Valley, AZ 86315

William E. Probst
9440 E. Far Away Place
Prescott Valley, AZ 86315

Kathryn M. Pyles
7404 Elmwood Drive
Falls Church, VA 22042

Timothy and Virginia Kilduff
9315 E. Spurr Lane
Prescott Valley, AZ 86315

Kenneth and Sharon Petrone
3267 WW Avenue
Wellman, IA 52356

John D. Rutledge and Elaine Gordon
9425 E. Spurr Lane
Prescott Valley, AZ 86315

Daniel C. Mussey
7777 E. Main St. #355
Scottsdale, AZ 85251

Michael and Lisa Faircloth
9100 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

Michael and Julie Davis
9147 E. Morning Star Ranch Road
Prescott Valley, AZ 86315

Ann and Noel Fidel
1010 W. Monte Vista Road
Phoenix, AZ 85007

Dick Living Trust
9955 E. Disway
Prescott Valley, AZ 86315

Ronald J. Smith
9180 E. Spurr Ln.
Prescott Valley, AZ 86315

Gary and Sabra Feddema
9601 Far Away Place
Prescott Valley, AZ 86315

David L. and Lisa P. Bradley
9450 E. Spurr Ln.
Prescott Valley AZ 86315

David and Lori Rentschler Revocable Living Trust
9251 E. Far Away Place
Prescott Valley, AZ 86314

Madelein C. Alston and Nicholas Faulstick
Madelein C. Alston Trust
9270 E. Turtle Rock Road
Prescott Valley, AZ 86314

Angel and Lillian Aguilera
9220 E. Turtle Rock Road
Prescott Valley, AZ 86315

Joyce E. Ridgway
4060 Salt Creek Road
Templeton, CA 93456

Robert L. Weaver and Diana K. Garcia
P.O. Box 25717
Prescott Valley, AZ 86312

James and Jennifer Woods
4554 N. Grafton Drive
Prescott Valley, AZ 86314

George and Romala Heady
705 W. Happy Valley Road
Phoenix, AZ 85085

Warren Don Oster
3401 W. Mauna Loa Lane
Phoenix, AZ 85053

Todd and Barbara Bloomfield
9010 E. Plum Creek Way
Prescott Valley, AZ 86315

Launders Family Trust
9295 E. Spurr Lane
Prescott Valley, AZ 86315

Michaelis Family Trust
6930 Parsons Trail
Tujuga, CA 91042

Dave Slate
9910 E. Spurr Lane
Prescott Valley, AZ 86315

Donn and Valerie Jahnke
9950 E. Spurr Lane
Prescott Valley, AZ 86315

Patricia A. Henisse
9825 E. Mummy View Dr.
Prescott Valley, AZ 86315

Regina A. Anglin
508 W. Villa Rita Dr.
Phoenix, AZ 85023

William and Shaunla Heckethorn
9715 E. Far Away Place
Prescott Valley, AZ 86315

Rynda and Jimmy Hoffman
9650 E. Spurr Lane
Prescott Valley, AZ 86315

John and Rebecca Feddema
9550 E. Spurr Lane
Prescott Valley, AZ 86315

Daniel and Cynthia Warta
9125 E. Pronghorn Lane
Prescott Valley, AZ 86315

Kenneth and Jacquelyn Kimsey
537 N. Hassayampa Drive
Prescott, AZ 86303

James R. Griset
444 Old Newport Blvd. #A
Newport Beach, CA 92663

Kathleen Marie Wargo
5801 Woodlawn Gable Dr. #D
Alexandria, VA 22309

Michael and Karen Wargo
9200 E. Spurr Lane
Prescott Valley, AZ 86315

Arvid and Donna Severson
9920 E. Far Away Place
Prescott Valley, AZ 86315

Leon F. Cardini
275 S. 4th Street
Camp Verde, AZ 86322

Nancy L. Reed and Kimberly Hodges
9825 E. Mummy View Dr.
Prescott Valley, AZ, 86315

Debra A. Krakower
13941 E. Vista Verde Drive
Chandler, AZ 85249

Michael R. & Lynda K. Vyne
12864 N. 65th Pl.
Scottsdale, AZ 85254

James Leroy & Velia Lupe Wafflard
19711 W. Encanto Blvd.
Buckeye, AZ 85326

James A. & Linda D. Kirk Family Trust
105 2nd St.
Buckeye, AZ 85326

Yavapai Title Co.
Dennis J. Huber Living Trust
721 W. Summit Pl.
Chandler, AZ 85225

John C. Kennedy
8577 E. Saddlehorn Trl.
Prescott Valley, AZ 86315

James D. & Cheryl J. Nardo
11410 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Carl G. Pisarik
8610 E. Mummy View Dr.
Prescott Valley, AZ 86314

Kaaren L. Trone
8690 Mummy View Dr.
Prescott Valley, AZ 86314

Furbee Family Trust
William W. & Linda Furbee
3019 Amity Rd.
Pearcy, AR 71964

Steven Lee Grahlmann
P.O. Box 25271
Prescott Valley, AZ 86312

Carl Hendrickson Living Trust
Carl Hendrickson
1112 Woburn Green
Bloomfield Hills, MI 48302

Elvera M. Barycki
2828 Monogram Ave.
Long Beach, CA 90815

Timothy L. Konkol
8685 E. Mummy View Dr.
Prescott Valley, AZ 86315

Patrick & Ann Bresett
25313 W. Pueblo Ave.
Buckeye, AZ 85326

Todd D. Steven
8575 Mummy View Dr.
Prescott Valley, AZ 86315

David J. & Susan M. Waters
9111 Alicia Dawn Dr.
Rogers, AR 72758

Howard and Elaine Boucher
P.O. Box 27845
Prescott Valley, AZ 86312

Roberta Hartmann
8555 E. Plum Creek Way
Prescott Valley, AZ 86315

Timothy Jon Miller
10125 N. Orion Way
Prescott Valley, AZ 86315

Paul M. Shifrin Trust
Paul M. Shifrin
2040 E. Camero Ave.
Las Vegas, NV 89123

Jose A. & Gloria G. Garza
9200 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

Mark S. Phillips
8480 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Scott & Audrey Hovelsrud
9085 E. Mountain View Rd.
Prescott Valley, AZ 86315

Jesus & Beatriz Martinez
9150 E. Slash Arrow Dr.
Prescott Valley, AZ 86315

Pauline Matheson Trust
Pauline Matheson
4755 E. Main St.
Mesa, AZ 85205

Christopher Mattson
7515 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

Prescott Valley Growers, L.L.C.
6750 N. Viewpoint Dr.
Prescott Valley, AZ 86314

By _____
David K. Wilhelmsen

FAVOUR & WILHELMSEN, PLLC
Post Office Box 1391
Prescott, AZ 86302
928-445-2444 – Telephone
928-771-0450 – Facsimile
FMWlaw@fmwlaw.net
David K. Wilhelmsen 007112
Lance B. Payette 007556

Attorneys for Property Owner James Varilek

SUPERIOR COURT OF ARIZONA

YAVAPAI COUNTY

JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate properly; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust, Plaintiffs, v. DONALD COX and CATHERINE COX, husband and wife, *et al., et ux.,* Defendants.	Case No. CV 2003-0399 Division 4 **FINAL JUDGMENT**

This matter having come before the Court on Plaintiffs' *Motion for Summary Judgment,* said motion having been joined by aligned plaintiff property owner James Varilek, and following oral argument thereon on April 16, 2013, the Court finds as follows:

1. On March 18, 2004, Plaintiffs filed *Plaintiffs' First Amended Complaint,* asserting three counts for breach of contract (Counts I-III), one count for declaratory relief (Count IV) and one count for injunctive relief (Count V), all relating to an alleged violation of the Declaration of Restrictions of Coyote Springs Ranch (as recorded in Book 916, page 680, official records of Yavapai County, Arizona) by Defendants Donald Cox and Catherine Cox ("Defendants

Cox") on certain real property in Coyote Springs Ranch as legally described in paragraph 3 below.

2. The real property comprising Coyote Springs Ranch and to which said Declaration of Restrictions applies is legally described as follows:

> Government Lots One (1) and Two (2) and the South half of the Northeast quarter and the Southeast quarter of Section One (1); all of Section Twelve (12); the East half and the East half of the East half of the Southwest quarter and the East half of the East half of the Northwest quarter and the Northwest quarter of the Northeast quarter of the Northwest quarter of Section Thirteen (13); the East half of Section Twenty-Four (24); the East half of Section Twenty-Five (25), all in Township Fifteen (15) North, Range One (1) West of the Gila and Salt River Base and Meridian; and
>
> All of Section Six (6); all of Section (7), Government Lots One (1), Two (2), Three (3), and Four (4), and the Southeast quarter of the Southwest quarter and the South half of the Northeast quarter of the Southwest quarter of Section Nineteen (19), all in Township Fifteen (15) North, Range One (1) East of the Gila and Salt River Base and Meridian.

3. The real property within Coyote Springs Ranch owned by Defendants Cox as of the date on which *Plaintiffs' First Amended Complaint* was filed is legally described as follows:

> All that portion of Section 25, Township 15 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:
>
> BEGINNING at the East quarter corner of Section 25 marked with a GLO brass cap monument;
>
> Then South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet along the East line of Section 25 to a one half inch rebar and the TRUE POINT OF BEGINNING;
>
> Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet to a one half inch rebar;
>
> Thence North 89 degrees, 59 minutes, 02 seconds West, 1321.37 feet;

Thence North 00 degrees, 03 minutes, 08 seconds West, 660.32 feet;

Thence South 89 degrees, 58 minutes, 54 seconds East, 1321.15 feet to the TRUE POINT OF BEGINNING.

EXCEPT all oil, gas, coal and minerals as set forth in instrument recorded in Book 192 of Deeds, Page 415.

4. On May 21, 2004, Defendants Cox filed their *Answer to Plaintiffs' First Amended Complaint,* wherein they asserted the affirmative defenses of laches, estoppel, unclean hands, waiver and abandonment.

5. *Plaintiffs' First Amended Complaint* alleged that a business enterprise conducted by Defendants Cox on the real property legally described in paragraph 3 above violates the following sections of said Declaration of Restrictions:

> 2. No trade, business, profession or any other type of commercial or industrial activity shall be initiated or maintained within said property or any portion thereof.
>
> 7.(e) No structure whatsoever other than one single family dwelling or mobile home, as herein provided, together with a private garage for not more than three (3) cars, a guest house, service quarters and necessary out buildings shall be erected, placed or permitted to remain on any portion of said property.
>
> 15. No outside toilet or other sanitary conveniences or facilities shall be erected or maintained on the premises.

6. On December 1, 2004, Plaintiffs filed *Plaintiffs' Motion for Summary Judgment Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of Estoppel, Laches and Unclean Hands.* On April 4, 2005, the Court entered an *Under Advisement Ruling* awarding partial summary judgment in favor of Plaintiffs on the affirmative defenses of estoppel, laches and unclean hands as asserted by Defendants Cox.

7. On June 24, 2005, Defendants Cox filed a *Motion for Summary Judgment Re: Agricultural Activities.* On July 26, 2005, the Court awarded partial summary judgment in favor of Defendants Cox on Count I of *Plaintiffs' First Amended*

Complaint. On February 10, 2006, the Court entered a *Partial Final Judgment,* finding that the business enterprise conducted by Defendants Cox did not violate section 2 of said Declaration of Restrictions and awarding summary judgment in favor of Defendants Cox on Count I of *Plaintiffs' First Amended Complaint* and on Counts IV and V to the extent they were predicated on a violation of section 2 of said Declaration of Restrictions.

8. On June 24, 2005, Defendants Cox filed a *Motion to Join Indispensable Parties Pursuant to Rule 19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to Dismiss Pursuant to Rule 12(B)(7), Ariz. R. Civ. P., for Failure to Join Indispensable Parties.* On July 18, 2005, the Court entered a *Ruling Re: Motions* denying said motion.

9. Plaintiffs appealed the *Partial Final Judgment* to Division One of the Arizona Court of Appeals; Defendants Cox cross-appealed the partial granting of *Plaintiffs' Motion for Summary Judgment Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of Estoppel, Laches and Unclean Hands* on their affirmative defenses of estoppel, laches and unclean hands, as well the denial of their *Motion to Join Indispensable Parties Pursuant to Rule 19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to Dismiss Pursuant to Rule 12(B)(7), Ariz. R. Civ. P., for Failure to Join Indispensable Parties.* On May 24, 2007, the Court of Appeals published its *Memorandum Decision* in No. 1 CA-CV 06-0165. The Court of Appeals affirmed this Court's award of partial summary judgment to Plaintiffs on the affirmative defenses of estoppel, laches and unclean hands as asserted by Defendants Cox; reversed this Court's award of partial summary judgment in favor of Defendants Cox on Count I of *Plaintiffs' First Amended Complaint,* holding that the business enterprise conducted by Defendants Cox did violate section 2 of said Declaration of Restrictions as a matter of law; and reversed this Court's denial of the *Motion to Join Indispensable Parties Pursuant to Rule 19(A), Ariz. R. Civ. P., or, in the Alternative, Motion to Dismiss Pursuant to Rule 12(B)(7), Ariz. R. Civ. P., for*

Failure to Join Indispensable Parties, holding that all other property owners in Coyote Springs Ranch were necessary parties, and remanded for a determination as to whether the necessary parties were also indispensable under ARCP 19(b).

10. Upon remand, this Court on August 25, 2008 entered a *Ruling* finding the necessary parties to be indispensable and ordering Plaintiffs to take substantial steps to join all indispensable parties within 90 days. On April 18, 2011, Plaintiffs filed a *Notice of Compliance with June 17, 2010 Notice Re: Service of Property Owners.*

11. Served upon the indispensable parties, in addition to a summons and a copy of *Plaintiffs' First Amended Complaint,* was a *Notice* by the Court dated June 15, 2010, notifying them, *inter alia,* that the Court would determine from the nature of their responses whether they should be aligned with the Plaintiffs or the Defendants. Property owner James Varilek was subsequently aligned with Plaintiffs and the other property owners who responded were aligned with Defendants.

12. On December 28, 2012, Plaintiffs filed their *Motion for Summary Judgment* on all remaining issues in the case. On January 7, 2013, aligned plaintiff property owner James Varilek filed *James Varilek's Joinder in Plaintiffs' Motion for Summary Judgment.* Following oral argument on said motion on April 16, 2013, the Court entered an *Under Advisement Ruling* on June 14, 2013, finding that Coyote Springs Ranch remains a rural residential development and that no genuine issue of material fact exists with respect to the affirmative defenses of waiver and abandonment of said Declaration of Restrictions as asserted by Defendants Cox and granting Plaintiffs' *Motion for Summary Judgment.*

13. According to the official records of Yavapai County, Arizona, Defendants Cox, without notice to the Court or the other parties, transferred the real property legally described in paragraph 3 above to High C's, LLC, an Arizona limited liability company of which Defendants Cox are members together with James Michael Cox, by a Quit Claim Deed recorded in the Office of the Yavapai

County Recorder in Book 4592, Page 104. Thereafter, High C's. LLC, without notice to the Court or the other parties, transferred the real property legally described in paragraph 3 above to Prescott Valley Growers, LLC, an Arizona limited liability company of which Defendants Cox are members together with James Michael Cox, by a Quit Claim Deed recorded in the Office of the Yavapai County Recorder in Book 4753, Page 820.

14. Plaintiffs and aligned plaintiff property owner James Varilek are entitled to an award against Defendants Cox of their costs incurred herein, as well as to an award against Defendants Cox pursuant to A.R.S. § 12-341.01(A) of their reasonable attorney fees incurred herein.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

A. Judgment is awarded in favor of Plaintiffs and against Defendants on *Plaintiffs' First Amended Complaint* as follows:

1. The Declaration of Restrictions of Coyote Springs Ranch, as recorded in Book 916, page 680, official records of Yavapai County, Arizona, has not been abandoned and is valid and enforceable against the real property legally described in paragraph 2 above.
2. The business enterprise operated by Defendants Donald Cox and Catherine Cox as described in *Plaintiffs' First Amended Complaint* on the real property legally described in paragraph 3 above violates said Declaration of Restrictions of Coyote Springs Ranch, and Defendants Cox and their heirs, successors and assigns, specifically including those identified in paragraph 13 above, are permanently enjoined from operating said business enterprise on said real property.
3. Defendants Donald Cox and Catherine Cox or their heirs, successors and assigns shall promptly and diligently eliminate any and all conditions or activities on the real property legally described in paragraph 3 above that violate sections 2, 7(e) or 15 of said Declaration of Restrictions as set forth

in paragraph 5 above, such work of elimination to be completed no later than 90 days from and after the date this Final Judgment is entered by the Clerk of the Court.

B. Plaintiffs and aligned plaintiff property owner James Varilek are awarded their costs incurred herein, together with their reasonable attorney fees incurred herein pursuant to A.R.S. § 12-341.01(A), said costs and reasonable attorney fees to be set forth in separate *Judgments for Costs and Attorney Fees* after the determination of the amounts to which Plaintiffs and James Varilek are entitled.

DONE IN OPEN COURT on _____, 2013.

_____

HON. KENTON D. JONES
JUDGE OF THE SUPERIOR COURT