

2015 MAY -1 PM 3: 30

DONNA McQUALITY, CLERK

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10 SUPERIOR COURT OF ARIZONA
11 YAVAPAI COUNTY

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

18 Plaintiffs,

19 v.

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

22 Defendants.

Case No. CV 2003-0399

Division Pro Tem A

**JAMES VARILEK'S RESPONSE
TO DEFENDANTS' COXES [SIC]
OBJECTION TO VARILEK'S
SEPARATE JUDGMENT FOR
ATTORNEYS' FEES AND COSTS**

23 The Coxes continue to beat dead horses, make mountains out of molehills, and cause
24 the successful parties, including Varilek, to incur additional attorneys' fees.

**An award of prejudgment interest for the nine months since the
attorneys' fees were originally awarded is entirely appropriate**

25 The proposed form of *Separate Judgment for Attorneys' Fees and Costs in Favor of*
26 *James Varilek* provides for interest at the statutory rate from and after August 25, 2014 –
27 *i.e.*, for the nine months *since the attorneys' fees were originally awarded*, during which
28 time the Coxes have papered the Court's file with their wholly unsuccessful efforts to undo
every decision the Court has made. The Coxes must not be allowed to gain any economic
advantage from their nine months of fruitless kicking and screaming.

1 A revised form of judgment providing for interest at the rate of 4.25% (3.25% + 1%)
2 thus is attached.

3 **For the judgment on attorneys' fees to be binding upon current and**
4 **future owners of the subject property is consistent with the *Final***
5 **Judgment and entirely appropriate**

6 The Coxes embark on a convoluted and confusing discussion as to why the *Separate*
7 *Judgment for Attorneys' Fees and Costs in Favor of James Varilek* should not provide that
8 it is a lien on the subject property. The judgment is simply a monetary judgment that when
9 recorded will, like any other monetary judgment, constitute a lien against any real property
owned by the Coxes as of the date of recordation.

10 The situation here is unique in that the Coxes surreptitiously conveyed the subject
11 property to related entities in mid-litigation without notice to the Court or the other parties.
12 What the Coxes did was extensively addressed in *Plaintiffs' and Varilek's Joint Reply to*
13 *Response and Objection to Plaintiffs' Proposed Final Judgment*, filed on August 21, 2013:

14 The Coxes have litigated for 10+ years on the basis of
15 being the owners of the subject property. In their *Answer to*
16 *Plaintiffs' First Amended Complaint*, they admitted that they
17 were the owners of the subject property. They have since filed
18 numerous motions and responses and replies to motions and
19 served a disclosure statement and numerous supplemental
disclosure statements without ever suggesting that they were no
longer the owners of the subject property. Indeed, they made no
such suggestion in their response to *Plaintiffs' and Varilek's*
Motion for Summary Judgment or in their controverting
statement of facts.

20 In preparing the proposed *Final Judgment*, however,
21 Plaintiffs and Varilek discovered that in 2008, shortly after the
22 Court of Appeals' Memorandum Decision came down, the
23 Coxes, with the assistance of their counsel Mr. Adams, formed
an Arizona limited liability company named High C's, LLC,
24 with themselves as the sole members and Mr. Adams as the
statutory agent. The name was almost immediately changed to
25 Prescott Valley Growers, LLC, and then to Rain Down, LLC,
26 still with the Coxes as the sole members and Mr. Adams as the
statutory agent. In 2010, the name was changed back to Prescott
27 Valley Growers with the addition of one James Michael Cox as
a member; the Coxes are still the only other members and Mr.
28 Adams is still the statutory agent.

1 The Coxes transferred the subject property to High C's,
2 LLC, by a Quit Claim Deed dated April 9, 2008 and recorded
3 April 29, 2008, a true copy of which is Exhibit 3 hereto; the
4 recorded instrument was to be returned to Mr. Adams.
5 Thereafter, High C's transferred the subject property to Prescott
6 Valley Growers, LLC, by a Quit Claim Deed dated July 12, 2010
7 and recorded July 22, 2010, a true copy of which is Exhibit 4
8 hereto; again, the recorded instrument was to be returned to Mr.
9 Adams.

10 Neither of the above transfers was disclosed to the Court
11 or the other parties. Significantly, the Court's *Notice* of June 15,
12 2010, which was served on the absent property owners and
13 which Defendants themselves reference in the above-quoted
14 portion of the *Response and Objection*, provided as follows:

15 IT IS ORDERED if you no longer own an
16 interest in real property that is subject to the
17 Declaration of Restrictions for Coyote Springs
18 Ranch you should provide written notice to the
19 Court and the other parties to this lawsuit that you
20 no longer own an interest in the property and the
21 notice shall include your Assessor's Parcel
22 Number together with the name, address and
23 phone number of the new owner as well as a copy
24 of any documentation reflecting the change in
25 ownership.

26 IT IS ORDERED in the event you sell or
27 transfer your interest in the property while this
28 case is pending you shall provide the purchaser or
transferee with a copy of this Notice and the
Plaintiffs' First Amended Complaint no later than
the close of escrow or the date of transfer.

IT IS ORDERED in the event you sell or
transfer your interest in the property you shall
notify the Court in writing immediately and the
notice shall include your Assessor's Parcel
Number together with the name, address and
phone number of the buyer or transferee.

The Coxes and their counsel apparently did not believe
that they were obligated to comply with any such niceties and
thus did not inform the Court or the other parties that they had
transferred the subject property to the Coxes' LLC. Having
twice surreptitiously transferred the property while continuing
to litigate as though they were still the owners, they are now
enjoying the "Gotcha!" moment of informing the Court,
Plaintiffs and Varilek that the *Final Judgment* will not be
enforceable against the current owner, Prescott Valley Growers,

1 LLC – and, indeed, suggesting that Plaintiffs are to blame for
2 not having discovered the non-disclosed transfers sooner. This
3 sort of tactic might have been deemed clever in 17th century
4 England, but it is scarcely compatible with Arizona’s more
5 enlightened rules of civil procedure (“It was the goal of the
6 Committee to provide a framework which would allow
7 sufficient discovery of facts and information to avoid ‘litigation
8 by ambush,’” Court Comment to 1991 Amendment of ARCP
9 26.1), counsel’s obligation of candor toward the Court under ER
10 3.3 and counsel’s obligation of fairness toward other parties
11 under ER 3.4.

12 The Court should have been offended by what the Coxes did, and Judge Mackey
13 clearly *was*. In his ruling of April 3, 2015, Judge Mackey characterized the Coxes’
14 arguments regarding the transfer of the subject property as “disingenuous at best” and found
15 that the language of the proposed *Final Judgment* (“The Court finds that these transfers
16 should have been disclosed to the Court and the other parties and that this *Final Judgment*
17 should be binding upon the Coxes’ and any heir, successor or assign of their interest in the
18 real property described in paragraph 3 above in whole or part”) was “appropriate under the
19 circumstances.”

20 The Coxes must not be allowed to profit from their bad faith in any way, shape or
21 form. There is simply no basis for the judgment on attorneys’ fees to be lesser in scope than
22 the *Final Judgment* itself. In light of the facts that (1) one of the Cox-related entities still
23 owns the subject property, and (2) the Coxes have demonstrated their propensity for playing
24 bad-faith shell games, the judgment on attorneys’ fees should *not* be limited to the current
25 Cox-related entity. If the Coxes’ proposed language were adopted, they could transfer the
26 property to a new Cox-related entity with impunity the same day.

27 **The argument that Varilek is not properly characterized as a “plaintiff”**
28 **is the ultimate dead horse**

29 The Coxes have unsuccessfully argued, *ad nauseam*, that Varilek should not be
30 characterized as a “plaintiff.” Varilek will not bore the Court with a rehashing of all the
31 previous filings. Suffice it to say that the *Final Judgment* itself refers to “joined Plaintiff
32 property owner James Varilek” and explains the basis for this characterization:

33 11. Served upon the indispensable parties, in addition
34 to a summons and a copy of Plaintiffs’ First Amended

1 Complaint, was a Notice by the Court dated June 15, 2010,
2 notifying them, *inter alia*, that the Court would determine from
3 the nature of their responses whether they should be joined with
4 the Plaintiffs or the Defendants. Property owner James Varilek
was subsequently joined with Plaintiffs and the other property
owners who responded were joined with Defendants.

5 The Coxes' statement that Varilek "took the unwavering position that he was *not* a
6 properly joined party" is precisely what they asserted before and is simply wrong. For the
7 Coxes to cite their own *Motion for Reconsideration* – which was *wholly unsuccessful* – as
8 evidence of this "fact" is simply bizarre. Why the Coxes think the characterization in the
9 *Separate Judgment for Attorneys' Fees and Costs in Favor of James Varilek* is significant,
when it is entirely consistent with the *Final Judgment*, is a mystery.

10 Attached hereto is a revised form of *Separate Judgment for Attorneys' Fees and Costs*
11 *in Favor of James Varilek* stating an interest rate of 4.25%. This is the only one of the
12 Coxes' objections that has any merit whatsoever.

13 RESPECTFULLY SUBMITTED May 1, 2015.

14 FAVOUR & WILHELMSSEN, PLLC

15
16 By:



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19 Original of the foregoing filed
20 on May 1, 2015 with:

21 Clerk, Superior Court of Yavapai County
22 120 S. Cortez Street
23 Prescott, AZ 86303

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

25 Honorable Jeffrey G. Paupore
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1 Copy of the foregoing
2 mailed on May 1, 2015 to:

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16 Brit-Char Trust UDT 7-10-07;
17 Cindi E. Lebash;
18 Roberta L. Baldwin;
19 James H. & Doris L. Strom;
20 Joy D. Basset;
21 James B. & Lorraine Darrin, Trustees of the
22 Darrin Family Trust UDT 12-14-98;
23 Tracy L. Greenlee;
24 Franklin B. & Laura L. Lamberson;
25 Rhonda L. Folsom;
26 Daniel & Louella Bauman;
27 Theresa E. Massardi;
28 James & Shirley Stephenson;
West R. & Catherine S. Rivers;
Lawrence K. & Heide J. McCarthy,
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Edward C. & Christine Woodworth;
Donald J. & Charlotte F. Klein, Trustees of
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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;
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Kari L. Dennis;
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James Barstad;
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22 Roll, AZ 85347
- 23 Grass Family Trust
1640 W. Acoma Drive
24 Phoenix, AZ 85023
- 25 Bolen Trust
9525 Mummy View Dr.
26 Prescott Valley, AZ 86314
- 27 Linda J. Hahn Revocable Living Trust
10367 W. Mohawk Lane
28 Peoria, AZ 85382

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

Edward A. and Jane M. Toasperm
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

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

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

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

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

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

11 1981 Bolin Trust
9525 E. Mummy View Drive
12 Prescott Valley, AZ 86315

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

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

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

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

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

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

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

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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
254 Monroe Ave.
N. Martinsville, WV 26155

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

Kenneth and Sharon Petrone
3267 WW Avenue
Wellman, IA 52356

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

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

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

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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. Hennis
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

1 Prescott, AZ 86303

2 James R. Griset
3 444 Old Newport Blvd. #A
4 Newport Beach, CA 92663

5 Michael and Karen Wargo
6 9200 E. Spurr Lane
7 Prescott Valley, AZ 86315

8 Arvid and Donna Severson
9 9920 E. Far Away Place
10 Prescott Valley, AZ 86315

11 Leon F. Cardini
12 275 S. 4th Street
13 Camp Verde, AZ 86322

14 Nancy L. Reed and Kimberly Hodges
15 9825 E. Mummy View Dr.
16 Prescott Valley, AZ, 86315

17 Debra A. Krakower
18 13941 E. Vista Verde Drive
19 Chandler, AZ 85249

20 James Leroy & Velia Lupe Wafflard
21 19711 W. Encanto Blvd.
22 Buckeye, AZ 85326

23 James A. & Linda D. Kirk Family Trust
24 105 2nd St.
25 Buckeye, AZ 85326

26 Yavapai Title Co.
27 Dennis J. Huber Living Trust
28 101 S. Yucca #103
Chandler, AZ 85224-8153

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

Guaranty Mortgage Trust, L.L.C
1649 Jim Simmons
Flagstaff AZ 86005-4235
Kaaren L. Trone
8690 Mummy View Dr.
Prescott Valley, AZ 86314

Furbee Family Trust
William W. & Linda Furbee

1 8915 E. Saddlehorn Trl
Prescott Valley, AZ 86315

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

4 Carl Hendrickson Living Trust
5 Carl Hendrickson
6 1112 Woburn Green
Bloomfield Hills, MI 48302

7 Elvera M. Barycki
8 2828 Monogram Ave.
Long Beach, CA 90815

9 Timothy L. Konkol
10 8685 E. Mummy View Dr.
Prescott Valley, AZ 86315

11 Patrick & Ann Bresett
12 25313 W. Pueblo Ave.
Buckeye, AZ 85326

13 Todd D. Steven
14 8575 Mummy View Dr.
Prescott Valley, AZ 86315

15 David J. & Susan M. Waters
16 9111 Alicia Dawn Dr.
Rogers, AR 72758

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

19 Roberta Hartmann
20 8555 E. Plum Creek Way
21 Prescott Valley, AZ 86315

22 Timothy Jon Miller
23 10125 N. Orion Way
Prescott Valley, AZ 86315

24 Jose A. & Gloria G. Garza
25 9200 E. Lonesome Valley Rd.
Prescott Valley, AZ 86315

26 Mark S. Phillips
27 8480 N. Coyote Springs Rd.
Prescott Valley, AZ 86315

28 Scott & Audrey Hovelsrud

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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

William H. "Bill" Jensen
14556 Howard Mesa Loop
Williams, AZ 86046

James C. & Leslie M. Richie
9800 E. Plum Creek Way
Prescott Valley, AZ 86315

By 
David K. Wilhelmsen

1 FAVOUR & WILHELMSSEN, PLLC
2 Post Office Box 1391
3 Prescott, AZ 86302
4 928-445-2444 – Telephone
5 928-771-0450 – Facsimile
6 FMWlaw@fmwlaw.net
7 David K. Wilhelmsen 007112
8 Lance B. Payette 007556

9 Attorneys for Property Owner James Varilek

10 **SUPERIOR COURT OF ARIZONA**
11 **YAVAPAI COUNTY**

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

18 Plaintiffs,

19 v.

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

22 Defendants.

23 Case No. CV 2003-0399

24 Division Pro Tem A

25 **SEPARATE JUDGMENT**
26 **FOR ATTORNEYS' FEES**
27 **AND COSTS IN FAVOR OF**
28 **JAMES VARILEK**

29 The Court, by a Ruling entered on August 25, 2014, having awarded joined
30 Plaintiff property owner James Varilek (“Varilek”) his reasonable attorneys’ fees in the
31 amount of \$90,490.00 pursuant to A.R.S. § 12-341.01(A) and taxable costs in the amount
32 of \$118.00 pursuant to A.R.S. § 12-346 as against Defendants Donald Cox and Catherine
33 Cox; and, by a Ruling entered on April 7, 2015, having denied Defendant Coxes’ *Motion*
34 *for Reconsideration Re: August 25, 2014 Ruling Re: Attorneys’ Fees Awarded in Favor of*
35 *Varilek*; and, also on April 7, 2015, having entered the *Final Judgment* in this matter,

36 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that James Varilek is
37 awarded attorneys’ fees in the amount of \$90,490.00 pursuant to A.R.S. § 12-341.01(A)
38 and taxable costs in the amount of \$118.00 pursuant to A.R.S. § 12-346, together with

1 interest at the rate of 4.25% per annum in accordance with A.R.S. § 44-1201(B) from and
2 after August 25, 2014, as against Donald Cox and Catherine Cox.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in
4 paragraph 13 of the *Final Judgment*, this *Separate Judgment for Attorneys' Fees and*
5 *Costs in Favor of James Varilek* shall be binding upon Donald Cox and Catherine Cox
6 and any heir, successor or assign of their interest in the real property described below,
7 since the institution of this litigation in 2003, in whole or part:

8 All that portion of Section 25, Township 15 North, Range 1
9 West of the Gila and Salt River Base and Meridian,
10 Yavapai County, Arizona, described as follows:

11 BEGINNING at the East quarter corner of Section 25
12 marked with a GLO brass cap monument;

13 Then South 00 degrees, 04 minutes, 15 seconds East,
14 660.28 feet along the East line of Section 25 to a one half
15 inch rebar and the TRUE POINT OF BEGINNING;

16 Thence South 00 degrees, 04 minutes, 15 seconds East,
17 660.28 feet to a one half inch rebar;

18 Thence North 89 degrees, 59 minutes, 02 seconds West,
19 1321.37 feet;

20 Thence North 00 degrees, 03 minutes, 08 seconds West,
21 660.32 feet;

22 Thence South 89 degrees, 58 minutes, 54 seconds East,
23 1321.15 feet to the TRUE POINT OF BEGINNING.

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

26 DONE IN OPEN COURT on _____, 2015.

27 _____
28 HON. JEFFREY G. PAUPORE
JUDGE OF THE SUPERIOR COURT