

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 align="right">Plaintiff,</p> <p align="center">-vs-</p> <p>DONALD COX and CATHERINE COX, husband and wife,</p> <p align="right">Defendant.</p>	<p>Case No. P1300CV20030399</p> <p>RULING</p>	<p align="center">FILED</p> <p>DATE: <u>2/1/11</u> <u>10:44</u> O'Clock <u>A</u> .M. ✓</p> <p align="center">JEANNE HICKS, CLERK</p> <p>BY: <u>Karen Wilkes</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: January 26, 2011</p>
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The Court has considered the Plaintiffs' Motion For Permission To Serve Remaining Property Owners By Publication, the Response, the Joinder In Response and the Reply. The Court finds that the Plaintiffs have taken substantial steps to join all necessary and indispensable parties in a timely manner; however, after due diligence there still remains a number of parties to be served. The Plaintiffs claim that there are only seventeen (17) parties remaining unserved. The Court has reviewed the records of the Clerk of the Court and finds that there is no indication of service for the following twenty-five (25) parties and nineteen (19) parcels in which there are no property owners listed in the county records:

- Parcel No. 10301057E Gordon and Becki Nash
7901 N. Coyote Springs Rd. Prescott Valley, AZ 86315

- Parcel No. 10301057G Kenneth and Katheryn Page Family Trust
14810 N. 18th Pl. Phoenix, AZ 85022

- Parcel No. 10301058C Eric and Coleen Davis
P.O. Box 27947 Prescott Valley, AZ 86312

- Parcel No. 10301058D Deborah Ann Curtis
6070 Little Pappoose Dr. Prescott Valley AZ 86314

- Parcel Nos. 10301058F
10301058G Jeffrey and Renita Donaldson
2175 N. Concord Dr. #A Dewey, AZ 86327

- Parcel No. 10301061D Jeffrey Carlson
1451 W. Irving Pk Rd. #317 Itasca, IL 60143

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Parcel No. 10301073D	Michael A. Kelley Family Trust P.O. Box 26232 Prescott Valley, AZ 86312
Parcel No. 10301078C	Daniel and Ana M. Zepeda 8490 E. Spurr Prescott Valley, AZ 86314
Parcel No. 10301083A	Christopher Lefebvre 8250 E. Sparrow Hawk Rd Prescott Valley, AZ 86314
Parcel No. 10301086K	William E Brumbill Trust 8910 Morrow Dr Prescott Valley AZ 86314
Parcel No. 10301095J	Jayne Salazar 11826 Coyots Springs Road Prescott Valley, AZ 86315
Parcel No. 10301095K	Anglin Living Trust 11950 Coyote Springs Road Prescott Valley, AZ 86314
Parcel No. 10301116	Anthony B. Lee 8496 Coyote Spings Rd Prescott Valley, AZ 86315
Parcel No. 10301129A	Francis M. Moyer 6 Meadow Green Ct Johnson City, TN 37601
Parcel No. 10301130E	Robert and Therese Taylor/Thomason-Taylor Restated Trust 1987 Havens End Prescott, AZ 86305
Parcel No. 10301133E	Art and Debra G. Gustafson 9975 N. Coyote Springs Rd Prescott Valley, AZ 86315
Parcel No. 40101005Z	Wiley and Kathleen Williams 9575 E. Turtle Rock Prescott Valley, AZ 86315
Parcel No. 40101011M	Gilstrap Family Trust 9300 E. Mountain View Road Prescott Valley, AZ 86315
Parcel No. 40101026C	Kenneth and Kartheryn Page 14810 N. 18th Place Phoenix, AZ 85022
Parcel No. 40101028C	Jerry and Paulette Getz P.O. Box 25567 Prescott Valley, AZ 86312

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Parcel No. 40101037B	Timothy and Virginia Kilduff 9315 E. Spurr Lane Prescott Valley, AZ 86315
Parcel No. 40101041C	Joyce E. Ridgway 4060 Salt Creek Road Templeton, CA 93456
Parcel No. 40101043	Todd and Barbara Bloomfield 9010 E. Plum Creek Way Prescott Valley, AZ 86315
Parcel No. 40101097	Daniel and Cynthia Warta 9125 E. Pronghorn Lane Prescott Valley, AZ 86315
Parcel No. 40101167F	Ollinger Family Revocable Trust 14202 N 68th Pl Scottsdale AZ 85254
Parcel Nos.	No owner of record
10301061B	
10301068	
10301070H	
10301081J	
10301086A	
10301086D	
10301090F	
10301109	
10301113H	
10301114B	
10301123H	
10301138E	
10301142	
10301147	
10301193	
40101012F	
40101012T	
40101020	
40101034	

IT IS ORDERED Plaintiffs' Counsel shall arrange a meeting with Kelly Gregorio of the Clerk of the Court to review the service documents that have been filed and to attempt to reconcile any differences between the Court records and the Plaintiffs' records.

IT IS ORDERED the Plaintiffs are then **GRANTED** leave to serve by alternative service the remaining parties in the following manner:

1. Substitute service on all those with known addresses within the State pursuant to Rule 4.1(m), *Ariz.R.Civ.P.* by posting in plain view on the front door or, if gated, on the gate and mailing by first class mail to the address of record.
2. Pursuant to Rule 4.2(f), *Ariz.R.Civ.P.* for those parties whose known residence is outside the State by publishing and mailing first class mail to the person's place of residence.
3. Publishing pursuant to Rules 4.1(n) and 4.2(f), *Ariz.R.Civ.P.* for those parties whose residence is unknown and for all parcels that do not show an owner of record in the county records.

IT IS ORDERED the Plaintiffs are **GRANTED** an additional **ninety (90)** days from this date to accomplish the alternative service and to file proof of such service with the Court.

The Court has considered Linda J. Hahn's Request For Joinder As a Plaintiff In This Action and there has been no response.

IT IS ORDERED Linda J. Hahn's Request For Joinder As a Plaintiff In This Action is **GRANTED** and Linda J. Hahn is joined as a party Plaintiff in these proceedings.

IT IS FURTHER ORDERED the caption in this case shall not be amended until the Court has determined the party status of all joined parties.

The Court has signed an Order Re Motion To Withdraw As Counsel of Record With Consent for Ms. Hahn's Counsel. However, the Court notes that Ms. Hahn's ownership of the property that is the subject of this action is through the Linda J. Hahn Revocable Living Trust. Although individual property owners can represent themselves, an individual cannot represent the interest of a trust before the Superior Court. See *Boydston v. Strole Development Company*, 193 Ariz. 47, 969 P.2d 653 (1998) and *Byers-Watts v. Parker*, 199 Ariz. 466, 18 P.3d 1265 (App. 2001).

IT IS ORDERED Linda J. Hahn is granted **thirty (30)** days to clarify on the record whether she owns an interest in the property that is the subject of this action individually or through a trust, and, if her ownership is through a trust, she is given an additional **sixty (60)** days to obtain the services of a licensed Arizona attorney to represent her in these proceedings.

IT IS FURTHER ORDERED Linda J. Hahn shall provide the Clerk of the Court with an email address within **thirty (30)** days of this date.

The Court has been provided letters to the Clerk of the Court from property owners regarding their preference in this case. The letters are attached to this Ruling and are from the following property owners:

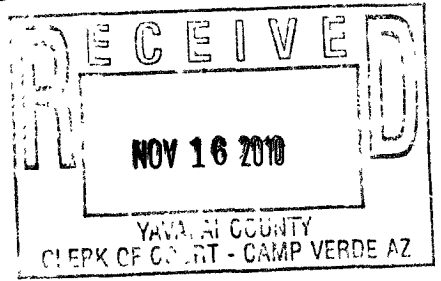
Parcel No. 10301090H	Jesus Manjarres
Parcel No. 10301058H	Nicholas Corea
Parcel No. 10301063F	Jack and Dolores Richardson
Parcel No. 40101016	Eric Cleveland
Parcel No. 10301055B	Joyce Hattab
Parcel No. 10301123K	Robert and Patricia Janis

Those parties are advised that their letters are not in proper form and do not constitute responsive pleadings. Therefore, they may be subject to orders being entered without their further participation if they do not file an appropriate responsive pleading.

The Court has considered the Motion To Withdraw filed by Jeffrey R. Adams on December 17, 2010. However, the motion is less than clear as to which parties his motion applies. He first refers to only Defendants Garry and Sabra Feddema, but also lists thirteen other Defendants. The Order also refers to numerous other Defendants. The motion should be clear and the Order should clearly set forth the name, address, phone number, email address and parcel number for each Defendant covered by the motion.

IT IS ORDERED the Motion To Withdraw filed by Jeffrey R. Adams on December 17, 2010 is **DENIED** without prejudice to renew upon compliance with this Court's directive set forth above.

cc: J. Jeffrey Coughlin – 114 S. Pleasant Street, Prescott, AZ 86303
Jeffrey Adams – The Adams Law Firm, P.O. Box 2522, Prescott, AZ 86302
Christopher D. Lonn/David B. Goldstein – Hymson, Goldstein & Pantiliat,
14646 N. Kierland Blvd., Suite 255, Scottsdale, AZ 85254
David K. Wilhelmsen/Marguerite Kirk – Favour Moore & Wilhelmseon, P.O. Box 1391,
Prescott, AZ 86302
William “Bill” Jensen – 2428 W. Coronado Avenue, Flagstaff, AZ
Karen L. Wargo/Michael P. Wargo – 9200 E. Spurr Lane, Prescott Valley, AZ 86315
Christopher D. Lonn, Counsel for Linda J. Hahn
Linda J. Hahn, 10367 W. Mohawk Lane, Peoria, AZ 85382
Jesus Manjarres, 105 Paseo Sarta #C, Green Valley, AZ 85614
Nicholas Corea, 4 Denia, Laguna Niguel, CA 92677
Jack and Dolores Richardson, 505 Oppenheimer Drive #412, Los Alamos, NM 87544
Eric Cleveland, 9605 E. Disway, Prescott Valley, AZ 86315
Joyce Hattab, 3449 Lorilou Lane, Unit D, Las Vegas, NV 89121-3783
Robert and Patricia Janis, 7685 N. Coyote Springs Rd., Prescott Valley, AZ 86315



CASE # P1300 CV 20030399
 Plaintiff : JOHN B CUNDIFF
 Defendant : DONALD COX
 Judge : Hon DAVID L. MACKAY

TO: CLERK OF SUPERIOR COURT YAVAPAI
 COUNTY, STATE OF ARIZONA

I HAVE TRIED TO GET MORE HISTORY ON
 THIS CASE ON THE INTERNET. BUT IT
 SEEMS IMPOSSIBLE. REASON IS THAT I
 GOT THIS NOTICE FROM PLAINTIFF LAWYERS,
 I DID SIGN ACCEPTANCE OF NOTICE, BUT I
 ALSO ASK HIM HOW CAN I CHOOSE TO BE
 IN FAVOR OR AGAINST IT, SO HIS ANSWER
 WAS, YOU CAN GET A FIRM ~~OUT~~ ON THE
 WEB, AND MAIL IT, WELL I WAS NEVER
 ABLE TO GET ONE. ANYHOW I AM
 IN FAVOR OF ANY CHANGES THE
 DEFENDANT WANTS TO HAVE ON THE
 OLD ~~PER~~ DECLARATIONS OF RESTRICTIONS
 AND THE COVENANTS. ALSO I DO NOT
 HAVE OR OWN A COMPUTER FOR ANY
 "E" MAIL OK.

THANKS
 JESUS MANJARREZ

MY PARCEL # ON
 COYOTE SPRINGS IS 103-01-09CH-9

11-10-2010
 PHONE # 562 201 2358

To Whom It May Concern:

We would like to see
the CCR's followed.

However Businesses
within the House should
be allowed!

Douglas Corea
7/30/10

APN: 103010584

AUG 1

29 July 2010

Superior Court, State of Arizona
Division 1, Room 302
120 South Cortez Street
Prescott, AZ 86303

Case No. P1300CV20030399

Re: Coyote Springs Suit on Declaration of Restrictions

Honorable Judge Mackey:

Thank you for asking for the opinion of other property owners in the Coyote Springs area regarding this issue.

Both my wife and I are adamantly opposed to lifting the Declaration of Restrictions regarding the allowance of commercial enterprises, outdoor bath room facilities and maintenance of more than one single family residence on any Coyote Springs property.

Sincerely,



Jack Richardson


Owners of: 8110 Coyote Springs Road
Prescott Valley, AZ 86315

Dolores Richardson



APN:

103-01-063F

 2010

DIV. 1
AUG 04 2010

29 July 2010

Superior Court, State of Arizona
Division 1, Room 302
120 South Cortez Street
Prescott, AZ 86303

Case No. P1300CV20030399

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Sincerely,



Jack Richardson

Owners of: 8110 Coyote Springs Road
Prescott Valley, AZ 86315

Dolores Richardson



DIV. 1
AUG 02 2010



Dody Richardson
505 Oppenheimer Dr. #412
Los Alamos, NM 87544

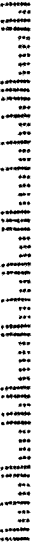
ALBUQUERQUE NM 871

30 JUL 2010 PM 3 L



Superior Court, State of Arizona
Division 1, Room 302
120 South Cortez Street
Prescott, AZ 86303

88303+4704



To PRESCOTT SUPERIOR COURT 7-26-10

RE: CASE NO. P1300 CV 20030399

I AM A PROPERTY OWNER AT
"COYOTE SPRINGS RANCH".

UPON PURCHASE OF THIS REAL
PROPERTY, I HAVE SIGNED
AND STILL AGREE AND APPROVE
OF THE "DECLARATION OF RESTRICTIONS
FOR COYOTE SPRINGS RANCH".

I HOPE THIS STATEMENT CLARIFIES
MY POSITION IN THIS CASE.

SINCERELY

Eric Cleveland

ERIC CLEVELAND
9605 E DISWAY
PRESCOTT VALLEY, AZ.
86314

DIV. 1
AUG 03 2010

E-MAIL = FASTCHINO@
PEOPLEPC.COM

USA FIRST-CLASS FOREVER



PRECOTT VALLEY AZ 86314

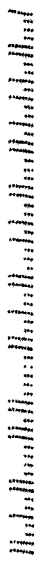
27 JUL 2010 PM 11 T

ERIC CLEVELAND
9605 E DISWA
PRESCOTT VALLEY
ARIZONA 86314

PRESCOTT SUPERIOR COURT
120 S. CORTER
PRESCOTT, AZ. 86303

RECEIVED JUL 28 2

CASE NO. P1300CV20030399



8630304747

3449 Lorilou Lane, Unit "D"
Las Vegas, NV 89121-3783
July 31, 2010 Sat.

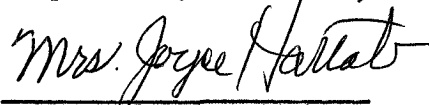
✓ Clerk of the Superior Court
120 S. Cortez
Prescott, AZ 86303

RE: CASE NO. PL300CV20030399

Please be advised that in subject case, I vote
RESTRICTIONS be changed, such changes to be legal,
and with the health and safety of the residents of
Coyote Springs Ranch in mind. I believe there
could be opp ortunities opened, that could help
alleviate these difficult economical times in our
Nation.

By "legal", I mean that the residents in this com-
munity must abide to the laws of this Nation.

Respectfully submitted,



Mrs. Joyce Hattab

Enc: Cover Page of Subject Case for ID.
Copy of letter to Atty. J. Jeffrey Coughlin

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 114 S. Pleasant Street
4 Prescott, Arizona 86303
5 Telephone: (928) 445-7137
6 Facsimile: (866) 890-8989
7 j.coughlin@azbar.org
8 Attorney for Plaintiffs

R: 7/27/10 Tues

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; ELIZABETH**
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 vs.

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

21 **Defendants.**

CASE NO. P1300CV20030399

SUMMONS

22 **THE STATE OF ARIZONA TO:**
23 **ALL PROPERTY OWNERS AT COYOTE SPRINGS RANCH, PHASE I**

24 YOU ARE HEREBY SUMMONED and required to appear and defend in the above
25 entitled cause and Court: (1) within TWENTY DAYS exclusive of the day of service, after
service of this Summons upon you is completed, if served by delivery of a copy of the Summons
and Complaint within the State of Arizona by a person authorized so to do; or (2) within
THIRTY DAYS exclusive of the day of service, after service of this Summons upon you is
completed, if served by delivery of a copy of the Summons and Complaint outside the State of
Arizona by a person authorized so to do, or if served by registered or certified mail, or if served
by publication in a newspaper.

3449 Lorilou Lane, Unit "D"
Las Vegas, NV 89121-3783
July 31, 2010 Sat.

J. Jeffrey Coughlin
J. Jeffrey Coughlin PLLC
114 S. Pleasant Street
Prescott, AZ 86303

RE: CASE NO. PL300CV20030399

Dear Atty. Coughlin,

Thank you for clearing up what is needed of me in
this case in our phone conversation of July 28th.

This letter is to confirm that my presence is not
required, and that I may vote in this matter.

Enclosed, is a copy of my letter to the Clerk of
the Superior Court for your information.

Thank you,


Mrs. Joyce Hattab

Enc: Copy of my letter to The Clerk of the Superior Court.

Mrs. Joyce Hattab
3449 Lorlou Lane, Unit "B"
Las Vegas, NV 89121-3783
7/31 Sat.

PLEASE RE-ENTER MAIL

31 JUL 1990 10:14 AM '90



RECEIVED FROM AIRMAIL - JUL 31 20:30

Clerk of the Superior Court

120 S. Cortez

Prescott, AZ 86303

Handwritten signature

BOB + PAT JANI'S
E-MAIL ADDRESS
TWILIGHT - RANCH
@ COMMSPEED.NET

J. JEFFREY COUGHLIN PLLC

114 SOUTH PLEASANT STREET
PRESCOTT, ARIZONA 86303

CASE NO. CV 2003-0399

DIVISION 3

July 22, 2010

CASE NO. P1300CV20030399
SUMMONS

To All Property Owners at Coyote Springs Ranch, Phase I

Dear Property Owners:

Enclosed are copies of the following documents:

1. Summons
2. Acceptance of Service
3. Notice
4. Plaintiffs' First Amended Complaint with Declaration of Restrictions attached.

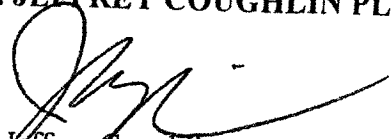
You are being served with copies of these documents because a lawsuit has been filed that may affect your property rights at Coyote Springs Ranch. Superior Court Judge David L. Mackey has issued the enclosed Notice which explains options and requirements.

Judge Mackey has given us permission to serve these documents upon you by mail, if you are willing to accept them. In accordance with the Judge's directions, one of the enclosed documents is an Acceptance of Service form. Please sign the Acceptance of Service and return **that document only** to me in the enclosed self-addressed, stamped envelope at your earliest convenience.

If you choose not to sign the Acceptance of Service form, you will be served with these documents by either certified mail or by a process server.

Sincerely,

J. JEFFREY COUGHLIN PLLC


J. Jeffrey Coughlin

JJC:cp

Enclosures

AUG-2, -2010

Superior Court of Navapai County
Case no. CV 2003-0399

In the spring of 1994 my wife and I bought land in Coyote Springs. We had a contractor build our place. We moved to Coyote Springs in September of 1994.

When we bought our land we were told there was a road committee for Coyote Springs and there was C.C. & R.S. The road was not much more than a cow path. We were informed that the people that owned the land of Lonsome valley, better known as Coyote Springs sub divided the land and sold 9+10 acre plots. They wrote up the C.C. & R.S. I understand they put in a road, but it only held up for a short time.

When we first moved here I met a man that turned out to be a close friend. He asked for a donation to maintain the dirt road. My wife & I did.

About a year after we lived here we saw smoke coming from the north of us about two blocks. A house was on fire. By the time the fire truck showed up the home was lost. The road was so bad the fire truck had trouble coming in.

After several year's the county worked out a deal with us, but we had to have 51% of people in Coyote Springs to agree to pay for the road. Well then came the road. All of the people of Coyote Springs road payed for the road.

When the survey team & engineers of the road were laying out the intersection on the north side

FROM
BOB & PAT
JANIS
COYOTE SPRINGS
ROAD.

of our property at the corner. They were planning to make an entrance to our side which is on the east side of Coyote Springs road. I informed them that was not a road, but was a cattle easment. I was informed that it was a road. ~~Every~~ Every forty acres on our side of the road according to the C.C. + R^s is for cattle easment. We and our neighbor on the north side of us gave up 20 FT of our land for cattle easment. Our land survey marker is in the middle of that 40 FT. I went with my wife to the county building on Fair street. They showed me the plat of survey ~~going~~. The survey showed that it was a road.

Behind our property is B.L.M. land, and we found out that a road is on the plat survey going from north to south. Our cattle easment ties into it. The point is the county paid no attention to our C.C. + R^s of Coyote Springs. Check on it. You will see that it is true. They stole our land.

About seven years back a tree nursery came into Coyote Springs. A couple blocks south of us. The C.C. + R^s don't allow a Business in Coyote Springs. The county didn't care, and let them come in. My wife + I didn't think it was a good idea because of the water consumption on this big operation. If the wells of the neighbors went dry the county didn't care.

When my wife + I moved here we saw there was.

a 50 acre race horse track just inside Coyote Springs. Its a big operation, and they have employees. The C.C. & R's dont allow it, but its their thin is just some of the business in Coyote Springs. Across the street from us is a 30 acre horse rescue ranch. they have employ working for them. When the wind blows hard in our direction the dust blows big time in our direction. There are no weeds or grass to hold the dirt down. That is not exactly Twilight leather.

Talking to people in Coyote Springs, I dont believe there ever was and appointed group of people to deal with C.C. & R's.

My wife and I moved here to retire. We dont really want to make waves with our neighbors.

My wife and I dont run a business on our property. We dont have outdoor toilets.

We are a single family residence. We have never run any kind of business from our home in Coyote Springs.

Our friends + neighbors did not receive this paper work or summons. This notice was supposed to go out to all property owners in Coyote Springs, according to law office of Jeffrey Coughlin PLLC

Twilight Ranch
Robert & Patricia Jarris
7685 N. Coyote Springs Rd
Prescott Valley, AZ 86314



7010 1060 0001 8729 7267

UNITED STATES
POSTAL SERVICE

1000

86303



PRESCOTT VALLEY, A.
86314
AUG 02 '10
AMOUNT

\$5.54

00076745-04

Maricopa County Superior Court
1205 Cortez Street Prescott AZ
86303

RECEIVEDS AUG - 2 2010

ATT CASE No. CV 2003-0399