Mark W. Drutz, #006772
Sharon Sargent-Flack, #021590
Jeffrey D. Gautreaux, #028104
**MUSGROVE, DRUTZ & KACK, P.C.**
1135 W. Iron Springs Road
P.O. Box 2720
Prescott, Arizona 86302-2720
Phone: (928) 445-5935
Fax: (928) 445-5980
Firm Email: mdkpc@cableone.net
Attorneys for Defendant Robert D. Veres

2013 FEB -1 PM 4:00 ✓
K. Mortenson

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

| | |
|---|---|
| JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD COX and CATHERINE COX, husband and wife, et al.,<br><br>Defendants. | Case No. P1300CV20030399<br><br>**DEFENDANT'S VERES RESPONSE TO PLAINTIFFS' STATEMENT OF FACTS/CONTROVERTING STATEMENT OF FACTS; AND JOINDER**<br><br>Division 4 |

Defendant Robert D. Veres (hereinafter, "**Defendant**" or "**Veres**"), through his undersigned attorneys Musgrove, Drutz & Kack, P.C., pursuant to Ariz. R. Civ. P. 1, 7.1, 56, and any other applicable rule or law, hereby Responds to Plaintiffs' Statement of Facts ("**PSOF**"), submits his Controverting Statement of Facts, and joins in Defendants' Cox response to Statement of Facts in Support of Plaintiffs' Motion for Summary Judgment dated on or about 02-01-13 and, further, joins in Defendants' Cox Motion to Strike and Motion *in Limine* filed 01-22-13, to strike the Cundiff Affidavit and to exclude the Plaintiffs' DVDs.

## RESPONSE TO PLAINTIFFS' STATEMENT OF FACTS

1. Defendant Veres does not dispute that Plaintiffs' Statement of Facts ¶¶ 1-4 are excerpts from the Court of Appeals' Memorandum Decision filed May 24, 2007 ("**Memo Dec.**"). Defendant Veres, however, disputes that the Memo Dec. supports Plaintiffs' Motion for Summary Judgment, specifically for the reason that the Memo Dec. did not vacate this Court's holding, as follows:

> Plaintiffs' first Motion for Summary Judgment seeks enforcement of the non-waiver provision of the Declaration of Restrictions for Coyote Springs Ranch. Defendants argue the factual disputes that exist regarding abandonment of the restrictions. While there is a distinction between waiver and abandonment, Burke v. Voicestream Wireless Corp., 207 Ariz 393, 87 P.23d 81, ¶ 26 (App. 2004) recognized the longstanding test for a complete abandonment of deed restrictions as follows:
>
> > "Whether the restrictions imposed upon the use of lots in this subdivision have been so thoroughly disregarded as to result in such a change in the area as to destroy the effectiveness of the restrictions, defeat the purposes for which they were imposed and consequently amount to an abandonment thereof." Citing *Condos v. Home Development Company*, 77 Ariz. 129, 133, 267 P.2d 1069, 1071 (1954).
>
> The Court finds that there is a material factual issue regarding whether the restrictions in this case have been so thoroughly disregarded as to result in a change in the area that destroys the effectiveness of the restrictions, defeats the purposes for which they were imposed and amounts to an abandonment of the entire Declaration of Restrictions. The Plaintiffs are not entitled to summary judgment regarding the enforcement of the non-waiver clause.
>
> **THEREFORE, IT IS ORDERED** Plaintiffs' Motion for Summary Judgment re: Waiver of Restrictive Covenant Prohibiting Business and Commercial Enterprises is **DENIED.**

Under Advisement Ruling filed April 4, 2005 pp. 1-2, attached hereto as **Exhibit "1"**. [emphasis in original]. See Response in Opposition to Plaintiffs' Motion for Summary Judgment re: Defendants' Violations of Restricted Covenants; Affirmative Defenses of Estoppel, Laches, and Unclean Hands filed January 11, 2005; and Notice of Filing Exhibits to Controverting Statement filed January 12, 2005. The foregoing briefs were part of the Court's record at the time entered its 2005 Under

Advisement Ruling. The Court relied at least in part on these briefs in denying Plaintiffs' Motion for Summary Judgment filed 12-01-04. See Ariz. R. Civ. P. 56(b). See also Defendant Coxes' Thirteenth Supplemental Rule 26.1 Disclosure Statement, disclosing the 10-16-12 Affidavit of Sheila M. Cahill, attached hereto as **Exhibit "2"**.

Neither this Court nor the appellate court has vacated the Court's denial of Plaintiffs' Motion for Summary Judgment filed 12-01-04. The basis for denial remains valid. In other words, abandonment of the Declaration of Restrictions recorded June 13, 1974, at Book 916, Page 680, Official Records of Yavapai County, Arizona ("**Declaration**") at best from *Plaintiffs'* perspective, remains a question of fact.

2. Responding to PSOF ¶ 5, Defendant disputes. See **Exhibit "3"** attached hereto, reflecting Yavapai County Parcel Data that the James Strom parcels (APN 401-01-031 and -031A each contain 4.71 acres). Yavapai County Parcel Data directly contradicts Mr. Cundiffs' sworn Affidavit dated 12-28-12 and PSOF ¶ 5 that "the lots in Coyote Springs Ranch contain no less than nine acres." See PSOF ¶ 5, at 3:17-18. Further, the Yavapai County Parcel Data reflects that a 780 square foot mobile home is affixed to APN 401-01-031 together with "Mobile Home Yard Improvements", in violation of paragraph 3 of the Declaration. See also Notice of Filing Exhibits to Controverting Statement filed January 12, 2005. Also in direct contradiction to Mr. Cundiffs' sworn Affidavit dated 12-28-12 are the claims made by Plaintiff James L. Varilek in *Varilek v. Veres*, Case No. P13000CV20090822 (consolidated with the instant case *Cundiff v. Cox*, P1300CV20030399), ¶ XIII ("Defendant has breached the covenants and restrictions by splitting, conveying or subdividing his respective properties into lots, parcels or tracts of **less than nine gross acres** in violation of the recorded Declaration of Restrictions."); [emphasis added]. In re Sabino R., 198 Ariz. 424, 425, 10 P.3d 1211, 1212 (App. 2000) ("It is proper for a court to take judicial notice of its own records or

those of another action tried in the same court"). Further, on the issue of abandonment, the Court in *Varilek v. Veres* more recently ruled that:

> THE COURT finds, as it did in its prior Ruling, that this case is inextricably bound to *Cox v. Cundiff*, as regards to whether the Declaration of Restrictions remains enforceable or has been abandoned. *** [O]n Reconsideration of the Memorandum Decision of our Court of Appeals, it is clear that:
>
> > "...A ruling in this case that the restrictions have been abandoned or are no longer enforceable against the Coxes' property would affect the property rights of all other owners subject to the Declaration. . . .."
>
> Page 19, Paragraph 32.
>
> ***
>
> THEREFORE, . . . Defendant's Motion to Consolidate Case Numbers P1300CV20030399 and P1300CV20090822 is **GRANTED**.

*Varilek v. Veres* Ruling, filed 01-25-11.

Defendant also disputes that the DVDs attached to the Affidavit of John Cundiff accurately depict the pervasive and ongoing violations of the Declaration. See Defendant Coxes' Thirteenth Supplemental Rule 26.1 Disclosure Statement, containing the Affidavit of Sheila M. Cahill, attached hereto as **Exhibit "2"**; and Response in Opposition to Plaintiffs' Motion for Summary Judgment re: Defendants' Violations of Restricted Covenants; Affirmative Defenses of Estoppel, Laches, and Unclean Hands filed 01-11-05; and Notice of Filing Exhibits to Controverting Statement filed 01-12-05.

Further, as stated above, Defendant joins in Defendants' Cox Motion to Strike/in Limine filed 01-22-12, to strike the Cundiff Affidavit and exclude the DVDs for lack of timely disclosure and for failure to lay proper foundation.

## CONTROVERTING STATEMENT OF FACTS

1. On or about February 22, and March 7, 2012, independent investigator Sheila M. Cahill of Palmer Investigative Services followed up with her original investigation of property violations within the Coyote Springs Ranch subdivision, which was conducted on or near August 10 and

August 12, 2004. See Affidavit of Sheila M. Cahill dated September 29, 2004, attached as Exhibit "13" to Notice of Filing Exhibits to Controverting Statement filed 01-12-05. Ms. Cahill's updated observations regarding the violations occurring within the Coyote Springs Ranch subdivision are set forth in her Affidavit dated 10-12-16, which is attached hereto as **Exhibit "2"** (Defendant Coxes' Thirteenth Supplemental Rule 26.1 Disclosure Statement).

2. Defendants' Cox CSR parcel ("Prescott Valley Growers, LLC") is approximately nineteen (19) acres in size. **Exhibit "4"**.

RESPECTFULLY SUBMITTED this 1st day of February, 2013.

MUSGROVE, DRUTZ & KACK, P.C.

By _____
Mark W. Drutz
Sharon Sargent-Flack
Jeffrey D. Gautreaux
Attorneys for Defendant Robert D. Veres

COPY of the foregoing mailed
this 1st day of February, 2013, to:

J. Jeffrey Coughlin, Esq.
J. Jeffrey Coughlin PLLC
114 S. Pleasant Street
Prescott, AZ 86303
Attorneys for Plaintiffs

Jeffrey R. Adams, Esq.
The Adams Law Firm, PLLC
125 Grove Avenue
Prescott, AZ 86301
Attorneys for Defendants Cox

David K. Wilhelmsen, Esq.
Favour, Moore & Wilhelmsen, P.A.
P.O. Box 1391
Prescott, AZ 86302-1391
Attorneys for Property Owner James Varilek

Hans Clugston, Esq.
Hans Clugston, PLLC
1042 Willow Creek Road
#A101-PMB 502
Prescott, AZ 86301
Attorney for Northern Arizona Fiduciaries, Inc.

Noel J. Hebets, Esq.
Noel J. Hebets, PLC
2515 N. 48th Street, Apt. 3
Phoenix, AZ 85008-2511
Attorney for William M. Grace

Robert E. Schmitt, Esq.
Murphy, Schmitt, Hathaway & Wilson, PLLC
P.O. Box 591
Prescott, AZ 86302
Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

William H. "Bill" Jensen
2428 W. Coronado Avenue
Flagstaff, AZ 86001
pro se

Gary & Sabra Feddema
9601 East Far Away Place
Prescott Valley, AZ 86315
pro se

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

Karen L. and Michael P. Wargo
9200 East Spurr Lane
Prescott Valley, AZ 86315
pro se

Linda J. Hahn
10367 W. Mohawk Lane
Peoria, AZ 85382
pro se

Sergio Martinez and Susana Navarro
10150 N. Lawrence Lane
Prescott Valley, AZ 86315
pro se

Lloyd E. and Melva J. Self
9250 E. Slash Arrow Drive
Prescott Valley, AZ 86315
pro se

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

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

Leo M. and Marilyn Murphy
9366 E. Turtlerock Road
Prescott Valley, AZ 86315
pro se

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

Rhonda L. Folsom
9305 N. Coyote Springs Road
Prescott Valley, AZ 86315-4517
pro se

Kenneth Paloutzian
8200 Long Mesa Drive
Prescott Valley, AZ 86315
pro se

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

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

Robert Lee Stack and Patti Ann Stack
Trustees of the Robert Lee and Patti
Ann Trust utd March 13, 2007
10375 Lawrence Lane
Prescott Valley, AZ 86315
pro se

John D. and Dusti L. Audsley
6459 E. Clinton Terrace
Prescott Valley, AZ 86314
pro se

Dane E. and Sherrilyn G. Tapp
8595 E. Easy Street
Prescott Valley, AZ 86315
pro se

Richard and Beverly Strissel
9350 E. Slash Arrow Drive
Prescott Valley, AZ 86314
pro se

Jesus Manjarres
105 Paseo Sarta #C
Green Valley, AZ 85614
pro se

Nicholas Corea
4 Denia
Laguna Nigel, CA 92677
pro se

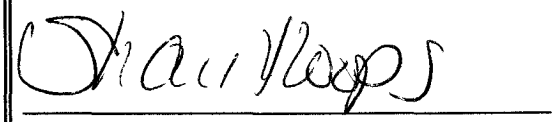
Jack and Dolores Richardson
505 Oppenheimer Drive, #4
Los Alamos, NM 87544
pro se

Eric Cleveland
9605 E. Disway
Prescott Valley, AZ 86315
pro se

Robert and Patricia Janis
7685 N. Coyote Springs Road
Prescott Valley, AZ 86315
pro se

Mike and Julia Davis
9147 E. Morning Star Road
Prescott Valley, AZ 86315
pro se

Richard and Patricia Pinney
1972 S. State Route 89
Chino Valley, AZ 86323-6612
pro se



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

| | | |
|---|---|---|
| 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,<br><br>Plaintiff,<br><br>-vs-<br><br>DONALD COX and CATHERINE COS, husband and wife,<br><br>Defendant. | Case No. CV2003-0399<br><br>**UNDER ADVISEMENT RULING** | **FILED**<br>DATE: 4-4-05<br>2 O'Clock P .M.<br>JEANNE HICKS, CLERK<br>BY: Angel Kinkead<br>Deputy |

| | |
|---|---|
| **HONORABLE DAVID L. MACKEY** | **BY:** Joy Shepard<br>Judicial Assistant |
| **DIVISION 1** | **DATE:** April 4, 2005 |

The Court took the Plaintiffs' Motions For Summary Judgment and the Plaintiffs' Motion In Limine under advisement after oral arguments on January 31, 2005. The Court has now fully considered the file, the arguments and relevant law.

In order to grant a Motion For Summary Judgment pursuant to Rule 56(c), *Arizona Rules of Civil Procedure*, the Court must conclude that there is no genuine issue of material fact **and** that the requesting party is entitled to judgment as a matter of law.

Plaintiffs' first Motion for Summary Judgment seeks enforcement of the non-waiver provision of the Declaration of Restrictions for Coyote Springs Ranch. Defendants argue the factual disputes that exist regarding abandonment of the restrictions. While there is a distinction between waiver and abandonment, *Burke v. Voicestream Wireless Corp.*, 207 Ariz. 393, 87 P.3d 81, ¶26 (App., 2004) recognized the longstanding test for a complete abandonment of deed restrictions as follows:

> "Whether the restrictions imposed upon the use of lots in this subdivision have been so thoroughly disregarded as to result in such a change in the area as to destroy the effectiveness of the restrictions, defeat the purposes for which they were imposed and consequently amount to an abandonment thereof." Citing *Condos v. Home Development Company*, 77 Ariz. 129, 133, 267 P.2d 1069, 1071 (1954).



76

APR 04 2005

The Court finds that there is a material factual issue regarding whether the restrictions in this case have been so thoroughly disregarded as to result in a change in the area that destroys the effectiveness of the restrictions, defeats the purposes for which they were imposed and amounts to an abandonment of the entire Declaration of Restrictions. The Plaintiffs are not entitled to summary judgment regarding the enforcement of the non-waiver clause.

**THEREFORE, IT IS ORDERED** Plaintiffs' Motion for Summary Judgment Re: Waiver of Restrictive Covenant Prohibiting Business and Commercial Enterprises is **DENIED.**

Next, the Plaintiffs seek summary judgment regarding the Defendants affirmative defenses of estoppel, laches and unclean hands. This motion also seeks a legal determination that the Declaration of Restrictions contains an unambiguous and enforceable provision prohibiting trade, business, industrial or commercial use. For the reasons set forth above, there is a material factual dispute regarding the enforceability of the terms in the Declaration of Restrictions. The issue of abandonment will have to be litigated before the Court will be in position to decide the enforceability of any term of the restrictive covenants. The Plaintiffs are not entitled to such a summary determination. However, the facts upon which the Defendants rely to support their affirmative defenses do not rise to estoppel, laches and unclean hands as a matter of law. There are no material factual issues that preclude summary judgment in favor of the Plaintiffs on the affirmative defenses of estoppel, laches and unclean hands.

**THEREFORE, IT IS ORDERED** Plaintiffs' Motion for Summary Judgment Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of Estoppel, Laches and Unclean Hands is **GRANTED, in part**. However, to the extent the motion seeks a summary declaration as to the enforceability of the Declaration of Restrictions, the motion is **DENIED.**

The Court also took the Plaintiffs' Motion In Limine To Preclude Defendants' Introduction of Lay Witness Opinion Testimony under advisement. The Plaintiffs seek to prohibit Defendants from offering lay witness testimony as to the existence of other violations of the Declaration of Restrictions. Rule 602, Ariz.R.Evid. permits testimony on matters of "personal knowledge". Furthermore, Rule 701, Ariz.R.Evid. permits a lay witness offer "opinions or inferences" when the opinions or inferences ". . . are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue."

The Court will not permit testimony that attempts to state a legal opinion regarding a violation of the Declaration of Restrictions. However, the Court will allow lay witnesses to testify regarding their personal observations and upon appropriate foundation opinions or inferences pursuant to Rule 701, Ariz.R.Evid. There is no showing that the lay witnesses Defendants have disclosed cannot meet those foundational requirements at this time.

The Plaintiffs also object to the use of investigator Sheila Cahill. However, even a paid investigator can testify as to personal observations and upon appropriate foundation offer opinions or inferences pursuant to Rule 701, Ariz.R.Evid.

**THEREFORE, IT IS ORDERED** the Plaintiffs' Motion In Limine To Preclude Defendants' Introduction of Lay Witness Opinion Testimony is **DENIED.**

Finally, the Court has reviewed the parties' Comprehensive Pretrial Statements.

**IT IS ORDERED** all expert witnesses shall be disclosed 60 days before trial.

**IT IS ORDERED** all non-expert witnesses shall be disclosed 75 days before trial.

**IT IS ORDERED** all discovery shall be completed 45 days before trial.

**IT IS ORDERED** all dispositive motions shall be filed 60 days prior to trial.

**IT IS ORDERED** all motions in Limine shall be filed 30 days prior to trial.

**IT IS ORDERED** the parties shall file a Joint Pretrial Statement, Proposed Voir Dire, Proposed Jury Instructions and Proposed Forms of Jury Verdicts no later than 10 days prior to trial.

The Plaintiffs' First Amended Complaint seeks damages based upon three Counts of Breach of Contract as well relief on their claims for a declaratory judgment and injunctive relief. The Defendants have requested a jury trial on all issues. The Defendants are entitled to a jury determination on the breach of contract claims and to an advisory jury on the claims for declaratory judgment and injunctive relief.

**IT IS ORDERED** setting a Jury Trial for August 2, 2005 at 9:00 a.m. with six days allotted. The trial days shall be August 2, 3, 4, 5, 9 and 10, 2005.

The Court concludes that given the resources that will be expended to litigate this matter a settlement conference before a Superior Court Judge is appropriate.

**THEREFORE, IT IS ORDERED** the parties **shall** participate in a Settlement Conference conducted by a Superior Court Judge.

**IT IS ORDERED** assigning this case to the Presiding Judge for the assignment of a Judge to conduct a Settlement Conference. This case will remain assigned to this Division for all other matters.

cc: David K. Wilhelmsen – Favour Moore & Wilhelmsen, P.O. Box 1391, Prescott, AZ 86302
Jeffrey Adams – Musgrove, Drutz & Kack, 1135 Iron Springs Road, Prescott, AZ 86302
Beverly and Richard Strissel (w/correspondence) – 9350 E. Slash Arrow Drive,
Prescott Valley, AZ 86314-4163
Presiding Judge

Jeffrey R. Adams, #018959
THE ADAMS LAW FIRM, PLLC\
125 Grove Avenue
Post Office Box 2522
Prescott, Arizona 86302
Phone: (928) 445-0003
Fax: (928) 443-9240
law_office@jradamslaw.com

Attorneys for Defendants

COPY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

| | |
|---|---|
| JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD COX and CATHERINE COX, husband and wife,<br><br>Defendants. | Case No. CV 2003-0399<br><br>Division No. 1<br><br>**DEFENDANTS' THIRTEENTH SUPPLEMENTAL RULE 26.1 DISCLOSURE STATEMENT** |

Defendants, by and through undersigned counsel, disclose the following information pursuant to Rule 26.1 of the Arizona Rules of Civil Procedure.

In support of the Defendants' defenses in this case, we provide the following information regarding parcels of property out of which or on which commercial or business activities are taking place in Coyote Springs Ranch:

**VIII. 26.1(a)(8) TANGIBLE EVIDENCE/RELEVANT DOCUMENTS AND/OR INSURANCE AGREEMENTS WHICH PLAINTIFFS PLAN TO USE AT TRIAL.**

1. Affidavit of Sheila M. Cahill ****

DATED this 18 day of October, 2012.

**THE ADAMS LAW FIRM, PLLC**

By _____
Jeffrey R. Adams, Esq.
Attorneys for Defendants

**** The Affidavit of Sheila M. Cahill references as "Exhibit 1" copies of photographs of properties which appeared to violate the various provisions of the Declaration. Due to the extensive number of photographs and the costs of reproduction of the same, the photographs are not attached to the Affidavit of Sheila M. Cahill as part of this Disclosure. However, the same will be provided via electronic email or the same can be viewed and/or copied at the offices of Jeffrey R. Adams to any party wishing to do so. The costs of such photocopying to be paid by the party requesting the same.

COPY of the foregoing mailed
this 18 day of October, 2012, to:

J. Jeffrey Coughlin, Esq.
J. Jeffrey Coughlin PLLC
114 S. Pleasant Street
Prescott, AZ 86303
Attorneys for Plaintiffs

Mark W. Drutz, Esq.
Musgrove, Drutz & Kack, P.C.
P.O. Box 2720
Prescott, Arizona 86302-2720

David K. Wilhelmsen, Esq.
Favour, Moore & Wilhelmsen, P.A.
P.O. Box 1391
Prescott, AZ 86302-1391
Attorneys for Property Owner James Varilek

Noel J. Hebets, Esq.
Noel J. Hebets, PLC
127 East 14th Street
Tempe, AZ 84281
Attorney for William M. Grace

Robert E. Schmitt, Esq.
Murphy, Schmitt, Hathaway & Wilson, PLLC
P.O. Box 591
Prescott, AZ 86302
Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

William H. "Bill" Jensen
2428 West Coronado Avenue
Flagstaff, AZ 86001
pro se

Gary & Sabra Feddema
9601 East Far Away Place
Prescott Valley, AZ 86315
pro se

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

Karen L. and Michael P. Wargo
9200 East Spurr Lane
Prescott Valley, AZ 86315
pro se

Linda J. Hahn
10367 W. Mohawk Lane
Peoria, AZ 85382
pro se

Sergio Martinez and Susana Navarro
10150 N. Lawrence Lane
Prescott Valley, AZ 86315
pro se

Lloyd E. and Melva J. Self
9250 E. Slash Arrow Drive
Prescott Valley, AZ 86315
pro se

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

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

Leo M. and Marilyn Murphy
9366 E. Turtlerock Road
Prescott Valley, AZ 86315
pro se

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

Rhonda L. Folsom
9305 N. Coyote Springs Road
Prescott Valley, AZ 86315-4517
pro se

Kenneth Paloutzian
8200 Long Mesa Drive
Prescott Valley, AZ 86315
pro se

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

John and Rebecca Feddema
9350 E. Spurr Lane
Prescott Valley, AZ 86315
pro se

Robert Lee Stack and Patti Ann Stack
Trustees of the Robert Lee and Patti
Ann Trust utd March 13, 2007
10375 Lawrence Lane
Prescott Valley, AZ 86315
pro se

John D. and Dusti L. Audsley
6459 E. Clifton Terrace
Prescott Valley, AZ 86314
pro se

Dane E. and Sherrilyn G. Tapp
8595 E. Easy Street
Prescott Valley, AZ 86315
pro se

Richard and Beverly Strissel
9350 E. Slash Arrow Drive
Prescott Valley, AZ 86314
pro se

Jesus Manjarres
105 Paseo Sarta #C
Green Valley, AZ 85614
pro se

Nicholas Corea
4 Denia
Laguna Nigel, CA 92677
pro se

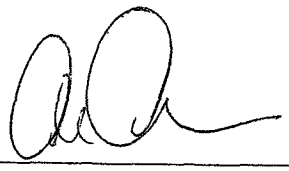
Jack and Dolores Richardson
505 Oppenheimer Drive, #4
Los Alamos, NM 87544
pro se

Eric Cleveland
9605 E. Disway
Prescott Valley, AZ 86315
pro se

Robert and Patricia Janis
7685 N. Coyote Springs Road
Prescott Valley, AZ 86315
pro se

Mike and Julia Davis
9147 E. Morning Star Road
Prescott Valley, AZ 86315
pro se

Richard and Patricia Pinney
10980 N. Coyote Road
Prescott Valley, AZ 86315
pro se



# VERIFICATION

STATE OF ARIZONA )
) ss.
COUNTY OF YAVAPAI )

JEFFREY R. ADAMS, being first duly sworn upon his oath, deposes and says:

That he is one of the attorneys for Defendants in the above-captioned matter and as such is duly authorized to make this verification; that he has read the foregoing Thirteenth Supplemental Rule 26.1 Disclosure Statement and that the contents contained therein are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, he believes them to be true.

_____
JEFFREY R. ADAMS

SUBSCRIBED AND SWORN to before me this ____ day of October, 2012, by JEFFREY R. ADAMS.

_____
Notary Public

My Commission Expires:

_____

Jeffrey R. Adams, Esq. #018959
**THE ADAMS LAW FIRM, PLLC**
125 Grove Avenue
P.O. Box 2522
Prescott, Arizona 86302
Tel: (928) 445-5935
Fax: (928) 443-9230
law_office@jradamslaw.com
*Attorneys for Defendants*

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

| | |
|---|---|
| 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,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD COX and CATHERINE COX, husband and wife, et al. et ux.,<br><br>Defendants. | Case No. CV 2003-0399<br><br>Division No. 6<br><br>**AFFIDAVIT OF SHEILA M. CAHILL** |

STATE OF ARIZONA )
) ss.
County of Yavapai )

SHEILA M. CAHILL, having been duly sworn upon her oath, deposes and states as follows:

1. I am over eighteen (18) years of age and have personal knowledge of the matters set forth herein.

9. In all of Coyote Springs, we were only able to find 30 non-vacant properties, which is less than ten percent (10%) of the total properties in Coyote Springs that we viewed, that do not appear to have a violation of the Declaration. Thus, approximately 90 percent (90%) of the properties we viewed in Coyote Springs appear to violate the Declaration.

10. During my investigation, my staff and I observed numerous apparent violations of paragraphs 6, 7(a), 7(b), 7(c) 7(e), 8, 9, 12, 13 and 16 of the Declaration. Almost all of the properties have a propane tank in open view. Others have other violations such as trash receptacles being in open view; junk and abandoned vehicles being on the property; dwellings on the property without a residence being erected; travel trailers or campers on the property; two residences on the same property; or they have more than one violation on the same property. On some of them, the residences themselves are falling apart and are unlivable. Below is a listing of specific examples of violations of the Declaration noted and observed that in our view were obvious based upon our visual inspections:

| | | |
|---|---|---|
| Parcel 103-01-001T | - | Abandoned and unlivable trailer |
| Parcel 401-01-042D | - | Abandoned and boarded up |
| Parcel 401-01-042B | - | Residence on property along with a motor home which is also being lived in along with propane tanks for both. |
| Parcel 103-01-131E | - | Empty house; overgrown weeds |
| Parcel 103-01-131D | - | There is a "not for hire" truck there and a couch left in the yard. |
| Parcel 401-01-025 | - | Lots of trailers, trucks and other items |
| Parcel 401-01-090C | - | Two residences |

| | | |
|---|---|---|
| Parcel 401-01-019 | - | Appliances in the yard |
| Parcel 401-01-024B | - | Two residences - one shows as a guest house with the Yavapai County Assessor's Office |
| Parcel 401-01-036B | - | Trailer on the property has the slide out; possibly being lived in |
| Parcel 103-01-224A | - | House looks to be abandoned |
| Parcel 103-01-137 | - | People were unloading a large truck filled with tires, and there was an additional truck on the property, filled with tires. |
| Parcel 103-01-064A | - | Residents appear to be living in the travel trailer |
| Parcel 103-01-132 | - | There are two mobile homes affixed to this property, and there are numerous vehicles on the property. A business is being conducted from here. |
| Parcel 401-01-040H | - | Has not only a lot of junk but two abandoned school buses |
| Parcel 103-01-067C | - | Abandoned property |
| Parcel 401-01-028D | - | Multiple structures, trailers and other junk |
| Parcel 103-01-065F | - | Abandoned house and multiple vehicles |
| Parcel 103-01-065C | - | Multiple houses with addresses; face painting business; and tanks |
| Parcel 401-01-005U | - | Multiple propane tanks, recreational vehicles and junk |
| Parcel 103-01-129B | - | Broken down vehicles |
| Parcel 401-01-005V | - | Two houses |
| Parcel 103-01-061F | - | Trailers and junk |
| Parcel 103-01-074G | - | Trailers, propane tanks, run down house |
| Parcel 401-01-134 | - | This property has a residence and a rental house on the same property. |

| | | |
|---|---|---|
| Parcel 401-01-014 | - | There is a little shed type house on the property; it may not make the square footage mentioned in the restrictions for a structure. |
| Parcel 401-01-040A | - | Lots of trash, trailers and tanks |
| Parcel 103-01-083F | - | Trash, trucks and a possible refrigerator outside |
| Parcel 103-01-150C | - | Two houses |
| Parcel 103-01-186E | - | There is a big garage and two travel trailers, but there does not seem to be a residence, which is in violation |
| Parcel 103-01-077E | - | Only a little shed is on the property; no residence |
| Parcel 103-01-068 | - | Two residences |
| Parcel 103-01-080K | - | Strange little building, may not comply with structure square footage requirements |
| Parcel 103-01-092D | - | Blue shed and tank; no residence |
| Parcel 103-01-092E | - | Two residences |
| Parcel 103-01-113E | - | Abandoned buildings |
| Parcel 103-01-089L/E- | | Abandoned and demolished house; living in travel trailer or other structure on property, in violation, along with a lot of junk |
| Parcel 103-01-085D | - | Excessive amount of dogs and two houses; other violations |
| Parcel 103-01-113A | - | Excessive amount of dogs and kennels; other violations |
| Parcel 103-01-072J | - | Two houses |
| Parcel 103-01-103E | - | Trashed mobile home, propane tank and junk |
| Parcel 103-01-101J | - | Two houses, trailers, propane tanks |
| Parcel 103-01-057F | - | Numerous trailers, tanks and other items |

11. I also noted numerous properties where business and commercial activities are being conducted in apparent violation of paragraph 2 of the Declaration. To determine whether businesses or commercial activities are being operated on the Coyote Springs properties, we searched the records of the Arizona Secretary of State, the Arizona Corporation Commission, the Arizona Registrar of Contractors, and the Yavapai County Recorder's Office. Our search covered the period from January 1, 1970 to February 12, 2012.

12. Specific examples of business and commercial activities identified included the following:

Parcel 401-01-042B - There are several horse trailers on this property showing "Alvey Racing Diane Darrel Darcey" and "Saunders Racing Stables", along with the extra residences and all of the horses.

Parcel 103-01-084D - According to the Arizona Secretary of State, Bruce Friss-Pettitt, the owner of the parcel, has an active trademark under the name of "Round Logo, Red, Navy and Cream Colored with All New Again Paintless Dent Removal, Windshield Repair, Interior Repair, Paint Touchup". His address is listed in the corporate records as 8750 E. Faraway Place, in Prescott Valley, which is in Coyote Springs.

Parcel 103-01-078B - Daniel G. Belangeri, the owner, is involved in a lawsuit with Gloria A. Miller as Plaintiff, in the Yavapai County Superior Court case number CV 2003-0851. In that case, Gloria Miller alleges in her complaint that Mr. Belangeri operates a mobile home transportation company on and at the property.

Parcel 401-01-126A&B - Owned by the owners of Wargo Construction, Inc. and Wargo Masonry, Inc. In the records of the Arizona Registrar of Contractors, they list P.O. Box 725, Prescott, Arizona, but use a Prescott Valley phone number, 928-772-3210. The property has a block fence around it and the observation of the property revealed that it was being used as a storage facility for construction materials, supplies and vehicles.

Parcel 103-01-067F - The owners, Grant and Pamela Griffiths, have a company licensed with the Arizona Registrar of Contractors, and registered with the Arizona Corporation Commission, under the name of New Life Landscapes Inc. The address is listed as 8815 Spurr Lane, Prescott Valley, Arizona, which is the address in Coyote Springs.

Parcel 401-01-037B - The owners, Shawn Timothy Kilduff and Virginia Marie Kilduff, have two licenses with the Registrar of Contractors, and a corporate filing with the Arizona Corporation Commission, under the name of Custom Crete Inc., with their address showing as 9315 E. Spurr Lane, Prescott Valley, Arizona, which is in Coyote Springs.

Parcel 401-01-015C - Owned by Robert Taylor, he is licensed with the Registrar of Contractors, and listed with the Arizona Corporation Commission under the name of R T Contracting Specialists LLC, which appears to being operated at the property. He also owns Parcel 103-01-130E.

Parcel 401-01-015D - One of the owners of the property, Robert K. Gardiner, has a listing with the Arizona Corporation Commission under the name of Valley-to-Valley Transport, Inc. With the Secretary of State, he has registered the trade name Valley-to-Valley Transport/Feed, and shows himself as owner at the address of 9690 E. Plum Creek Way, Prescott Valley, which is in Coyote Springs.

Parcel 103-01-065H - William H. Jensen is running a ranching/livestock corporation from this property under the corporate name of Coyote Springs Llama Ranch, Inc.

Parcel 401-01-020E - The owners, Ross Rozendaal and Kara Rozendaal, are members of Dependable Dutchman Excavating, LLC, with the address of 9335 E. Turtle Rock Road, Prescott Valley, which is in Coyote Springs. They are listed with the Registrar of Contractors and the Arizona Corporation Commission.

Parcel 401-01-020D - The owners, Leo M. and Marilyn K. Murphy, are also members of Dependable Dutchman Excavating, LLC. There is also a

sign at the driveway which shows "Registered Quarter Horses Prescott Valley, AZ".

Parcel 401-01-005Z - Wiley L. Williams, the owner, currently has a corporation listed with the Arizona Corporation Commission, being Northern Arizona Hay, Inc. The domestic address of the corporation is listed as 9575 E. Turtle Rock, Prescott Valley, in Coyote Springs.

Parcel 103-01-133E - Arthur Gustafson, an owner of this property with his wife Debra Gustafson, have a listing with the Registrar of Contractors, Blackhawk Builders Inc., dba Blackhawk Construction. The property has on it plants, pallets, and buckets everywhere. It definitely looks like a nursery.

Parcel 103-01-056B - Michael Glennon and Diane Glennon, have a corporation listed to this address with the Arizona Corporation Commission under the name of Sparrow Lab, Inc.

Parcel 103-01-057F - Jimmy Ray Hoffman and Nancy Ethel Hoffman have a current license with the Registrar of Contractors, under the name of Hoffman Barns, being a dba of Hoffman Building and Barns, Inc. The Arizona Corporation Commission lists the type of business as Contractor, and the corporation is in good standing. There is also a Financing Statement recorded on June 28, 1996, against the Hoffmans, listing the Coyote Springs Road address, covering all equipment, etc., for their business.

Parcel 103-01-123D - The corporate records revealed that Michael T. Alexander and his wife, Kelly J. Alexander, use the address of 7515 Coyote Springs Road, Prescott Valley, for a corporation named Cobra Enterprises, Inc.

Parcel 103-01-073F - This is a church owned by Living Faith Inc.

Parcel 103-01-073D - Michael A. Kelly is currently listed with the Arizona Corporation Commission as the Statutory Agent, and Manager, of Northland Equipment Rental & Service, LLC. The address listed is 8920 Dreamy Draw Way, Prescott Valley, which is in Coyote Springs.

Parcel 103-01-001S - The address for the parcel is 8055 E. Dog Ranch Road. The Arizona Corporation Commission shows a Jared Lish with a business by the name of Cripple Creek Guide Services, LLC with this address. This parcel is actually owned by Linda McFarlin, who shows her mailing address as 11850 Coyote Springs Road, Prescott Valley, which does not exist according to the records of the Yavapai County Assessor. Linda McFarlin also has a business, which she runs out of her house, called LAM Investments LLC.

Parcel 103-01-131D - Owners Robert Kelley and Lisa Kelley owned Covenant Excavation Inc., which had two licenses: one for sewage treatment systems and the other for excavating, grading and oil surfacing, with the Arizona Registrar of Contractors. These licenses, however, were suspended in June of 2009 for non-renewal.

Parcel 103-01-001E - Bernard Carroll Simons and Carol Ceryes own this property. Mr. Simons owns Equipment Plus, and has a current license with the Arizona Registrar of Contractors for excavating, grading and oil surfacing, which has been renewed through February 28, 2013.

Parcel 103-01-001D - Dana S. Frank, DVM and her husband own P.V.P.C. It Forward, P.C., and runs it out of her house. It is veterinary medicine and animal care. The also own DNR Properties, LLC. Both companies have domestic addresses of 11600 Malouff, in Prescott Valley, according to records of the Arizona Corporation Commission.

Parcel 103-01-095K - Lori-Beth Anglin, one of the owners, is a real estate agent, but she seems to have an office that she works out of in town.

Parcel 401-01-042 - Diana K. Garcia and Robert L. Weaver run Orion Land Surveying, Inc. from this address.

Parcel 103-01-064J - Two businesses are registered to the owners of this property, being Picture This, LLC and P.V. Terra Visions, LLC, both with domestic addresses at this location. The owners are James Nardo and Cheryl Nardo.

Parcel 103-01-132 - Curtis Kincheloe is running Coyote Curts Auto Repair from this residence at 8950 E. Mummy View Drive, Prescott Valley.

Parcel 103-01-065C - A photograph of the FACE Painting trailer was taken at this address. It was found that Rex and Carrie Thompson own the business and work out of their house. The residence itself, however, is owned by Christine Bowra, Jeff Westra and Mychel Westra.

Parcel 103-01-056F - Leon and Noreen Vaughan own and run Arizona Alpacas & Flying "V" Alpacas at this location. They have been breeding alpacas since 1994 and breed and raise them currently. They have a trademark and a trade name at this address.

Parcel 401-01-038A - Michael and Julie Davis own this parcel, and Julie Davis works for Tarheel Towing, which is known as Rolaway Enterprises, Inc. There are vehicles from Tarheel Towing at this property, even though their office is elsewhere.

Parcel 103-01-002K - William Matthew Grace, also known as William M. Grace and W. Matthew Grace, run Calderaro Motor Sports LLC from this property.

Parcel 401-01-011A - Lloyd E. and Melva J. Self at 9250 Slash Arrow Drive, Prescott Valley, own and run Circle S Trucking LLC from this property.

Parcel 401-01-022B - Gary McCorkle does land surveying from this address; his business is called Advanced Surveys, Inc.

Parcel 103-01-089D - Christopher and Debra Vaughan run Coyote Springs Candleworks from this address.

Parcel 103-01-069H - Wendy L. Changose, who is now known as Wendy Dittbrenner, is running Peaceful Prairie Alpaca & Merino Ranch from this property, offering boarding and breeding services, owner support and fiber products.

Parcel 103-01-002Q - Kimberly Sharp is currently running Country Heritage Farm from this address.

Parcel 401-01-028A - JM Quarterhorses shows as being listed at this address

Parcel 103-01-113J - This is the Mountain View Paint Horse Ranch, owned by Sherry Marx.

Parcel 103-01-120 - Gwendolyn Anderson has a trade name registered for Coyote Springs Investments at this address, which is good until March 5, 2014.

Parcel 103-01-063C - Prescott Area Animal Lifesavers is running out of this address, adopting out pets.

Parcel 103-01-103A - Weir Stables

Parcel 401-01-134 - Automated Entry Services is being ran out of this parcel

13. Our investigation is on-going and we will update the foregoing findings as we move forward.

AFFIANT FURTHER SAITH NOT.

DATED this 16th day of October, 2012.

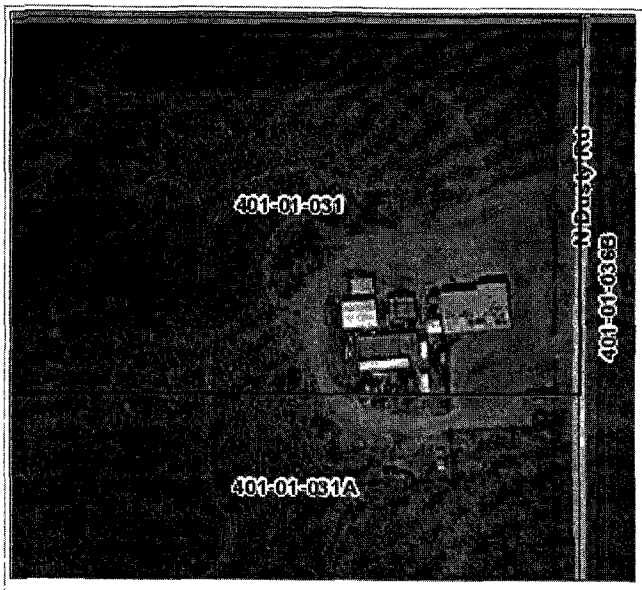
SHEILA M. CAHILL, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE me this 16 day of October, 2012, by SHEILA M. CAHILL.

Notary Public

ALFRED M. CEDRO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Commission Expires
September 26, 2016

YAVAPAI COUNTY GOVERNMENT




| Parcel ID | Check Digit |
|---|---|
| 401-01-031 | 9 |

**Owner**

STROM JAMES H & DORIS L JT

**Owner's Mailing Address**

5011 N CATTLEMEN DR
PRESCOTT VALLEY, AZ 86314

**Secondary Owner**

N/A

***Recorded Date***

1993-09-01

| Last Transfer Doc Docket | Last Transfer Doc Page |
|---|---|
| 2697 | 867 |

| Physical Address | Incorporated Area |
|---|---|
| 11240 N Dusty Rd | N/A |

| Assessor Acres | Subdivision | Subdivision Type |
|---|---|---|
| 4.71 | N/A | N/A |

| School District | Fire District | County Zoning Violation |
|---|---|---|
| Humboldt Unified SD #22 | Central Yavapai FD | Zoning Violation Exists |

***Improvements (2)***

**Type:** Mobile Home Yard Improvements
**Floor area:** 1
**Effective/constructed:** 1992

**Type:** Affixed Mobile Home
**Floor area:** 780
**Effective/constructed:** 1973

***Assessment***

| 2013 Full Cash Value | 2012 Full Cash Value |
|---|---|
| $60,731 | $63,302 |
| **2013 Limited Value** | **2012 Limited Value** |
| $60,731 | $63,302 |
| **2013 Assessment Ratio** | **2012 Assessment Ratio** |
| 10 | 10 |
| **2013 Legal Class** | **2012 Legal Class** |
| Primary Residence | Primary Residence |
| **2013 Net Assessed Full Cash Value** | **2012 Net Assessed Full Cash Value** |
| $6,073 | $6,330 |
| **2013 Net Assessed Limited Value** | **2012 Net Assessed Limited Value** |
| $6,073 | $6,330 |

***Taxes***

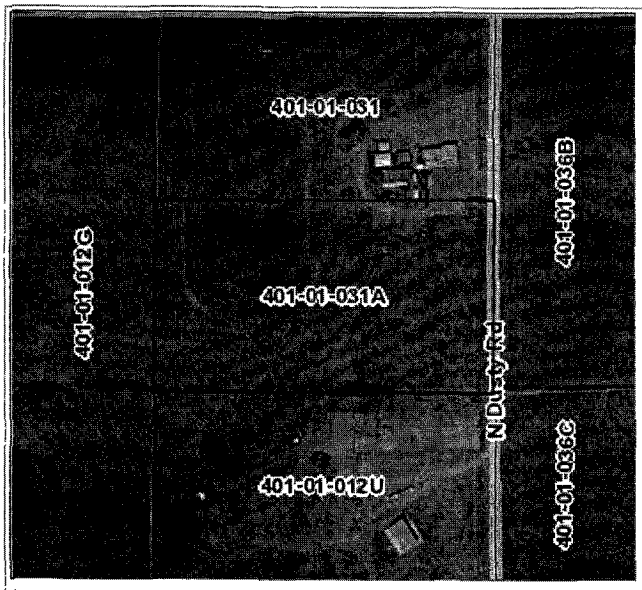
| Tax Area Code | 2012 Taxes Billed |
|---|---|
| 2292 | $673 |

| Recent Sale Date | Sale Amount |
|---|---|
| 1993-09-17 | N/A |

| Deed Type | Sale Docket | Sale Page |
|---|---|---|
| OTHER | 2697 | 867 |

**Disclaimer:** New Assessor Data is now being displayed as the County has successfully transferred into a new system. Any parcel information on this website that is not yet entered into the New Assessor system yet will not have parcel information. Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

YAVAPAI COUNTY GOVERNMENT




| Parcel ID | Check Digit |
|---|---|
| 401-01-031A | 8 |

**Owner**

STROM JAMES H & DORIS L JT

**Owner's Mailing Address**

5011 N CATTLEMEN DR
PRESCOTT VALLEY, AZ 86314

**Secondary Owner**

N/A

**Recorded Date**

N/A

| Last Transfer Doc Docket | Last Transfer Doc Page |
|---|---|
| N/A | N/A |

| Physical Address | Incorporated Area |
|---|---|
| N/A | N/A |

| Assessor Acres | Subdivision | Subdivision Type |
|---|---|---|
| 4.7 | N/A | N/A |

| School District | Fire District | County Zoning Violation |
|---|---|---|
| Humboldt Unified SD #22 | Central Yavapai FD | No Zoning Violation |

***Improvements (0)***

***Assessment***

| 2013 Full Cash Value | 2012 Full Cash Value |
|---|---|
| $18,200 | $16,600 |
| **2013 Limited Value** | **2012 Limited Value** |
| $18,200 | $16,600 |
| **2013 Assessment Ratio** | **2012 Assessment Ratio** |
| 16 | 16 |
| **2013 Legal Class** | **2012 Legal Class** |
| Vacant or Other | Vacant or Other |
| **2013 Net Assessed Full Cash Value** | **2012 Net Assessed Full Cash Value** |
| $2,912 | $2,656 |
| **2013 Net Assessed Limited Value** | **2012 Net Assessed Limited Value** |
| $2,912 | $2,656 |

***Taxes***

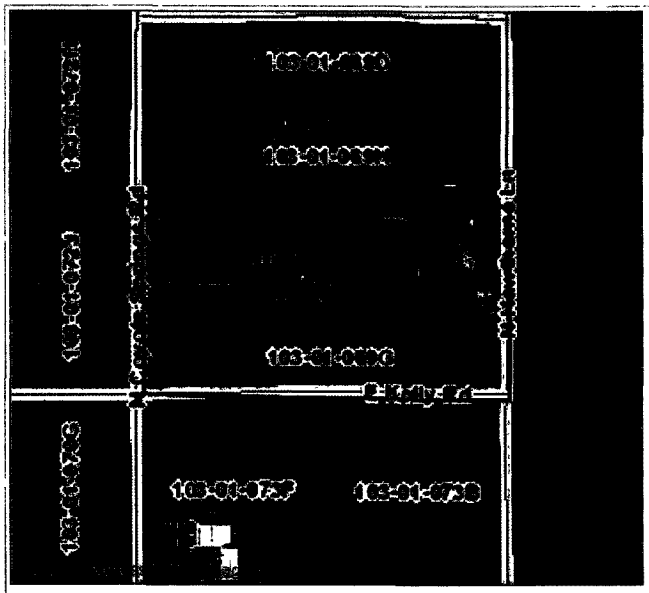
| Tax Area Code | 2012 Taxes Billed |
|---|---|
| 2292 | $324 |

| Recent Sale Date | Sale Amount |
|---|---|
| 1993-09-17 | N/A |

| Deed Type | Sale Docket | Sale Page |
|---|---|---|
| OTHER | 2697 | 867 |

**Disclaimer:** New Assessor Data is now being displayed as the County has successfully transferred into a new system. Any parcel information on this website that is not yet entered into the New Assessor system yet will not have parcel information. Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

YAVAPAI COUNTY



| Parcel ID | Check Digit |
|---|---|
| 103-01-069G | 0 |

**Owner**

PRESCOTT VALLEY GROWERS LLC

**Owner's Mailing Address**

6750 N VIEWPOINT DR
PRESCOTT VALLEY, AZ 86314

**Secondary Owner**

N/A

**Recorded Date**

2008-04-29

| Last Transfer Doc Docket | Last Transfer Doc Page |
|---|---|
| 4592 | 104 |

| Physical Address | Incorporated Area |
|---|---|
| 7325 N Coyote Springs Rd | N/A |

| Assessor Acres | Subdivision | Subdivision Type |
|---|---|---|
| 19.68 | ☐ (Recorded Docs) Coyote Springs LS 1/200 | L |

| School District | Fire District | County Zoning Violation |
|---|---|---|
| Humboldt Unified SD #22 | Central Yavapai FD | No Zoning Violation |

***Improvements (1)***

**Type:** Mobile Home Yard Improvements
**Floor area:** 1
**Effective/constructed:** 2001

***Assessment***

| 2013 Full Cash Value | 2012 Full Cash Value |
|---|---|
| $76,147 | $66,645 |
| **2013 Limited Value** | **2012 Limited Value** |
| $65,895 | $59,905 |
| **2013 Assessment Ratio** | **2012 Assessment Ratio** |
| 12.5 | 10.9 |
| **2013 Legal Class** | **2012 Legal Class** |
| Mixed | Mixed |
| **2013 Net Assessed Full Cash Value** | **2012 Net Assessed Full Cash Value** |
| $9,494 | $7,292 |
| **2013 Net Assessed Limited Value** | **2012 Net Assessed Limited Value** |
| $8,216 | $6,554 |

***Taxes***

| Tax Area Code | 2012 Taxes Billed |
|---|---|
| 2292 | $753 |

| Recent Sale Date | Sale Amount |
|---|---|
| 2010-07-22 | N/A |

| Deed Type | Sale Docket | Sale Page |
|---|---|---|
| QUIT CLAIM | 4753 | 820 |

**Disclaimer:** New Assessor Data is now being displayed as the County has successfully transferred into a new system. Any parcel information on this website that is not yet entered into the New Assessor system yet will not have parcel information. Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user

knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Ana Wayman-Trujillo, Recorder
OFFICIAL RECORDS OF YAVAPAI COUNTY
ADAMS & MULL QCD
B-4592 P-104
04/29/2008 03 08P
14 00 4231017

When Recorded, Mail to:
Jeffrey R. Adams, Esq.
ADAMS & MULL, PLLC
211 East Sheldon Road
First Floor
Prescott, AZ 86301

B-4592 P-104
Page: 1 of 2
QCD 4231017

FEE
$5
$8
$5
$1
$14

No Transfer Fee Necessary - Exempt Under A.R.S. § 11-1134(A)(4)

# QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of FIVE DOLLARS ($5.00) and other valuable consideration, Donald K. Cox and Catherine H. Cox, husband and wife (collectively, "Grantors"), do hereby convey to High C's, LLC, an Arizona limited liability company, all of Grantors' right, title and interest in the following real property situated in Yavapai County, Arizona:

See Exhibit "A" attached hereto.

DATED this 9 day of April, 2008.

GRANTORS:

Donald K. Cox

Donald K. Cox

Catherine H. Cox

Catherine H. Cox

STATE OF ARIZONA )
) ss.
COUNTY OF Maricopa)

On this 9 day of April, 2008, before me, the undersigned Notary Public, personally appeared Donald K Cox and Catherine H. Cox, husband and wife, known to me to be the person described in and who executed and acknowledged the foregoing instrument for the purposes therein contained.

SEAL IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

My Commission Expires:
10-20-2010

Unofficial Document

**Exhibit "A"**

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;

Thence 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.

Unofficial Copy