

SANDRA MEEKIAN, CLERK
FILED
MAR 26 2012

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BY: [Signature]

Hans Clugston, Esquire
(State Bar No. 019033)
HANS CLUGSTON, PLLC
1042 Willow Creek Road
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Prescott, AZ 86301
(928) 772-9696
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Counsel for Margaret Kozlowski and
Northern Arizona Fiduciaries, Inc.
(Cert. Fid. No. 20198; Carla M. Jones, Cert. Fid. No. 20276)

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

<p>JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; BECKY NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-vs-</p> <p>DONALD COX and CATHERINE COX, husband and wife,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. P1300CV20030399</p> <p>MOTION TO DISMISS MARGARET KOZLOWSKI (FOR REASON OF DEATH)</p> <p>(Hon. Kenton D. Jones, Div. 4)</p>
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Northern Arizona Fiduciaries, Inc., Trustee of the Margaret Kozlowski Living Trust, dated January 20, 2001, hereby moves to dismiss this lawsuit with prejudice against Margaret Kozlowski and/or the Margaret Living Trust because (a) Margaret Kozlowski died on October 1, 2011, and (b) the property at issue here (as to Margaret Kozlowski) has been sold. Accordingly, there is no longer any basis for the Estate of Margaret Kozlowski and/or the Margaret Kozlowski Living Trust to be involved in these proceedings. This Motion is supported as follows:

- Margaret Kozlowski filed her Answer herein on August 27, 2010, and authorized Northern Arizona Fiduciaries, Inc. to handle the litigation on her behalf as her Agent under a Durable Power of Attorney.

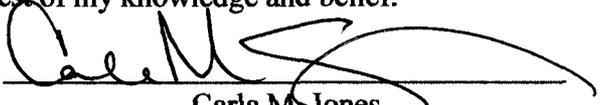
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VERIFICATION

STATE OF ARIZONA)
) ss.
County of Yavapai)

Carla M. Jones, President of Northern Arizona Fiduciaries, Inc., first being duly sworn, state as follows:

I am duly authorized to make this Verification of the foregoing. The statements in the foregoing are accurate and complete to the best of my knowledge and belief.

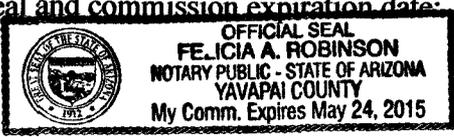


Carla M. Jones
President
Northern Arizona Fiduciaries, Inc.

SUBSCRIBED AND SWORN TO before me this 22nd day of March, 2012,
by Carla Jones


Notary Public

Seal and commission expiration date:



1 Copy of the foregoing mailed
this 26th day of March, 2012, to:

2 J. Jeffrey Coughlin
3 J. Jeffrey Coughlin PLLC
4 114 S. Pleasant Street
5 Prescott, AZ 86303
(Counsel for Plaintiffs Cundiff/Page)

6 Jeffrey R. Adams
7 Adams & Mull, PLLC
8 POB 1031
9 Prescott, AZ 86302
(Counsel for Defendants Cox)

10 David K. Wilhomsen, Esq.
11 Favour, Moore & Wilhelmsen, P.A.
12 P.O. Box 1391
13 Prescott, AZ 86302
(Counsel for James Varilek)

14 Northern Arizona Fiduciaries, Inc.
15 101 East Gurley, Ste. 211
16 Prescott, Arizona 86301

17 Mark W. Drutz, Esq.
18 Sharon Sargent-Flack, Esq.
19 Musgrove, Drutz & Kack, P.C.
20 P.O. Box 2720
21 Prescott, AZ 86302-2720
(Counsel for Robert D. Veres)

22 Noel J. Hebets, Esq.
23 Noel J. Hebets, PLC
24 127 E 14th Street
25 Tempe, AZ 8421
(Counsel for William M. Grace)

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

William H. "Bill" Jensen
2428 W Coronado Ave

- 1 Flagstaff, AZ 86001
- 2 Garry & Sabra Feddema
- 3 9601 E Far Away Place
- 4 Prescott Valley, AZ 86315
- 5 William R. and Judith K. Stegeman Trust
- 6 9200 E Far Away Place
- 7 Prescott Valley, AZ 86315
- 8 Karen L. and Michael P. Wargo
- 9 9200 E Spurr Lane
- 10 Prescott Valley, AZ 86315
- 11 Linda J. Hahn
- 12 10367 W Mohawk Ln
- 13 Peoria, AZ 85382
- 14 Sergio Martinez and Susana Navarro
- 15 10150 N Lawrence Ln
- 16 Prescott Valley, AZ 86315
- 17 Lloyd E. and Melva J. Self
- 18 9250 E Slash Arrow Dr
- 19 Prescott Valley, AZ 86315
- 20 Rynda and Jimmy Hoffman
- 21 9650 E. Spurr Ln
- 22 Prescott Valley, AZ 86315
- 23 William and Shaunla Heckethorn
- 24 9715 E Far Away Place
- 25 Prescott Valley, AZ 86315
- 26 Leo M. and Marilyn Murphy
- 9366 E Turtlerock Rd
- Prescott Valley, AZ 86315
- James C. and Leslie M. Richi
- 9800 E Plum Creek Wy
- Prescott Valley, AZ 86315
- Rhonda L. Folsom
- 9305 N Coyote Springs Rd
- Prescott Valley, AZ 86315-4517

1 Kenneth Paloutzian
8200 Long Mesa Dr
2 Prescott Valley, AZ 86315

3 Bonnie Rosson
8950 E Plum Creek Wy
4 Prescott Valley, AZ 86315

5 John and Rebecca Feddema
9550 E Spurr Ln
6 Prescott Valley, AZ 86315

7 Robert Lee Stack and Patti Ann Stack
8 Trustee of the Robert Lee and Patti Ann Trust
Utd March 13, 2007
9 10375 Lawrence Ln
10 Prescott Valley, AZ 86315

11 John D. and Dusti L. Audsley
10500 N Orion Wy
12 Prescott Valley, AZ 86315

13 Dane E. and Sherrilyn G. Tapp
8595 E Easy Street
14 Prescott Valley, AZ 86315

15 Richard and Beverly STrissel
9350 E Slash Arrow Dr
16 Prescott Valley, AZ 86314

17 Jesus Manjarres
18 105 Paseo Sarta #C
19 Green Valley, AZ 85614

20 Nicholas Corea
4 Denia
21 Laguna Nigel, CA 92677

22 Jack and Dolores Richardson
505 Oppenheimer Drive, #4
23 Los Alamos, NM 87544

24 Eric Cleveland
9605 E Disway
25 Prescott Valley, AZ 86315
26

Robert and Patricia Janis
7685 N Coyote Springs Rd
Prescott Valley AZ 86315

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Leslie M. Hoffman
OFFICIAL RECORDS OF YAVAPAI COUNTY \$12.00
PIONEER TITLE AGENCY INC 2012-0004184

at the request of Pioneer Title Agency, Inc.

When recorded mail to
Richard Recano
14090 E. Camino Place
Fontana, CA 92337

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B: 4858 P: 138 01/26/2012 11:22:46 AM SWD
\$12 00 Page: 1 of 5 2012-0004184



Tax Code: 103-01-150B

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations,

Northern Arizona Fiduciaries, Inc. an Arizona Corporation, as Trustee of the Margaret Kozlowski Living Trust, dated January 10, 2001

hereafter called the Grantor, hereby conveys to

Richard Recano and Regina M. Recano, Husband and Wife

the following real property situated in Yavapai County, Arizona, together with all rights and privileges appurtenant thereto, to wit:

See Exhibit A attached hereto and made a part hereof.

Pursuant to ARS 33-404, the names and address of the beneficiaries of the herein named trust are:

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against its acts only and none other.

DATED January 18, 2012

Margaret Kozlowski Living Trust

By: Carla M. Jones, President
of Northern Arizona Fiduciaries, Inc. an
Arizona Corporation, as Trustee of
The Margaret Kozlowski Living Trust, dated
January 10, 2001



State of Arizona }
 } ss.
County of Yavapai }

The foregoing instrument was acknowledged before me this 24th day of January, 2012, by Carla M. Jones, President of Northern Arizona Fiduciaries, Inc. an Arizona Corporation, as Trustee of The Margaret Kozlowski Living Trust, dated January 10, 2001.

NOTARY PUBLIC

My commission expires:

THIS NOTARY CERTIFICATE IS TO BE ATTACHED TO: Special Warranty Deed

Date of Document: January 24, 2012 / Consisting of 3 pages

Parties to Document:

Richard Recano and Regina M. Recano

Northern Arizona Fiduciaries, Inc. an Arizona Corporation

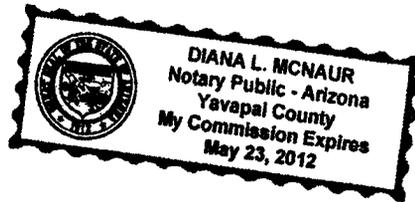




Exhibit A

PARCEL I:

The Northwest quarter of the Northeast quarter of the Southwest quarter of Section 12, Township 15 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPT 1/2 of all oil, gas, coal and minerals as reserved in Book 115 of Official Records, page 577, records of Yavapai County, Arizona.

PARCEL II:

An easement for ingress, egress and utilities over the property described in instrument recorded in Book 921 of Official Records, page 577, records of Yavapai County, Arizona.

00356065-DIC

ACCEPTANCE OF COMMUNITY PROPERTY
WITH RIGHT OF SURVIVORSHIP
(Deed)

Richard Recano and Regina M. Recano, Husband and Wife, each being first duly sworn upon oath each for himself or herself and jointly but not one for the other deposes and says:

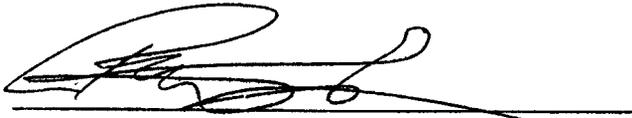
THAT I am one of the Grantees named in that certain Deed attached hereto and which is dated January 18, 2012 and executed by Carla M. Jones, President of Northern Arizona Fiduciaries, Inc. an Arizona Corporation, as Trustee of the Margaret Kozlowski Living Trust, dated January 10, 2001, as Grantors, to Richard Recano and Regina M. Recano, Husband and Wife, as Grantees, and which conveys certain premises described as:

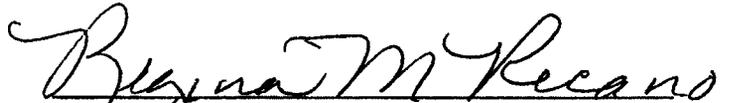
See Exhibit A attached hereto and made a part hereof.

to the Grantees named therein, not as Tenants in Common nor as a Community Property Estate nor as Joint Tenants with Right of Survivorship, but as Community Property with Right of Survivorship.

THAT each of us individually and jointly as Grantees hereby assert and affirm that it is our intention to accept said conveyance as Community Property with Right of Survivorship and to acquire any interest we may have in said premises under the terms of said Deed as Community Property with Right of Survivorship.

DATED: January 18, 2012


Richard Recano


Regina M. Recano

State of California }
County of Los Angeles } ss.

The foregoing instrument was acknowledged before me this 20th day of Jan, 2012, by Richard Recano and Regina M. Recano.

My commission expires:


NOTARY PUBLIC



Exhibit A

PARCEL I:

The Northwest quarter of the Northeast quarter of the Southwest quarter of Section 12, Township 15 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPT 1/2 of all oil, gas, coal and minerals as reserved in Book 115 of Official Records, page 577, records of Yavapai County, Arizona.

PARCEL II:

An easement for ingress, egress and utilities over the property described in instrument recorded in Book 921 of Official Records, page 577, records of Yavapai County, Arizona.