

2010 JUL -2 PM 05 ✓

SANDRA E. HARRIS, CLERK  
BY: T. SENA

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4 Prescott, Arizona 86303  
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6 Facsimile: (928) 778-5891  
7 j.coughlin@azbar.org  
8 Attorney for Plaintiffs

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

**AFFIDAVIT OF DAVID K.  
WILHELMSSEN IN SUPPORT  
OF APPLICATION FOR  
ATTORNEYS' FEES AND  
COSTS**

22 STATE OF ARIZONA )  
23 ) ss.  
24 County of Yavapai )

- 25 1. I was an attorney for the Plaintiffs in this action from June 2003 to June of 2009.
- 26 2. I have been substantially involved in this case and have personal knowledge of  
27 the legal services rendered.
- 28 3. I billed 529.9 hours in connection with this matter, 411.6 hours were billed at my  
29 hourly billing rate of \$245.00. My firm implemented billing rate increases on July 4, 2008 and  
30 117.9 hours were billed at my new hourly billing rate of \$295.00. I am currently practicing law  
31 in Prescott, Arizona as a partner and shareholder with the law firm of Favour & Wilhelmsen,

1 PLLC. My principal area of practice is commercial real estate litigation. I have been licensed  
2 to practice law in the State of Arizona since October 17, 1981.

3 4. My associate, Marguerite Kirk, billed 473.3 hours in connection with this matter.  
4 311.7 hours were billed at her hourly billing rate of \$185.00. My firm implemented billing rate  
5 increases on July 4, 2008 and 4.3 hours were billed at her new hourly billing rate of \$225.00.  
6 Ms. Kirk's rate again increased on August 29, 2008 because of market changes. She billed  
7 157.3 hours at her new billing rate of \$245.00.

8 5. My paralegals billed the following hours in connection with this matter

9 Cindy Bowman	80 hrs @ \$105/hr
	107.3 hrs @ \$115/hr
10 Kelly Leven	9.7
11 Elise Moore	8.1
12 Rochelle Hoekstra	34.0
13 Rebecca Middlemore	34.5
14 Janice Eckle	193 hrs @ \$115/hr
	40.3 hrs @ \$95/hr
15 Marijane Wilhelmsen	2.4

16 6. The Client has agreed to or has paid the hourly billing rates for myself, my  
17 associate and my paralegals. The hourly billing rates are as follows:

<u>Attorney</u>	<u>Hourly Rate</u>
18 9/4/2003 – 7/3/2008	
19 David K. Wilhelmsen	\$ 245.00
20 Marguerite Kirk	\$ 185.00
21 7/4/2008 – 4/9/2009	
22 David K. Wilhelmsen	\$ 295.00
23 7/4/2008 – 8/28/2008	
24 Marguerite Kirk	225.00
25 8/29/2008 – 6/3/2009	
Marguerite Kirk	245.00

1 The billing rates in this case for paralegals are as follows:

2	Cindy Bowman	\$ 105.00
3	Kelly Leven	50.00
4	Elise Moore	75.00
5	Rochelle Hoekstra	115.00
6	Rebecca Middlemore	115.00
7	Janice Eckle	95.00
8	Marijane Wilhelmsen	115.00

9 Rate change on 9/1/2008 for:

10	Janice Eckle	115.00
11	Cindy Bowman	115.00

12 I consider these billing rates to be reasonable, given due consideration to my ability,  
13 training, education, experience, skill and professional standing, the intricacy and difficulty of the  
14 work performed, the time and skill required, the responsibility imposed and the result obtained.

15 These hourly rates are also comparable to the hourly rates prevailing in this community for  
16 similar work.

17 7. Attached to this Affidavit as Exhibit 1 is an itemization of legal services rendered  
18 in this matter. This itemization was provided from billing records which are regularly prepared  
19 in the course of firm business.

20 8. The Client has paid or agreed to pay the total charges for the itemized services set  
21 forth in Exhibit 1.

22 9. As a result of this action, the Client has incurred legal fees for services rendered  
23 by my firm in the amount of \$287,697.00. My firm agreed to write off a total of \$28,710.48 in  
24 fees incurred. Therefore, the total fees billed to and paid by the client was \$258,986.52.

25 10. In my opinion, the expenses and services set forth in Exhibit 1 were actually,  
reasonably and necessarily incurred in the prosecution of this action. No time spent in this  
action was wasted, inappropriate or unnecessary.

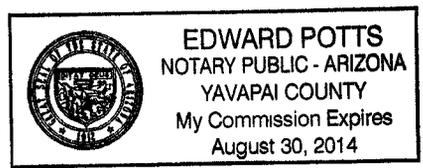
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[Signature]  
David K. Wilhelmsen

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of July, 2013 by  
David K. Wilhelmsen.

[Signature]  
Notary Public

My Commissions Expires:  
August 30, 2014



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Mr. and Mrs. John Cundiff  
7460 North Coyote Springs Rd  
Prescott Valley AZ 86314  
USA

v. Donald and Katherine Cox  
Deed Restriction Enforcement

Page 1  
09/04/03  
FILE NO: 10641-001M  
STATEMENT NO: 1

	HOURS
06/23/03 RMH Return call to Alfie re representation; review file; telephone call to Alfie; receive and briefly review complaint and answer.	0.60
06/27/03 RMH Telephone call to clerk's office.	0.20
07/03/03 DKW Conference with Alfie Ware re: representing the Coyote Springs Owners Association; Telephone Bob Laundress to discuss the case.	0.80
RMH Conference with DKW; work on letter to Michael Burke.	0.80
07/09/03 DKW Receive and review the FAX from Alfie.	0.20
07/11/03 DKW Telephone conference with Alfie Ware.	0.40
07/30/03 DKW Prepare for and attend the initial client conference.	2.00
07/31/03 DKW Telephone conference with Kathy Page.	0.20
08/05/03 DKW Telephone conference with Kathy Page.	0.30
DKW Telephone conference with opposing counsel.	0.40
DKW Telephone conference with the opposing counsel; Review portions of the materials supplied by the client.	1.00
JSE Receive information, explanation and instruction from DKW re CUNDIFF Coyote Springs deed-restrictions dispute; receive additional information from RH.	1.00
08/06/03 DKW Receive and review Laundress's letter.	0.30

v. Donald and Katherine Cox  
Deed Restriction Enforcement

	HOURS
08/11/03 DKW Prepare a Notice of Appearance.	0.40
08/12/03 DKW Telephone conference with Mike Burk (Cundiff adv. Cox)	0.20
DKW Telephone conference with Kathy Paige re mediation. (Cundiff v. Cox)	0.20
08/13/03 DKW Telephone call from Alfie Ware (Cundiff v. Cox)	0.30
08/14/03 DKW Review the detailed message from Laundress. (Cunduff v. Cox)	0.60
08/15/03 JSE Draft correspondence to all clients re OSC, meeting and mediation; review new file materials.	0.40
08/18/03 DKW Review the OSC papers; Telephone conferences with Kathy Page and Mike Bourke; Forward a message to the judicial clerk; Prepare a confirming letter to the client.	1.80
JSE Telephone call to court re OSC hearing; draft stipulation and order for vacation of hearing; instructions to staff re signature and handling; telephone call from Bourke.	0.80
08/19/03 DKW Receive, review and send the client a copy of James Hancock's 8/15/03 correspondence.	0.20
JSE Telephone call to court re no appearance for stipulation; draft motion to vacate OSC and order; new instructions to staff re handling and service; revise and finalize all.	1.00
08/20/03 DKW Review and dispatch the stipulation to dismiss; Telephone conference with Mike Bourke.	0.60
DKW Review and dispatch correspondences to Cundiff, Nash and Paige.	0.60
08/22/03 DKW Forward messages to the client; Review the file and provide instructions to my assistant.	0.80
08/25/03 DKW Work on the Sublease Agreement.	1.70
DKW Receive the sale information from CC regarding the Chino Valley Store; Review the sale terms with my assistant. (Ware -- Sale of Chino Valley Liquor Barn)	1.00
PROFESSIONAL SERVICES RENDERED	18.80
	3,886.00

Mr. and Mrs. John Cundiff

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09/04/03

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v. Donald and Katherine Cox  
Deed Restriction Enforcement

08/08/03	Photocopy costs	4.20
08/11/03	Photocopy costs	2.40
08/11/03	Postage	4.66
08/19/03	Postage	1.11
08/19/03	Postage	0.83
08/22/03	Postage	1.11
08/26/03	Photocopy costs	5.40
		<hr/>
	TOTAL EXPENSES	19.71
	TOTAL CURRENT WORK	3,905.71
	BALANCE DUE	<u>\$3,905.71</u>

\*PAYMENT IS DUE UPON RECEIPT OF STATEMENT\*  
\*PLEASE INCLUDE FILE NUMBER TO INSURE PROPER CREDIT\*

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Page 1  
10/24/03  
FILE NO: 10641-001M  
STATEMENT NO: 2

	HOURS
09/03/03 JSE Receive and review correspondence from attorney Bourke and lists of businesses.	0.40
09/05/03 JSE Office discussion with DKW re pending mediation; review file materials and prepare file for mediation.	1.00
09/08/03 DKW Receive a call from Alfie Ware and review portions of the file in anticipation of the mediation conference.	1.00
JSE Final preparation for mediation.	0.60
09/09/03 DKW Prepare for and attend the mediation conference.	3.50
JSE Receive and review defense photographs and instructions from DKW re online research of commercial violations outlined by defense; online research of parcels listed by defense; map and identify; continued discussions with DKW re identification of parcels in violation.	4.20
JSE Receive and review court order vacating OSC.	0.30
09/10/03 JSE Prepare explanatory exhibit cover sheets for each of defendants' exhibit photographs; prepare log of all photographs; study nature and locations of alleged violations of CC&R's and note conflicting evidence in photographs.	5.20
09/11/03 JSE Prepare table of violations claimed by defendants; online research in attempt to secure subdivision plat map; telephone call to Yavapai County cartographer re subdivision map; instructions to Cindy re obtaining map at county offices; receive report back from Cindy re no recorded subdivision map at county; telephone call to	

10/24/03

FILE NO: 10641-001M

STATEMENT NO: 2

- Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

	HOURS	
09/18/03 DKW Telephone conference with Alfie.	0.30	
PROFESSIONAL SERVICES RENDERED	20.80	2,696.00
08/25/03 DKW Fee adjustment - error in billing.	-1.70	-416.50
DKW Fee adjustment - error in billing.	-1.00	-245.00
TOTAL CREDITS FOR FEES	-2.70	-661.50
09/03/03 Postage		1.11
TOTAL EXPENSES		1.11
TOTAL CURRENT WORK		2,035.61
PREVIOUS BALANCE		\$3,905.71
BALANCE DUE		<u>\$5,941.32</u>

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Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
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 01/16/2004  
 FILE NO: 10641-0011  
 STATEMENT NO: 4

PREVIOUS BALANCE \$6,259.82

		Rate	HOURS	
10/30/2003	RH Telephone call to Alfie re results of the business investigation (no charge).	95.00	0.20	
	DKW Forward a message to and receive a detailed message from Alfie.	245.00	0.20	
11/12/2003	DKW Prepare for and attend office conference.	245.00	1.30	
11/14/2003	DKW Review portions of the information supplied by the client.	245.00	1.00	
01/05/2004	DKW Telephone call from Alfie Ware.	245.00	0.30	
01/14/2004	DKW Telephone conference with Mike Bourke.	245.00	0.30	
	PROFESSIONAL SERVICES RENDERED		<u>3.30</u>	<u>759.50</u>

11/14/2003	Postage			1.20
11/14/2003	Postage			<u>2.90</u>
	TOTAL EXPENSES			4.10

09/09/2003	Professional services - Hancock Arbitration and Mediation			<u>200.00</u>
	TOTAL ADVANCES			200.00
	TOTAL CURRENT WORK			963.60

12/18/2003 Payment received - Thank you CK# 1687 -318.50

BALANCE DUE \$6,904.92

Mr. and Mrs. John Cundiff

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02/02/2004  
FILE NO: 10641-0011  
STATEMENT NO: 5

PREVIOUS BALANCE \$6,904.92

			Rate	HOURS	
01/05/2004	JSE	Receive instructions from DKW re Ware inquiries.	95.00	0.30	
		PROFESSIONAL SERVICES RENDERED		0.30	28.50

01/16/2004		Postage			1.85
		TOTAL EXPENSES			1.85

TOTAL CURRENT WORK 30.35

BALANCE DUE \$6,935.27

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Mrs. Kathryn Page  
14810 N. 18th Place  
Phoenix AZ 85022  
USA

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03/04/04  
FILE NO: 10641-001M  
STATEMENT NO: 6

v. Donald and Katherine Cox  
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	HOURS	
02/09/04 DKW Prepare for the mediation conference.	2.20	
02/10/04 DKW Prepare for and attend the mediation conference.	5.00	
02/11/04 DKW Prepare a memorandum of issues and provide information to Marguerite.	0.70	
MAK Research re waiver/abandonment of deed restriction; and, expansion of non-conforming use.	1.70	
02/12/04 MAK Research (cont) re expansion of non-conforming deed restriction use of property.	2.00	
PROFESSIONAL SERVICES RENDERED	11.60	2,620.00
02/11/04 Professional services - Hancock Arbitration and Mediation		300.00
TOTAL ADVANCES		300.00
TOTAL CURRENT WORK		2,920.00
PREVIOUS BALANCE		\$6,935.27
02/05/04 Payment received - Thank you CK# 1709		-6,904.92
BALANCE DUE		<u><u>\$2,950.35</u></u>

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v. Donald and Katherine Cox  
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04/07/2004  
FILE NO: 10641-0011  
STATEMENT NO: 7

PREVIOUS BALANCE \$2,950.35

			Rate	HOURS
03/02/2004	MAK	Research (cont) re waiver/abandonment of CC&R through permissible expansion of nonconforming use.	185.00	2.30
03/03/2004	DKW	Telephone conference with Jeff Adams re: his involvement in the case.	245.00	0.20
	DKW	Analyze and review the file status and outline strategy.	245.00	1.00
	MAK	Research (cont) re waiver of restrictions through permissible nonconforming use.	185.00	1.00
03/05/2004	MAK	Research (cont) re issue of expansion of nonconforming use of restriction on land.	185.00	2.70
03/08/2004	MAK	Prepare research memorandum re waiver/acquiescence of prior nonconforming use.	185.00	2.10
	DKW	Research issues relating to the scope of the use.	245.00	1.50
03/09/2004	DKW	Receive, review and send the client a copy of Jeff Adams correspondence.	245.00	0.20
	MAK	Review pleadings filed by former counsel.	185.00	0.30
	DKW	Research and analyze the issue as to the scope of the waiver.	245.00	2.30
03/10/2004	MAK	Review remainder of file (exhibits, photographs, CC&R's, correspondence, etc.)	185.00	2.00
	MAK	Review case law re amending complaint for additional causes of action.	185.00	2.00
03/11/2004	MAK	Work on complaint and further research.	185.00	4.10
03/13/2004	MAK	Work on amended complaint and motion to amend.	185.00	2.80



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Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
 Deed Restriction Enforcement

		Rate	HOURS	
PREVIOUS BALANCE				\$9,945.35
04/19/2004	DKW Receive, review and send the client a copy of the Acceptance of Service; File the original Acceptance of Service.	245.00	0.40	
	DKW Prepare instructions to my assistant; Review the file.	245.00	0.80	
04/26/2004	MAK Prepare application for preliminary injunction.	185.00	3.20	
	MAK Prepare order setting date of hearing re application for preliminary injunction.	185.00	0.20	
	MAK Prepare motion to advance trial date and consolidate with hearing on preliminary injunction.	185.00	0.50	
	MAK Prepare motion to set and certificate of readiness.	185.00	0.30	
	DKW Review the file and outline the discovery to be performed; Provide instructions to my assistant.	245.00	1.00	
PROFESSIONAL SERVICES RENDERED			6.40	<u>1,316.00</u>
04/19/2004	Photocopy costs			<u>1.00</u>
	TOTAL EXPENSES			1.00
	TOTAL CURRENT WORK			1,317.00
04/09/2004	Payment received - Thank you CK# 1734			-2,950.35
	BALANCE DUE			<u>\$8,312.00</u>

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STATEMENT NO:

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Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
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PREVIOUS BALANCE \$8,312.00

		Rate	HOURS
04/29/2004	DKW Work on the Petition for Preliminary Injunction and Motion to Set.	245.00	2.00
04/30/2004	DKW Conference with my assistant and forward the OSC papers for filing.	245.00	0.60
05/03/2004	DKW Forward messages to and receive messages from Jeff Adam's office re: deposition scheduling.	245.00	0.40
05/04/2004	DKW Telephone conference with Alfie.	245.00	0.20
	DKW Forward a message to and receive a message from Jeff Adams.	245.00	0.30
05/07/2004	DKW Receive, review and send the clients copies of the Controverting Certificate and Demand for Jury Trial.	245.00	0.40
	DKW Receive messages from and forward messages to Jeff Adams office; Review the authorities on expansion of an existing nonconforming use.	245.00	1.60
05/10/2004	DKW Receive, review and send the client a copy of the Notice of Change of Judge.	245.00	0.20
	DKW Receive, review and send the client a copy of Adam's secretary's 5/6/04 correspondence.	245.00	0.20
05/12/2004	DKW Provide instructions to my assistant for depositions to be scheduled.	245.00	0.40
05/13/2004	DKW Receive, review and send the client a copy of the Court's 5/10/04 minute order.	245.00	0.20
	DKW Telephone call from Jeff Adams.	245.00	0.30
	DKW Forward messages to the clients and receive return messages from them.	245.00	0.30

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS	
05/14/2004	MAK Telephone call from opposing counsel re stipulation on abandonment of above-ground water storage CC&R; stipulation to withdraw preliminary injunction in exchange for opposing party not agreeing to expand current business pending final resolution of the matter.	185.00	0.20	
05/17/2004	DKW Telephone conference with Alfie	245.00	0.20	
	DKW Analyze and review the law relating to "waiver" and "abandonment" of restrictive covenants.	245.00	1.00	
05/18/2004	DKW Conference with Alfie.	245.00	0.30	
05/19/2004	DKW Research the issue of waiver.	245.00	1.00	
05/20/2004	DKW Telephone conference with Jeff Adams.	245.00	0.30	
	DKW Work on scheduling depositions.	245.00	0.30	
05/25/2004	DKW Receive, review and send the client a copy of the Answer to Amended Complaint.	245.00	0.50	
	PROFESSIONAL SERVICES RENDERED		<u>10.90</u>	<u>2,658.50</u>
04/30/2004	Postage			258.00
04/30/2004	Photocopy costs			26.40
05/05/2004	Telephone expense			2.00
05/07/2004	Telephone expense			2.00
05/07/2004	Photocopy costs			2.40
05/11/2004	Photocopy costs			1.80
05/12/2004	Telephone expense			2.00
05/19/2004	Photocopy costs			2.40
05/25/2004	Postage			0.60
05/25/2004	10252.003			0.60
05/25/2004	Postage			0.60
05/25/2004	Photocopy costs			1.00
05/26/2004	Photocopy costs			2.00
	TOTAL EXPENSES			<u>301.80</u>
	TOTAL CURRENT WORK			2,960.30
05/25/2004	Payment received - Thank you CK# 1749			-8,312.00
	BALANCE DUE			<u>\$2,960.30</u>

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Page 1  
07/15/2004  
FILE NO: 10641-0011  
STATEMENT NO: 10

PREVIOUS BALANCE \$2,960.30

			Rate	HOURS
06/01/2004	DKW	Receive, review and send the clients copies of the Notices of Deposition for the Pages, the Cundiffs and Nash.	245.00	0.40
06/02/2004	MAK	Receive and review proposed stipulation and form of order.	185.00	0.30
	MAK	Telephone call to opposing counsel re proposed change to form of order; e-mail same to opposing counsel.	185.00	0.20
06/03/2004	DKW	Telephone conference with Alfie.	245.00	0.20
06/07/2004	DKW	Telephone conference with Alfie.	245.00	0.20
06/15/2004	DKW	Receive, review and send the client copies of the Amended Notices of Deposition.	245.00	0.40
06/17/2004	DKW	Telephone conference with Alfie.	245.00	0.20
06/21/2004	MAK	Prepare for defendants' depositions.	185.00	4.10
	MAK	Office conference with clients re depositions.	185.00	0.70
06/22/2004	MAK	Attend depositions of Catherine and Donald Cox; discuss potential settlement with opposing counsel.	185.00	8.20
	DKW	Review portions of the file and discuss the case with Marguerite.	245.00	1.00
	KL	Research for opposing party's parcel and property information via internet; telephone call to Capital Title re escrow file; return call to Capital Title re escrow file and need subpoena.	50.00	0.60
06/23/2004	DKW	Conference with my assistant; Review the file; Review and dispatch correspondences to Palmer Investigative and Capital Agency along with the		

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS	
	Subpoenas.	245.00	1.00	
	MAK Attend depositions of Catherine and Ken Page.	185.00	6.00	
	DKW Analyze and review the matters raised in depositions; Conference with Marguerite.	245.00	1.00	
	KL Complete subpoena duces tecum to Capital title; prepare notice for deposition for subpoena duces tecum; correspondence to custodian of records re subpoena duces tecum; correspondence to Palmer's re service of subpoena duces tecum.	50.00	0.60	
06/24/2004	MAK Conference with clients to discuss potential disqualification of opposing counsel for conflict of interest; telephone call from Jeff Adams and John Mull re their position that there is no conflict & demanding that depo's proceed.	185.00	1.20	
	MAK Correspondence to opposing counsel re confirmation of telephone conversations on June 23 & 24 concerning potential conflict of interest and continuance of depositions scheduled for today.	185.00	1.00	
	MAK Telephone call to Capital Title re confirmation in escrow file that opposing party actually received declaration of restrictions at time of closing.	185.00	0.20	
	MAK Correspondence to opposing counsel re conducting further discovery pending judicial resolution of opposing counsel's disqualification.	185.00	0.30	
	MAK Research re motion to disqualify opposing counsel.	185.00	3.00	
	DKW Conference with my assistant; Review the ethical provisions relating to conflict of interest.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		<u>31.80</u>	<u>6,045.00</u>
06/01/2004	FAX			5.00
06/01/2004	Photocopy costs			6.00
06/01/2004	Postage			1.80
06/01/2004	Telephone expense			4.00
06/07/2004	Postage			0.97
06/07/2004	Photocopy costs			5.00
06/09/2004	Telephone expense			2.00
06/15/2004	Postage			2.03
06/15/2004	Photocopy costs			5.60
06/16/2004	Telephone expense			4.00
06/22/2004	Telephone expense			2.00
06/22/2004	Photocopy costs			2.40
06/24/2004	Postage			2.03

v. Donald and Katherine Cox  
Deed Restriction Enforcement

06/24/2004	Postage	1.11
06/24/2004	Photocopy costs	10.40
06/24/2004	FAX	16.00
06/24/2004	FAX	2.00
06/24/2004	FAX	8.00
	<b>TOTAL EXPENSES</b>	<b>80.34</b>
06/23/2004	Issuance of subpoena - Clerk of Superior Court - Yavapai County	18.00
06/24/2004	Service fee - Palmer Investigative Services	40.00
	<b>TOTAL ADVANCES</b>	<b>58.00</b>
	<b>TOTAL CURRENT WORK</b>	<b>6,183.34</b>
07/13/2004	Payment received - Thank you CK# 1767	-2,960.30
	<b>BALANCE DUE</b>	<b><u>\$6,183.34</u></b>

**\*PAYMENT IS DUE UPON RECEIPT OF STATEMENT\***  
**\*PLEASE INCLUDE FILE NUMBER TO INSURE PROPER CREDIT\***  
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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

FILE NO:  
STATEMENT NO:

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

PREVIOUS BALANCE \$6,183.34

			Rate	HOURS
06/25/2004	MAK	Prepare motion to disqualify opposing counsel and motion for protective order.	185.00	2.00
06/28/2004	MAK	Prepare (cont) motion to disqualify and motion for protective order.	185.00	2.50
06/29/2004	MAK	Prepare (cont) motion to disqualify and motion for protective order.	185.00	1.00
06/30/2004	DKW	Telephone conference with Jeff Adams.	245.00	0.40
	MAK	Correspondence to opposing counsel re conduct during depositions. (N.C.)	185.00	0.60
	MAK	Revise and finalize motion to disqualify and motion for protective order.	185.00	2.10
07/01/2004	MAK	Work on requests for production of documents to defendants.	185.00	0.40
	MAK	Correspondence to opposing counsel re discovery dispute.	185.00	0.40
	DKW	Research issues relating to enforcement of the restrictive covenants; Review portions of the file.	245.00	2.20
07/06/2004	DKW	Receive, review and send the client a copy of the affidavit of service upon Realty Executives.	245.00	0.20
	DKW	Analyze and review the discovery disclosures.	245.00	1.00
07/07/2004	DKW	Telephone conference with Alfie.	245.00	0.30
07/09/2004	DKW	Receive, review and send the client a copy of defendant's Response to Motion to Amend Caption.	245.00	0.20
07/14/2004	MAK	Receive and review documents from subpoena duces tecum served on Realty Executives.	185.00	0.50

v. Donald and Katherine Cox  
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			Rate	HOURS
07/16/2004	MAK	Correspondence to clients re documents received from subpoena served on Realty Executives.	185.00	0.20
	MAK	Telephone call from State Bar ethics re disqualification issue (N.C.)	185.00	0.30
07/19/2004	DKW	Receive, review and send the client a copy of the court's 7/12/04 minute order.	245.00	0.20
	DKW	Review the response to motion to disqualify; conference with MAK.	245.00	1.00
	MAK	Receive and review defendants' response to motion to disqualify.	185.00	0.30
	MAK	Research case cited in defendants' response to motion to disqualify.	185.00	0.20
	MAK	Telephone conference with counsel for Realty Executives re claim by defendants against realtor for alleged failure to provide CC&R's at purchase of property.	185.00	0.20
07/20/2004	DKW	Research, prepare for and attend the hearing on Motion to Disqualify.	245.00	2.00
07/21/2004	DKW	Research the issue of waiver.	245.00	1.00
07/22/2004	DKW	Telephone conference with Drutz.	245.00	0.30
	MAK	Return call to opposing counsel re scheduling of depositions.	185.00	0.20
	MAK	Correspondence to opposing counsel re discovery disputes.	185.00	0.30
	DKW	Research the issue of waiver.	245.00	1.50
07/23/2004	MAK	Motion for summary judgment re waiver and abandonment issues.	185.00	2.00
07/26/2004	MAK	Prepare (cont) motion for summary judgment re waiver defense.	185.00	0.50
	MAK	Correspondence to opposing counsel re scheduling depositions (N.C.)	185.00	0.20
	DKW	Research and work on the motion for summary judgment and statement of facts.	245.00	2.00
07/27/2004	MAK	Prepare separate statement of facts in support of motion for summary judgment, with exhibits; revise motion for summary judgment with references to		

v. Donald and Katherine Cox  
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			Rate	HOURS
		supporting statement of facts.	185.00	0.80
07/28/2004	MAK	Correspondence from opposing counsel re depositions of 50 individuals.	185.00	0.20
	MAK	Correspondence to opposing counsel re no stipulation to taking 50 depositions.	185.00	0.30
	MAK	Telephone call to Cassandra Haynes, attorney, re status of request to interview real estate agent (N.C.)	185.00	0.20
07/30/2004	MAK	Review correspondence from opposing counsel re request for extension; telephone call from opposing counsel's assistant re same.	185.00	0.20
	MAK	Correspondence to opposing counsel re request for extension of discovery and summary judgment response.	185.00	0.20
	KL	Prepare notice of filing omitted exhibit; prepare exhibit; telephone conference with Nash; telephone conference with Cundiff.	50.00	0.30
08/06/2004	DKW	Research and review any additional authorities relating to waiver of enforcement of restrictive covenants.	245.00	1.00
08/11/2004	MAK	Return call to opposing counsel re rescheduling of Nash deposition and extension to produce documents under request for production.	185.00	0.20
	DKW	Analyze and review the law and standards relating to abandonment.	245.00	1.70
08/12/2004	MAK	Receive and review Cox's response to request for Court's on-site inspection of property.	185.00	0.30
	MAK	Motion in reply to Cox's response to motion for Court's on-site inspection.	185.00	0.30
	DKW	Receive and review Cox's response to request for onsite inspection.	245.00	0.20
	DKW	Research issues in the case.	245.00	2.20
08/17/2004	MAK	Return call to client re response to request for production and Catherine Cox's admission in local news article.	185.00	0.20
08/18/2004	MAK	Receive and review correspondence from opposing counsel and send response letter re additional time to respond to discovery requests.	185.00	0.40
	MAK	Prepare response in opposition to motion for oral		

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS
	argument re Court's on-site inspection of property.	185.00	0.30
	DKW Research and work on defendant's obligation to provide discovery; Review selected portions of the file.	245.00	1.00
08/19/2004	MAK Telephone call to opposing counsel's legal assistant re rescheduling of Becky Nash's depo (N.C.)	185.00	0.20
08/23/2004	MAK Correspondence to opposing counsel re production of document indicating chronology of improvements to subject property.	185.00	0.20
	MAK Prepare responses to request for production of documents.	185.00	0.40
08/24/2004	MAK Return call to Cassandra Haynes re interview of Juanita Offerman.	185.00	0.20
	MAK Receive and review letter from opposing counsel and send letter to opposing counsel re documents received in response to subpoena duces tecum.	185.00	0.20
	DKW Work on issues in the case.	245.00	1.30
08/25/2004	DKW Research defenses in the case and analyze the file re: summary judgment.	245.00	1.70
	MAK Attend depositions of John and Barbara Cundiff.	185.00	4.20
	MAK Travel to and from office to opposing counsel's office in Prescott Valley re depositions of John and Barbara Cundiff.	185.00	0.80
	MAK Correspondence to opposing counsel re no stipulation to joinder of other property owners or taking Alfie Ware's deposition.	185.00	0.20
	MAK Attend (cont) depositions of John and Barbara Cundiff.	185.00	1.00
08/26/2004	DKW Work on letter to Adams.	245.00	0.30
	MAK Receive and review defendants' reply to response in opposition to request for oral argument re Court's inspection of real property.	185.00	0.20
	DKW Receive and review defendant's reply memorandum re. inspection of premises.	245.00	0.40
	MAK Work on Rule 26.1 Disclosure Statement	185.00	1.00
	DKW Work on various matters in the case.	245.00	1.50

v. Donald and Katherine Cox  
Deed Restriction Enforcement

	Rate	HOURS	
DKW Review and work on the draft of the Rule 26.1 Statement.	245.00	1.00	
DKW Prepare the Certificate of Advance.	245.00	0.40	
PROFESSIONAL SERVICES RENDERED		51.40	10,691.00

06/28/2004	Telephone expense	2.00
06/30/2004	Postage	4.42
06/30/2004	Photocopy costs	40.80
07/01/2004	Postage	5.53
07/01/2004	Photocopy costs	19.40
07/06/2004	Postage	1.80
07/06/2004	Postage	0.60
07/06/2004	Photocopy costs	4.20
07/09/2004	Postage	1.11
07/12/2004	FAX	1.00
07/16/2004	Postage	7.70
07/16/2004	Photocopy costs	46.80
07/20/2004	Photocopy costs	5.80
07/21/2004	Postage	0.83
07/21/2004	Photocopy costs	2.40
07/22/2004	Postage	1.11
07/22/2004	Photocopy costs	1.60
07/22/2004	Telephone expense	4.00
07/26/2004	Photocopy costs	2.40
07/26/2004	Photocopy costs	52.40
07/26/2004	Postage	0.74
07/26/2004	Postage	0.74
07/26/2004	Telephone expense	4.00
07/27/2004	Photocopy costs	3.60
07/27/2004	FAX	3.00
07/28/2004	Photocopy costs	49.20
07/28/2004	Postage	3.32
07/28/2004	FAX	4.00
07/29/2004	FAX	4.00
07/30/2004	Photocopy costs	2.40
07/30/2004	Postage	1.38
07/30/2004	Telephone expense	2.00
07/30/2004	FAX	2.00
08/02/2004	Photocopy costs	1.20
08/02/2004	Postage	0.74
08/03/2004	Photocopy costs	3.20
08/03/2004	Postage	0.74
08/04/2004	Photocopy costs	1.00
08/04/2004	Postage	1.11
08/09/2004	Photocopy costs	1.80
08/09/2004	Postage	1.80
08/11/2004	Postage	1.11
08/11/2004	Photocopy costs	2.80
08/12/2004	Photocopy costs	3.40
08/12/2004	Postage	1.20

v. Donald and Katherine Cox  
Deed Restriction Enforcement

08/13/2004	Postage	0.60
08/16/2004	FAX	2.00
08/18/2004	Photocopy costs	3.40
08/18/2004	Postage	1.34
08/18/2004	FAX	4.00
08/19/2004	Telephone expense	2.00
08/23/2004	Photocopy costs	1.80
08/23/2004	Postage	1.48
08/24/2004	Postage	0.74
08/24/2004	FAX	3.00
08/25/2004	Postage	3.13
08/26/2004	Photocopy costs	1.60
08/26/2004	Postage	1.48
08/26/2004	FAX	4.00
	<b>TOTAL EXPENSES</b>	<b>336.95</b>

06/22/2004	Court reporting fee - Lott Reporting	951.40
06/23/2004	Court reporting fee - Lott Reporting	657.80
06/24/2004	Court reporting fee - Lott Reporting	10.50
06/25/2004	Witness fee - Capital Title Agency	22.80
06/30/2004	Issuance of subpoena - Clerk of Superior Court - Yavapai County	18.00
07/01/2004	Service fee - Palmer Investigative Services	40.00
07/01/2004	Witness fee - CofR Realex Management, LLC	12.00
07/20/2004	Court reporting fee - M. Lisa Edgar	93.00
07/26/2004	Messenger/delivery service - US Postmaster	5.20
07/30/2004	Miscellaneous advances - YC Assessor	30.00
	<b>TOTAL ADVANCES</b>	<b>1,840.70</b>

	<b>TOTAL CURRENT WORK</b>	<b>12,868.65</b>
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08/11/2004	Payment received - Thank you CK# 1779	-6,183.34
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	<b>BALANCE DUE</b>	<b><u>\$12,868.65</u></b>
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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

FILE NO:  
STATEMENT NO:

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

PREVIOUS BALANCE

\$12,868.65

			Rate	HOURS
08/27/2004	DKW	Revise and complete legal instruments and forward to the client.	245.00	0.80
	DKW	Analyze and review the discovery disclosed to date.	245.00	1.00
08/30/2004	MAK	Revise and finalize Rule 26.1 Disclosure Statement.	185.00	0.20
	DKW	Research various issues in dispute.	245.00	0.90
08/31/2004	MAK	Correspondence to opposing counsel re legal authority for defenses raised in complaint.	185.00	0.20
	MAK	Correspondence to opposing counsel re demand for defendants' tax returns pursuant to request for production of documents.	185.00	0.20
	DKW	Analyze and review the Rule 26.1 Disclosure Statement.	245.00	1.50
09/01/2004	MAK	Telephone call to Doug Reynolds, Yavapai County re interview regarding Cox's application for agricultural exemption and knowledge of CC&R's in 2001.	185.00	0.40
	MAK	Telephone call to Robert Launders re witness interview of circumstances surrounding conversation with Cox in 2001.	185.00	0.40
	MAK	Telephone call to Waneta Offerman, Realty Executives re dealings with Cox on purchase of Coyote Springs Ranch property.	185.00	0.60
	MAK	Correspondence to opposing counsel re amending answer for baseless denials.	185.00	1.10
	MAK	Correspondence to Robert Launders re his purported knowledge regarding homeowners meeting at Church prior to filing suit.	185.00	0.20

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS
	MAK Review statements from other landowners disclosed by defendants and intended to be called as witnesses re motion in limine.	185.00	0.50
	DKW Analyze and review defendant's disclosures.	245.00	1.50
09/02/2004	MAK Work on supplemental disclosure statement.	185.00	0.50
	MAK Travel to and from Launders office re review of file.	185.00	0.90
	MAK Review Launders' file and interview witness re landowners meeting at Church.	185.00	0.70
	DKW Telephone call from Adams.	245.00	0.30
09/07/2004	MAK Review Launders' deposition transcript re waiver/abandonment of recorded covenants.	185.00	1.00
	MAK Research re commercial/business activity as breach of recorded restriction as a matter of law.	185.00	1.00
09/08/2004	MAK Prepare motion in limine re lay witness testimony.	185.00	1.60
	MAK Research re other home-business operations as incidental violation of recorded covenant in preparation for motion in limine or summary judgment motion.	185.00	2.00
09/09/2004	MAK Correspondence to opposing counsel re production of documents pursuant to discovery request.	185.00	0.20
09/10/2004	MAK Travel to and from opposing counsel's Prescott Valley office re deposition of Becky Nash.	185.00	0.80
	MAK Attend deposition of Becky Nash; confer with clients.	185.00	2.80
	MAK Telephone call to Donald James re his conversation with Donald &/or Catherine Cox.	185.00	0.30
	MAK Prepare second supplemental disclosure statement re Donald James testimony.	185.00	0.30
	MAK Research re defense of unclean hands for summary judgment motion.	185.00	1.40
09/13/2004	MAK Telephone call from Donald James re does not want to get "involved" in litigation.	185.00	0.20
09/17/2004	DKW Telephone conference with David Conlin.	245.00	0.30
09/21/2004	KL Correspondence to Nash re review of deposition transcript; correspondence to Cundiff re same, copy and mail transcripts. (N.C.)	50.00	0.30

v. Donald and Katherine Cox  
Deed Restriction Enforcement

			Rate	HOURS
09/24/2004	DKW	Review Palmer's 8/26/04 Investigative Report.	245.00	0.30
09/27/2004	MAK	Review response to motion in limine re lay witness opinion testimony.	185.00	0.30
	MAK	Correspondence to opposing counsel re affirmative defenses raised.	185.00	0.20
	MAK	Prepare motion to compel defendants' production of tax returns.	185.00	2.10
09/28/2004	MAK	Prepare (cont) motion to compel tax returns; prepare Rule 37 certification and exhibits.	185.00	1.00
	DKW	Review and comment on the Motion to Compel.	245.00	0.50
	MAK	Prepare reply to defendants' response to plaintiffs motion in limine re lay witness testimony.	185.00	2.60
	DKW	Analyze and review the reply to motion in limine.	245.00	0.80
09/29/2004	MAK	Revise and finalize reply to defendants' response to motion in limine re lay witness testimony.	185.00	0.30
	DKW	Research issue of abandonment of restrictive covenants.	245.00	1.30
09/30/2004	DKW	Receive and review the response to motion for protective order.	245.00	0.60
10/01/2004	MAK	Prepare joint pretrial conference memorandum; letter to opposing counsel re same.	185.00	1.10
	MAK	Review defendants response to motion for summary judgment, controverting statement of facts and partial review of supporting exhibits to controverting statement of facts.	185.00	0.50
	MAK	Prepare reply to defendants' response to motion for summary judgment.	185.00	2.70
	DKW	Analyze and review the legal arguments set forth in the response memorandum.	245.00	1.70
10/06/2004	MAK	Revise pretrial conference memorandum.	185.00	0.40
	MAK	Telephone call to opposing counsel's legal assistant re cannot agree to opposing counsel's changes and revisions to proposed form of joint pretrial statement	185.00	0.20
	DKW	Work on and review the Rule 16(b) Statement.	245.00	0.40
10/07/2004	MAK	Receive and review defendants' pretrial conference statement.	185.00	0.20

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS	
	DKW marital settlement agreement	245.00		
10/14/2004	MAK Review defendants' first supplemental disclosure statement.	185.00	0.30	
10/19/2004	MAK Review defendants' response to motion to compel defendants' tax returns.	185.00	0.30	
	PROFESSIONAL SERVICES RENDERED		41.90	8,410.00
08/27/2004	Photocopy costs			13.20
08/30/2004	Photocopy costs			91.20
08/30/2004	FAX			2.00
08/31/2004	Photocopy costs			9.60
08/31/2004	Photocopy costs			1.60
08/31/2004	Postage			3.41
08/31/2004	FAX			2.00
08/31/2004	FAX			1.00
09/01/2004	FAX			6.00
09/01/2004	Postage			1.48
09/01/2004	Telephone expense			2.00
09/01/2004	Postage - US Postmaster			4.75
09/01/2004	Photocopy costs			2.40
09/02/2004	Photocopy costs			1.60
09/02/2004	Postage			1.11
09/03/2004	Postage			1.06
09/03/2004	FAX			3.00
09/07/2004	Photocopy costs			3.80
09/07/2004	Telephone expense			2.00
09/07/2004	Telephone expense			2.00
09/08/2004	Postage			0.74
09/09/2004	Photocopy costs			10.40
09/09/2004	Postage			1.94
09/10/2004	Postage			0.74
09/13/2004	Postage			1.48
09/21/2004	Photocopy costs			67.60
09/21/2004	Postage			4.32
09/22/2004	Postage			5.38
09/24/2004	Postage			1.06
09/24/2004	Photocopy costs			3.00
09/24/2004	FAX			2.00
09/27/2004	Postage			1.48
09/28/2004	Photocopy costs			8.80
09/29/2004	Photocopy costs			33.40
09/29/2004	Photocopy costs			54.80
09/29/2004	Postage			2.67
09/30/2004	FAX			3.00
10/01/2004	Photocopy costs			16.00
10/01/2004	Postage			4.47
10/01/2004	FAX			10.00
10/04/2004	Photocopy costs			2.20

v. Donald and Katherine Cox  
Deed Restriction Enforcement

10/04/2004	Postage	1.11
10/04/2004	FAX	1.00
10/05/2004	Postage	0.60
10/05/2004	Photocopy costs	5.60
10/07/2004	Photocopy costs	1.20
10/07/2004	Photocopy costs	4.00
10/07/2004	Postage	0.60
10/14/2004	FAX	3.00
	<b>TOTAL EXPENSES</b>	<b>407.80</b>
08/25/2004	Court reporting fee - Lott Reporting	455.65
09/02/2004	Miscellaneous advances - Clerk of Superior Court - Yavapai County	0.50
09/02/2004	Miscellaneous advances - Yavapai County Recorder	30.00
09/09/2004	Miscellaneous advances - Clerk of Superior Court - Yavapai County	2.00
09/10/2004	Court reporting fee - Lott Reporting	183.75
	<b>TOTAL ADVANCES</b>	<b>671.90</b>
	<b>TOTAL CURRENT WORK</b>	<b>9,489.70</b>
	<b>BALANCE DUE</b>	<b><u>\$22,358.35</u></b>

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12/06/2004  
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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

FILE NO:  
STATEMENT NO:

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

PREVIOUS BALANCE

\$22,358.35

			Rate	HOURS
10/20/2004	MAK	Correspondence (e-mail) to client in response to inquiry about changing, altering or amending recorded declarations.	185.00	0.20
	DKW	Review portions of the file and provide instructions to my assistant.	245.00	0.30
	MAK	Prepare reply to opposition to motion to compel defendants' tax returns.	185.00	1.00
	MAK	Correspondence to opposing counsel re opposing party's equitable defense of unclean hands.	185.00	0.20
	DKW	Analyze and review Response to Plaintiffs Motion to Compel and Defendants Motion for Protective Order.	245.00	1.00
10/21/2004	MAK	Draft affidavit for Robert Conlin re intention of restrictive covenant prohibiting commercial activities.	185.00	0.70
	DKW	Telephone conference with David Conlin.	245.00	0.20
	MAK	Correspondence to Robert Conlin.	185.00	0.20
11/08/2004	DKW	Research the area of abandonment.	245.00	2.00
11/09/2004	MAK	Prepare third supplemental disclosure statement.	185.00	0.30
	DKW	Review the file and work on discovery.	245.00	1.00
	KL	Work on bate stamping third 26.1 supplement.	50.00	0.30
11/10/2004	DKW	Review the outline of the Coyote Springs owner's meeting re restrictive covenants.	245.00	0.40
	DKW	Telephone conference with Alfie.	245.00	0.20
	MAK	Receive and review discovery requests from opposing party; correspondence to opposing counsel		

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		Rate	HOURS	
	re same; e-mail client re discovery requests; prepare responses to discovery requests.	185.00	0.80	
11/15/2004	MAK Correspondence to opposing counsel re affirmative defense and supplemental disclosure.	185.00	0.20	
11/22/2004	MAK Receive and review letter from opposing counsel re discovery requests.	185.00	0.20	
	DKW Review Adam's 11/19/04 correspondence and the response to it.	245.00	0.20	
	MAK Correspondence to opposing counsel re defendants' discovery requests in bad faith.	185.00	0.20	
11/23/2004	MAK Work on motion for summary judgment re business, commercial use.	185.00	4.20	
11/24/2004	MAK Prepare (cont) motion for summary judgment re defendants use of property in violation of restrictive covenant; affirmative defenses of laches, estoppel and unclean hands.	185.00	5.60	
	PROFESSIONAL SERVICES RENDERED		<u>19.40</u>	<u>3,866.50</u>
10/10/2004	Photocopy costs			4.00
10/10/2004	Postage			1.20
10/20/2004	Photocopy costs			1.20
10/20/2004	Postage			1.48
10/21/2004	Postage			0.60
10/21/2004	Photocopy costs			3.20
10/21/2004	Photocopy costs			1.20
10/25/2004	FAX			2.00
10/27/2004	Postage			2.63
10/27/2004	Photocopy costs			17.40
10/28/2004	Postage			2.58
11/08/2004	FAX			2.00
11/09/2004	Photocopy costs			3.20
11/09/2004	Postage			1.71
11/10/2004	FAX			5.00
11/11/2004	FAX			6.00
11/11/2004	Photocopy costs			4.00
11/12/2004	Postage			2.40
11/15/2004	Postage			1.48
11/19/2004	FAX			4.00
11/22/2004	Postage			1.48
11/22/2004	Photocopy costs			2.40
11/22/2004	FAX			4.00
11/22/2004	FAX			4.00
11/24/2004	Photocopy costs			9.80
	TOTAL EXPENSES			<u>88.96</u>

Mr. and Mrs. John Cundiff

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TOTAL CURRENT WORK 3,955.46

10/07/2004 Payment received - Thank you CK# 1837 -12,868.65

11/16/2004 Payment received - Thank you CK# 1854 -9,489.70

TOTAL PAYMENTS -22,358.35

BALANCE DUE \$3,955.46

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01/05/2005

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FILE NO:

STATEMENT NO:

Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

PREVIOUS BALANCE

\$3,955.46

			Rate	HOURS
11/22/2004	KL	Prepare FAX cover for correspondence to opposing counsel re disclosure copy; prepare client copy of correspondence from opposing counsel.	50.00	0.20
11/29/2004	MAK	Prepare (cont.) motion for summary judgment and separate statement of supporting facts with exhibits.	185.00	6.40
11/30/2004	MAK	Prepare (cont.) motion for summary judgment and separate statement of supporting facts.	185.00	2.00
	MAK	Receive and review defendants' second supplemental Rule 26.1 disclosure statement, attachments and case law referenced in support of unclean hands defense.	185.00	0.40
	DKW	Receive and review the second amended disclosure.	245.00	0.60
	KL	Telephone conference with opposing counsel re missing attachments to disclosure.	50.00	0.20
12/01/2004	MAK	Correspondence to opposing counsel re failure to include referenced document in defendants' supplemental rule 26.1 disclosure statement.	185.00	0.20
	DKW	Analyze and review the Motion for Summary Judgment and authorities cited therein	245.00	2.00
	MAK	Revise and finalize motion for summary judgment and supporting statement of facts.	185.00	0.30
12/03/2004	DKW	Telephone call from Mark Drutz.	245.00	0.20
	DKW	Research and review the authorities re: estoppel and latches.	245.00	1 00
12/06/2004	JSE	Office conference with DKW re stipulation to extend time limitations for summary-judgment response and reply memoranda, draft stipulation and order.	95.00	0.60

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Deed Restriction Enforcement

		Rate	HOURS	
12/07/2004	DKW Conference with my assistant; Review Stipulation and Order; Review and dispatch correspondence to opposing counsel.	245.00	0.60	
	JSE Revise and finalize stipulation and order; draft cover letter to Adams; receive and review message from MAK; reply to MAK; arrange copying, filing, service, copies to client.	95.00	1.00	
12/08/2004	DKW Research additional authorities re: waiver; estoppel and latches	245.00	2.00	
	PROFESSIONAL SERVICES RENDERED		17.70	3,460.50
11/29/2004	Photocopy costs			76.80
11/30/2004	Photocopy costs			8.80
11/30/2004	Postage			2.58
12/01/2004	Photocopy costs			31.80
12/01/2004	Postage			2.49
12/08/2004	FAX			2.00
12/10/2004	Photocopy costs			1.00
	TOTAL EXPENSES			125.47
12/01/2004	Miscellaneous advances - Sir Speedy #2143			185.65
	TOTAL ADVANCES			185.65
	TOTAL CURRENT WORK			3,771.62
01/02/2005	Payment received - Thank you CK# 1877			-3,955.46
	BALANCE DUE			<u>\$3,771.62</u>

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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

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PREVIOUS BALANCE \$3,771.62

			Rate	HOURS
01/04/2005	MAK	Receive and review defendants' third supplemental disclosure statement.	185.00	0.20
	DKW	Telephone call from the client.	245.00	0.20
	KL	Telephone conference with county re zoning.	50.00	0.20
01/11/2005	DKW	Receive a message from opposing counsel's office; Review the file.	245.00	0.50
01/12/2005	DKW	Receive and review the response to motion for partial summary judgment.	245.00	1.00
01/20/2005	MAK	Review defendants' response to summary judgment.	185.00	0.80
01/21/2005	DKW	Analyze and review the summary judgment arguments and issues; Telephone conference with Mark Drutz	245.00	2.50
	DKW	Analyze and review the Response in Opposition to Plaintiffs' Motion for Summary Judgment Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of Estoppel, Laches and Unclean Hands.	245.00	1.70
01/24/2005	DKW	Analyze and review the arguments and authorities in the response to plaintiffs motion for summary judgment.	245.00	1.50
01/26/2005	DKW	Analyze and review arguments and issues in the response to motion re. defenses.	245.00	2.00
01/27/2005	DKW	Analyze and review plaintiffs' motion and defendants' response to the summary judgment on equitable defenses.	245.00	1.00
	MAK	Prepare reply to response to motion for summary judgment	185.00	2.00

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		Rate	HOURS
	DKW Analyze and review portions of the file in anticipation of the hearings of pending motions.	245.00	1.40
01/28/2005	MAK Prepare for oral argument re motion to compel.	185.00	0.30
	MAK Prepare for oral argument re court's on-site inspection of property.	185.00	0.30
01/31/2005	MAK Research (additional) re preparation for oral argument on motions for summary judgment re waiver and other affirmative defenses.	185.00	0.90
	DKW Analyze and review the file in anticipation of the hearing on Motion for Summary Judgment on Waiver; Motion for Summary Judgment on Estoppel, Latches and Unclean Hands; Motion In Limine; And Rule 16(b) Pretrial Conference; Attend hearing on all pending motions.	245.00	6.50
	MAK Attend oral argument re motions for summary judgment, motion for on-site inspection, motion to compel production of defendants' tax returns, and pre-trial conference.	185.00	1.70
	DKW Telephone conference with Jeff Adams.	245.00	0.20
02/01/2005	MAK Correspondence to clients re information/evidence regarding prior enforcement of restrictive covenants by other landowners in sub-division.	185.00	0.20
	DKW Telephone conference with Drutz.	245.00	0.20
	DKW Analyze and review the file and authorities re: filing a motion for summary judgment in the case in chief.	245.00	1.70
02/02/2005	DKW Receive and review John's FAX to MAK; conference with MAK.	245.00	0.40
	DKW Receive, review and send the client copies of the supplemental citation of authorities for the motion for summary judgment and for the motion in limine	245.00	0.80
02/03/2005	DKW Conference with MAK; review the objections to supplemental authorities.	245.00	0.40
	MAK Prepare objections to defendants' supplemental authorities re summary judgment motions and motion to compel	185.00	0.50
	DKW Prepare an outline of the remaining issues.	245.00	1.00
02/07/2005	DKW Analyze and review the file re: filing a motion for summary judgment.	245.00	0.80

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	Rate	HOURS	
PROFESSIONAL SERVICES RENDERED		<u>30.90</u>	<u>7,117.50</u>
01/28/2005			4.00
02/01/2005			1.20
02/01/2005			1.11
02/02/2005			2.00
02/03/2005			0.97
02/03/2005			3.60
02/07/2005			0.60
TOTAL EXPENSES			<u>13.48</u>
TOTAL CURRENT WORK			7,130.98
BALANCE DUE			<u>\$10,902.60</u>

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Mr. and Mrs. John Cundiff  
 7460 N. Coyote Springs Rd.  
 Prescott Valley AZ 86314  
 USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
 Deed Restriction Enforcement

PREVIOUS BALANCE \$10,902.60

		Rate	HOURS	
02/10/2005	DKW Telephone conference with Jeff Adams; Review the file and provide instructions to Marguerite; Review and dispatch the objections re: motion in limine and withdrawal of objections to supplemental authorities re: tax disclosure.	245.00	1.00	
	DKW Analyze and review the possibility of filing a Motion for Summary Judgment on the case in chief.	245.00	0.60	
02/11/2005	DKW Analyze and review authorities re summary judgment in the case in chief.	245.00	1.40	
02/14/2005	DKW Telephone conference with Alfie.	245.00	0.30	
	DKW Receive, review and send the client a copy of the defendant's response to plaintiffs' objections.	245.00	0.30	
	DKW Analyze and review various issues in the case.	245.00	1.00	
02/15/2005	MAK Receive and review defendants' response to objection to filing supplemental authorities (N.C.)	185.00	0.20	
02/17/2005	DKW Receive, review and send the client a copy of the response to plaintiff's objections re: supplement to motion in limine.	245.00	0.20	
02/22/2005	DKW Receive and review e-mail from Alfie.	245.00	0.20	
	PROFESSIONAL SERVICES RENDERED		<u>5.20</u>	<u>1,225.00</u>
02/10/2005	Postage			0.74
02/10/2005	Photocopy costs			3.20
02/22/2005	FAX			<u>1.00</u>
	TOTAL EXPENSES			4.94

Mr. and Mrs. John Cundiff

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TOTAL CURRENT WORK 1,229.94

02/28/2005 Payment received - Thank you CK# 1892 -7,130.98

BALANCE DUE \$5,001.56

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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

FILE NO:  
STATEMENT NO:

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

PREVIOUS BALANCE \$5,001.56

		Rate	HOURS	
03/03/2005	DKW Review the file and prepare correspondence to Drutz and Adams.	245.00	0.40	
	DKW Telephone conference with a neighbor re the case.	245.00	0.20	
03/04/2005	DKW Analyze and review outstanding issues to address with opposing counsel.	245.00	1.00	
03/07/2005	DKW Receive a telephone call from Adams.	245.00	0.20	
	DKW Receive and review Adam's correspondence together with the enclosed tax information.	245.00	1.00	
03/08/2005	DKW Review and dispatch correspondence to Adams.	245.00	0.20	
	MAK Review tax return documents received from opposing counsel; correspondence to opposing counsel re deficiencies in tax returns disclosed.	185.00	0.70	
03/17/2005	DKW Analyze and review the file and remaining issue of abandonment.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		<u>4.70</u>	<u>1,109.50</u>

03/03/2005	FAX		4.00
03/08/2005	FAX		2.00
03/09/2005	Postage		1.11
03/09/2005	FAX		16.00
03/24/2005	FAX		2.00
	TOTAL EXPENSES		<u>25.11</u>

TOTAL CURRENT WORK 1,134.61

01/28/2005 Payment received - Thank you CK# 1882 -3,771.62

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BALANCE DUE

\$2,364.55

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FILE NO:  
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Mr. and Mrs. John Cundiff  
 7460 N. Coyote Springs Rd.  
 Prescott Valley AZ 86314  
 USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
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PREVIOUS BALANCE

\$2,364.55

		Rate	HOURS
04/04/2005	DKW Research examples of previous enforcement of restrictive covenants.	245.00	1.30
04/06/2005	DKW Telephone conference with the client.	245.00	0.20
	MAK Receive and review court's minute entry re summary judgment; discuss with DKW.	185.00	0.30
04/07/2005	DKW Analyze and review the court's 4/4/05 minute order and forward copies to the clients.	245.00	0.20
	DKW Review the file and plan strategy in the case.	245.00	0.40
04/12/2005	MAK Prepare motion to compel disclosure of defendants' tax return schedules.	185.00	0.80
	MAK Prepare certification of counsel in support of motion to compel.	185.00	0.30
04/15/2005	MAK Office conference with clients re status of Court's ruling on summary judgment, settlement conference and trial preparation (N.C.)	185.00	0.70
	DKW Office conference with the clients.	245.00	1.00
	DKW Work on the disclosure of documents.	245.00	0.60
04/18/2005	DKW Telephone call from the client.	245.00	0.20
04/19/2005	DKW Receive and review Adam's 4/18/05 correspondence together with the disclosure of financial information.	245.00	1.20
	MAK Receive and review letter from opposing counsel and K-1 schedules.	185.00	0.40
	DKW Review and dispatch financial discovery.	245.00	0.40
	CB Conference with MAK; prepare subpoena duces		

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS	
	tecum and notice of deposition to Prescott Valley Growers; prepare letter to custodian of records of Prescott Valley Growers.	105.00	1.40	
04/20/2005	MAK Correspondence to opposing counsel re disclosure of K-1 schedules and withdrawal of motion to compel.	185.00	0.20	
	MAK Prepare motion to withdraw motion to compel re disclosure of defendants' income tax returns.	185.00	0.20	
04/22/2005	MAK Prepare motion for reconsideration re court's denial of summary judgment on affirmative defense of waiver.	185.00	1.00	
	DKW Telephone call from Kathy Page.	245.00	0.20	
	DKW Review the motion for reconsideration and confer with co-counsel.	245.00	0.50	
04/25/2005	DKW Analyze and review the materials furnished by opposing counsel.	245.00	1.60	
	PROFESSIONAL SERVICES RENDERED		<u>13.10</u>	<u>2,650.00</u>
04/06/2005	Telephone expense			2.00
04/08/2005	Postage			1.48
04/11/2005	Telephone expense			2.00
04/12/2005	Postage			1.48
04/12/2005	Photocopy costs			1.60
04/13/2005	Postage			2.12
04/13/2005	Photocopy costs			7.20
04/19/2005	Photocopy costs			1.00
04/20/2005	Photocopy costs			13.40
04/20/2005	Postage			3.09
04/20/2005	FAX			6.00
04/22/2005	Photocopy costs			3.20
	TOTAL EXPENSES			<u>44.57</u>
04/19/2005	Issuance of subpoena - Clerk of Superior Court - Yavapai County			18.00
04/20/2005	Witness fee - CofR Prescott Valley Growers			<u>12.00</u>
	TOTAL ADVANCES			30.00
	TOTAL CURRENT WORK			2,724.57
04/29/2005	Payment received - Thank you CK# 1913			-2,364.55

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FILE NO:  
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BALANCE DUE

\$2,724 57

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PREVIOUS BALANCE

\$2,724.57

		Rate	HOURS
04/29/2005	DKW Telephone call from Adams.	245.00	0.20
	DKW Receive a message re ruling on motion for reconsideration; review the file and work on discovery.	245.00	1.70
05/09/2005	CB Prepare correspondence to Adams inquiring about Prescott Valley Growers intention concerning subpoena duces tecum.	105.00	0.20
05/11/2005	DKW Telephone call to the client.	245.00	0.20
05/13/2005	DKW Work on the defendant's disclosures.	245.00	0.80
05/16/2005	DKW Receive and review the objection to plaintiffs' subpoena duces tecum.	245.00	0.40
05/23/2005	EM Research and Draft response to objection to plaintiffs' subpoena duces tecum	75.00	1.00
05/25/2005	EM Draft settlement memo.	75.00	1.00
05/31/2005	DKW Work on the response to objection to disclosure.	245.00	0.80
06/01/2005	DKW Telephone call from Drutz.	245.00	0.20
	CB Telephone conference with Div 1 re trial date.	105.00	0.20
	EM Work on draft of settlement memo and necessary exhibits.	75.00	3.50
	EM Revise draft of response to objection to plaintiffs' subpoena duces tecum and format in final form.	75.00	0.60
	DKW Analyze and plan litigation strategy	245.00	0.80
06/02/2005	DKW Work on the response to motion to quash subpoena.	245.00	0.60

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		Rate	HOURS		
	DKW	Receive, review and send the client copies of Adam's 5/27/05 correspondence and stipulation and order; sign and return the stipulation to opposing counsel.	245.00	0.40	
	CB	Prepare correspondence to Adams transmitting stipulation and order re expert and non-expert disclosures.	105.00	0.20	
06/07/2005	EM	Complete draft of settlement conference memorandum, review depositions, attach exhibits	75 00	2.00	
06/08/2005	DKW	Work on the settlement conference memorandum.	245.00	0.60	
06/10/2005	DKW	Analyze and review selected portions of the file.	245.00	1.00	
06/13/2005	MAK	Review file and additional research re any update to disclosure (6/24 deadline).	185.00	1.00	
06/15/2005	MAK	Receive and review defendants' reply to motion for protective order re partnership tax returns.	185.00	0.20	
	DKW	Receive and review the reply to response to objection to subpoena; review the previously disclosed financial information.	245.00	0.90	
06/16/2005	DKW	Review and work on discovery.	245.00	1.00	
06/20/2005	DKW	Telephone call from the client.	245.00	0.20	
	DKW	Prepare for and attend Rule 16 Settlement conference.	245.00	2.00	
	MAK	Attend settlement conference before Judge Hess; travel to and from court.	185.00	2.00	
06/21/2005	CB	Correspondence to Adams re Rule 7.2 confirmation.	105.00	0.40	
06/22/2005	MAK	Revise motion in limine re evidence of prior waiver of other alleged business activity in sub-division.	185 00	0.30	
06/24/2005	DKW	Telephone conferences with Adams and Afie.	245.00	0.50	
	MAK	Work on matters to be included in updated disclosure statement; discuss motions in limine with DKW.	185.00	0.40	
	DKW	Receive, review and send the client a copy of the court's 6/20/05 minute order.	245.00	0.20	
		PROFESSIONAL SERVICES RENDERED		25.50	4,496.50
04/28/2005		Postage			0.74
05/09/2005		Postage			1.11

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05/09/2005	FAX	4.00
05/11/2005	Postage	1.20
05/11/2005	Photocopy costs	4.00
06/02/2005	Photocopy costs	13.80
06/02/2005	Postage	3.18
06/08/2005	Photocopy costs	6.00
06/08/2005	Postage	0.60
06/10/2005	FAX	2.00
06/16/2005	Photocopy costs	1.00
06/21/2005	Photocopy costs	12.60
	<b>TOTAL EXPENSES</b>	<b>50.23</b>
04/22/2005	Service fee - Palmer Investigative Services	83.60
04/22/2005	Service fee - Palmer Investigative Services	90.40
	<b>TOTAL ADVANCES</b>	<b>174.00</b>
	<b>TOTAL CURRENT WORK</b>	<b>4,720.73</b>
06/24/2005	Payment received - Thank you CK# 1956	-2,724.57
	<b>BALANCE DUE</b>	<b><u>\$4,720.73</u></b>

**\*PAYMENT IS DUE UPON RECEIPT OF STATEMENT\***  
**\*PLEASE INCLUDE FILE NUMBER TO INSURE PROPER CREDIT\***  
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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

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FILE NO: 10641-0011  
STATEMENT NO: 20

PREVIOUS BALANCE \$4,720.73

			Rate	HOURS
06/27/2005	DKW	Receive and review the motions for summary judgment and motion to join indispensable parties.	245.00	1.50
06/28/2005	CB	Work on draft of fourth supplement to disclosure statement; draft motion in limine re Ware testimony; review defendants' fourth supplemental disclosure statement; telephone conference with Kathleen Mcgoth at land use department of YCP&Z.	105.00	1.00
	DKW	Analyze and review the Motions for Summary Judgment and Motion to Join Indispensible Parties.	245.00	1.80
06/29/2005	CB	Telephone conference with client; review, complete and file fourth supplement to disclosure statement; telephone conference with Wally Casperson; prepare memorandum to file re Casperson telephone conference.	105.00	0.60
06/30/2005	DKW	Receive, review and send the client copies of the court's 6/29/05 minute entry and order extending time.	245.00	0.30
	DKW	Analyze and review the Motions for Summary Judgment and Motion to Join Indispensible parties.	245.00	2.30
07/01/2005	DKW	Receive and review the Fifth Supplemental Disclosure and provide a copy to the client.	245.00	1.20
	DKW	Analyze and review the arguments and authorities in the Motions for Summary Judgment and Motion to Join Indispensible Parties.	245.00	2.00
07/06/2005	MAK	Review defendants' motion for summary judgment and statement of supporting facts re "agricultural activities."	185.00	0.40
	MAK	Research re alleged ambiguity in restrictive covenants and defendants' position that agricultural		

v. Donald and Katherine Cox  
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		Rate	HOURS
	activities are excluded.	185.00	1.80
	MAK Research (cont) re alleged ambiguity in restrictive covenants and agricultural business on defendants property.	185.00	1.00
07/07/2005	MAK Review defendants' motion for summary judgment re declaration vagueness and ambiguity.	185.00	0.50
	MAK Research re restrictive covenant ambiguity and vagueness for response to defendants' motion for summary judgment re same.	185.00	2.00
07/08/2005	CB Brief telephone conference with Dan Sanders.	105.00	0.20
	DKW Analyze and review arguments in the pending motions for summary judgment, motion in limine and motion to join indispensable parties; Two telephone conferences with Drutz.	245.00	2.00
	DKW Telephone call to the client re: ariel photographs.	245.00	0.20
	MAK Research re joinder of indispensable parties (federal and state cases).	185.00	3.90
07/11/2005	CB Prepare plaintiffs' fifth supplemental disclosure statement, telephone conference with Dan Sanders.	105.00	0.70
	MAK Review defendants' partnership tax returns, compare section 179 deductions to receipts for improvement to land produced by defendants' in disclosure statements; telephone call to accountant re IRS regulations requiring taxpayer to maintain underlying documents pertaining to tax return.	185.00	1.50
	KL Telephone call to Yavapai County re guidelines for AG exempt status.	50.00	0.20
07/12/2005	CB Review FAX from ADWR; telephone conference with Dan Sanders; telephone conference with Robert Launderers; identify deeds of parties and make arrangements to obtain certified copies.	105.00	1.50
	MAK Work on preparation of trial subpoenas for witnesses; telephone call to Waneta Offerman's attorney re service of subpoena; telephone call from Waneta Offerman's attorney re same.	185.00	0.50
	MAK Work on obtaining certified copies of documents needed for trial.	185.00	0.30
	MAK Revise and finalize motion to compel underlying documents to partnership returns and supporting exhibits.	185.00	1 00

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			Rate	HOURS
	KL	Draft subpoena for Stein, Lauenders, Eiker, Offerman, Alan Cox, James Cox, Sanders and Reynolds.	50.00	1.00
07/13/2005	CB	Draft joint pretrial statement after file review; review MAK response to request to continue trial.	105.00	1.20
	MAK	Correspondence to opposing counsel re opposition to opposing counsel's request for continuance of trial.	185.00	0.40
	MAK	Prepare response to motion for summary judgment re agricultural activities.	185.00	3.00
	KL	Revise Offerman subpoena; draft Donald James subpoena.	50.00	0.20
07/14/2005	CB	Telephone conference with Board of Adjustments re Battram request for variance; telephone conferences (2) with Steve Mauk, Yavapai County Development Services director, re obtaining copy of entire file for medical variance requested by Battram; To county to review and obtain copy of file; review Battram application for variance file; telephone conference with Tom @ Dava & Associates re aerial photograph of subdivision; Telephone conference with Brian @ Yavapai County GIS programming; to County and conference with Jeff re specifics for aerial photograph of Coyote Springs Ranch with parcel numbers for trial exhibit.	105.00	1.50
	MAK	Prepare response to motion in limine re aerial photographs and testimony/documents from Yavapai County Planning and Zoning re other homeowner complaints about businesses in area.	185.00	1.10
	MAK	Prepare response to motion to join all property owners as indispensable parties.	185.00	2.10
	KL	Telephone call from county mapping; review county mapping with MAK, return call to county re map.	50.00	0.40
07/15/2005	CB	Compare parcel numbers on aerial photographs with those on original subdivision map; prepare letter to Adams transmitting aerial photographs as identified in fourth supplemental disclosure statement.	105.00	0.50
	MAK	Prepare (cont) response to motion to join all property owners as indispensable parties.	185.00	1.00
	KL	Correspondence to opposing counsel re attached photos.	50.00	0.40
07/18/2005	DKW	Analyze and review and work on the Response to Motion in Limine and Response to Motion to Join		

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS
	Indispensible Parties.	245.00	1.20
	MAK Prepare (cont) response to defendants' motion for summary judgment re agricultural activities.	185.00	0.90
	MAK Prepare controverting statement of facts and supporting exhibits re response to motion for summary judgment re agricultural activities.	185.00	1.50
	DKW Prepare correspondence to Drutz.	245.00	0.40
	DKW Analyze, review and strategize various aspects of the case; Review the response to Motion for Summary Judgment re: Agricultural use.	245.00	1.70
	CB Work on draft of jury instructions and verdict forms; prepare correspondence to Adams transmitting additional aerial map exhibits with certifications; telephone conference with Curtis Kincheloe.	105.00	1.00
	MAK Review defendants' disclosure statements re preparation for witness interviews and joint pre-trial statement.	185.00	1.00
07/19/2005	DKW Review and work on Plaintiffs' Opposition fo Defendants Amended Witness List and Motion in Limine.	245.00	1.00
	MAK Prepare motion in opposition to defendants' amended witness list and motion in limine.	185.00	1.10
	CB Telephone conference with Laura Lamberson; prepare memorandum re Lamberson conference; telephone conference with Wargo; telephone conference with Christin Bowra; work with KL re demonstrative trial exhibits; continue working on jury instructions, voir dire and verdict form after instructions from DKW.	105.00	1.40
	MAK Work on witness and exhibit lists based upon review of all discovery responses and disclosure statements by both parties.	185.00	2.00
	DKW Work on drafting the Voir Dire questions, Jury Instructions and form of Verdict.	245.00	3.60
	KL Work on exhibits.	50.00	1.00
07/20/2005	CB Telephone conference with Adams office re joint pretrial statement; telephone conference with Wendy Ditterman; telephone conference with Karrie Decker.	105.00	0.40
	MAK Work on (cont) joint pre-trial statement.	185.00	1.00

v. Donald and Katherine Cox  
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		Rate	HOURS
	MAK Receive and review correspondence from opposing counsel re demand that we immediately produce copy of joint pre-trial; respond to opposing counsel via e-mail re prior agreement as to date, time & method of exchange of joint pre-trial statement sections.	185.00	0.40
	MAK Correspondence to opposing counsel re verifying that defendants provided no disclosure statement at any time listing 4 named individuals.	185.00	0.20
	DKW Work on the Joint Pretrial Statement, Jury Instructions and begin review of selected portions of the file; Three telephone conversations with Jeff Adams; One telephone conversation with Bob Conlin and with Bob Laundress; Forward a detailed message to Lisa Swaim; Review and dispatch correspondence to Jeff Adams	245.00	4.00
	MAK Review prior cases filed in superior court re Cox's.	185.00	0.80
07/21/2005	MAK Review letter and supplemental disclosure allegedly sent by opposing counsel Nov. 11, 2004.	185.00	0.20
	MAK Correspondence to opposing counsel re response to alleged disclosure of 4 witnesses and forwarding defendants' portion of joint pre-trial statement.	185.00	0.20
	CB Telephone conference with Karrie Decker; telephone conference with Jim Savoini; prepare letter to Adams re telephone number for witnesses; telephone conference with Shiela Cahill; telephone conference with Kenneth Yarbrough; telephone conference with John Hatfield; receive voice mail from Doug Reynolds; telephone call to Reynolds (message).	105.00	1.00
	DKW Review the deposition transcript of Catherine Cox, the recent witness interview summaries and the Affidavit of Sheila Cahill; Work on the proposed Jury Instructions; Review selected portions of the file.	245.00	5.50
	MAK Work on jury instructions.	185.00	2.00
07/22/2005	CB Telephone conference with Donald James; telephone conference with Olive Smith; telephone conference with Grant Griffins; telephone conference with Dan Sanders; to Fire Station to serve Dan Sanders with trial subpoena.	105.00	0.80
	MAK Work on form of jury verdict and request for clarification re advisory jury.	185.00	0.50
	MAK Work on (cont) jury instructions.	185.00	1.00

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS
	MAK Receive and review correspondence from opposing counsel re disclosure of 3 witnesses listed in plaintiffs pre-trial statement.	185.00	0.20
	MAK Correspondence to opposing counsel re prior disclosure of witnesses plaintiffs intend on calling at time of trial.	185.00	0.30
	KL Telephone call from Palmer's re service on Adams re Cox; telephone call to Palmer's re service to Donald James, telephone call from Palmer's re service on James Cox, telephone call from Palmer's re Eiker not with PV Growers; correspondence to opposing counsel; FAX same. (billed at \$10 per hour)	10.00	1.00
	DKW Work on the proposed jury instructions, voir dire questions and form of verdict; Review deposition transcripts of Donald and Catherine Cox; Review the deposition of Becky Nash; Telephone conference with Gary Mortimer.	245.00	7.60
07/24/2005	KL Copy and prepare exhibits. (Billed at \$10/hr)	10.00	5.00
07/25/2005	MAK Review defendants' response to plaintiffs' objection to defendants' amended witness list and motion in limine.	185.00	0.20
	MAK Revise and finalize all exhibits and witnesses to be presented at time of trial.	185.00	1.00
	MAK Revise notice of filing list of witnesses and exhibits.	185.00	0.20
	MAK Receive and review defendants proposed jury instructions.	185.00	0.40
	DKW Analyze and review the motions re: summary judgment, disclosure of underlying tax information, trial interrogation of Alfie Ware, and prohibition of use of recently disclosed witnesses. Review defendants list of witnesses and review selected portions of the defendants pretrial statement; Telephone conference with Gary Mortimer; Forward a message to the clients; Review portions of the file in anticipation of trial.	245.00	4.20
07/26/2005	CB Telephone conference with Robert Taylor; prepare memorandum re Taylor conference; telephone conference with Robert Launders, conference with DKW re Savoini conference; review correspondence from Adams providing telephone numbers for the majority of their witnesses; telephone conference with John Hough; prepare memorandum re Hough conference; telephone conference with Dr. Nichols; prepare memorandum re Nichols conference;		

v. Donald and Katherine Cox  
Deed Restriction Enforcement

		Rate	HOURS
	telephone conference with Noreen Vaughn; prepare memorandum re Vaughn conference; conference with MAK; telephone conference with Dan Sanders and Donald James re trial vacated.	105.00	4.00
MAK	Work on objections to defendants trial exhibits.	185.00	2.00
MAK	Attend oral argument re defendants' motion for summary judgment.	185.00	1.20
KL	Research re business license, tax information and declaration of restrictions; telephone call to county; telephone conference with Town of Prescott Valley, telephone conference with AG Department.	50.00	1.60
KL	Travel to County; research declaration of restrictions for July and December 1974 - order certified copies of guidelines.	50.00	62.00
DKW	Telephone conferences Yavapai County Planning and Building and Sharla Mortimer; Review the deposition transcripts of the Mr. and Mrs. Page and Mr. and Mrs. Cundiff; Analyze and review the arguments and authorities re: Motion for Summary Judgment; Motion to Preclude Interrogation of Alfie Ware; Motion to Compel Discovery and Motion In Limine; Telephone conferences with Kathryn Page and Alfie Ware; Attend the hearings on all pending motions; Conference with Mark Drutz; Forward a message to Doug Reynolds; Notify the witnesses of trial being vacated; Conference with Marguerite.	245.00	7.70
DL	Telephone call to Nash.	85.00	0.20
07/27/2005	CB Telephone conference with Dan Sanders.	105.00	0.30
	DKW Review and organize the file; Review portions of the file in anticipation of meeting with the clients and making recommendations for appellate review.	245.00	2.00
07/28/2005	MAK Office conference with clients re court's decision on summary judgment and appellate review.	185.00	1.50
	CB Brief conference with DKW and MAK re clients' decision to file appeal and instruction to prepare letter to Drutz re proceeding expeditiously re form of judgment.	105.00	0.20
	DKW Prepare for and attend conference with the clients.	245.00	2.00
	DKW Analyze and review selected portions of the file; Conference with my assistant.	245.00	1.00
07/29/2005	CB Telephone conference with Adams' office; draft,		

v. Donald and Katherine Cox  
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		Rate	HOURS	
	revise and complete letter to Adams.	105.00	0.40	
08/01/2005	DKW Receive and review correspondences from Sargent-Flack and Drutz.	245.00	0.30	
	MAK Delete this entry please	185.00		
	DKW Review the rules relating to post-judgment matters.	245.00	1.00	
08/02/2005	MAK Correspondence to opposing counsel re defendants' request for production of documents concerning plaintiffs' attorney's fees.	185.00	0.30	
	CB Conference with MAK; telephone conference with David Lundy (court reporter) re transcript of 07/26/ proceedings.	105.00	0.40	
	MAK Receive and review correspondence from opposing counsel; correspondence to opposing counsel re request for production on our clients' attorney's fees.	185.00	0.40	
	DKW Receive and review several correspondences from opposing counsel and review the file for response.	245.00	1.00	
08/03/2005	MAK Receive and review correspondence from opposing counsel re request for production; correspondence to opposing counsel re same.	185.00	0.40	
	MAK Receive and review subpoena duces tecum served on Alfie by opposing counsel (received copy from Alfie).	185.00	0.20	
	DKW Receive two telephone conferences from the client.	245.00	0.40	
	PROFESSIONAL SERVICES RENDERED		187.60	23,505.00
06/28/2005	Photocopy costs			1.80
06/28/2005	Postage			1.75
06/29/2005	Photocopy costs			10.40
06/29/2005	FAX (1/2)			1.50
06/30/2005	Postage			0.74
07/07/2005	Photocopy costs			0.30
07/08/2005	FAX (1/2)			3.50
07/11/2005	Photocopy costs			0.40
07/11/2005	Photocopy costs			0.30
07/11/2005	Postage			1.11
07/11/2005	FAX (1/2)			1.00
07/12/2005	Postage			3.87
07/12/2005	Photocopy costs			3.75
07/13/2005	Postage			1.11
07/13/2005	Photocopy costs			0.30
07/13/2005	FAX (1/2)			3.00

v. Donald and Katherine Cox  
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07/15/2005	Postage	0.74
07/18/2005	Photocopy costs	2.00
07/18/2005	Photocopy costs	7.55
07/18/2005	Photocopy costs	0.75
07/18/2005	Photocopy costs	1.80
07/18/2005	Photocopy costs	0.60
07/18/2005	Postage	3.50
07/18/2005	FAX (1/2)	1.00
07/19/2005	Photocopy costs	4.70
07/19/2005	Photocopy costs	0.70
07/19/2005	Photocopy costs	13.55
07/19/2005	Postage	2.58
07/19/2005	FAX (1/2)	15.00
07/20/2005	Postage	1.11
07/20/2005	Photocopy costs	28.00
07/20/2005	Photocopy costs	0.25
07/20/2005	FAX (1/2)	4.00
07/21/2005	Photocopy costs	3.15
07/21/2005	Photocopy costs	5.00
07/21/2005	Photocopy costs	4.65
07/21/2005	Postage	11.53
07/21/2005	FAX (1/2)	24.50
07/21/2005	FAX (1/2)	3.00
07/21/2005	FAX (1/2)	1.50
07/21/2005	FAX (1/2)	3.00
07/22/2005	Photocopy costs	0.95
07/22/2005	Photocopy costs	8.30
07/22/2005	Postage	5.85
07/22/2005	FAX (1/2)	1.50
07/22/2005	FAX (1/2)	3.00
07/22/2005	FAX (1/2)	1.00
07/22/2005	FAX (1/2)	1.00
07/22/2005	FAX (1/2)	2.00
07/25/2005	Postage	1.57
07/25/2005	Photocopy costs	4.60
07/25/2005	Photocopy costs	200.00
07/26/2005	Photocopy costs	6.70
07/26/2005	FAX (1/2)	5.00
07/26/2005	Telephone expense	2.00
07/27/2005	Postage	0.74
07/29/2005	FAX (1/2)	2.00
08/01/2005	Postage	0.74
08/01/2005	FAX (1/2)	1.00
08/02/2005	Postage	2.03
08/02/2005	Photocopy costs	0.70
08/02/2005	Photocopy costs	1.50
08/02/2005	FAX (1/2)	3.00
08/02/2005	FAX (1/2)	3.50
08/02/2005	FAX (1/2)	3.00
08/03/2005	Postage	1.11
08/03/2005	Photocopy costs	0.25
08/03/2005	FAX (1/2)	1.50
08/03/2005	FAX (1/2)	2.00
08/03/2005	FAX (1/2)	2.50

v. Donald and Katherine Cox  
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TOTAL EXPENSES		448.03
07/13/2005	Certification by clerk - Yavapai County Recorder	34.00
07/14/2005	Miscellaneous advances - Yavapai County Development Services	13.00
07/14/2005	Miscellaneous advances - Yavapai County	280.00
07/14/2005	Certification by clerk - Yavapai County Recorder	6.00
07/14/2005	Miscellaneous advances - Sir Speedy #2143	39.01
07/15/2005	Miscellaneous advances - Yavapai County	210.00
07/18/2005	Miscellaneous advances - Yavapai County Treasurer	75.00
07/18/2005	Miscellaneous advances - Sir Speedy #2143	78.01
07/20/2005	Miscellaneous advances - Clerk of Superior Court - Yavapai County	30.00
07/21/2005	Issuance of subpoena - Clerk of Superior Court - Yavapai County	162.00
07/21/2005	Witness fee - Steven Stein	12.00
07/21/2005	Witness fee - David Eiker	12.00
07/21/2005	Witness fee - Donald James	12.00
07/21/2005	Witness fee - James Cox	12.00
07/21/2005	Witness fee - Alan Cox	12.00
07/21/2005	Witness fee - Daniel Sanders	12.00
07/21/2005	Witness fee - Doug Reynolds	12.00
07/21/2005	Service fee - Palmer Investigative Services	40.00
07/21/2005	Issuance of subpoena - Clerk of Superior Court - Yavapai County	162.00
07/22/2005	Service fee - Palmer Investigative Services	115.40
07/25/2005	Service fee - Palmer Investigative Services	62.40
07/26/2005	Certification by clerk - Yavapai County Recorder	12.00
07/26/2005	Service fee - Palmer Investigative Services	40.00
07/26/2005	Court reporting fee - Mr. David W. Lundy	58.50
	TOTAL ADVANCES	<u>1,501.32</u>
	TOTAL CURRENT WORK	25,454.35
	BALANCE DUE	<u>\$30,175.08</u>

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PREVIOUS BALANCE \$30,175.08

		Rate	HOURS
08/04/2005	DKW Analyze and review the arguments and authorities re: request for protective order.	245.00	0.60
	MAK Prepare motion for protective order and motion to quash subpoena duces tecum served on Alfie; prepare supporting counsel certification of good faith efforts to resolve discovery dispute.	185.00	2.30
08/05/2005	DKW Receive, review and send the client a copy of Drutz's 8/4/05 correspondence.	245.00	0.20
08/10/2005	DKW Telephone conference with the client.	245.00	0.20
08/17/2005	DKW Analyze and review the Motion for Award of Attorney's Fees and Statement of Costs.	245.00	1.50
08/19/2005	MAK Review defendants motion for attorney's fees and costs.	185.00	0.70
	MAK Research re reasonableness of attorney's fees claimed by opposing counsel.	185.00	2.60
	MAK Work on response to defendants request for attorney's fees.	185.00	2.10
08/22/2005	MAK Analyze and review all of opposing counsel's billing entries for work done re preparation of objection to attorney fee request.	185.00	2.00
08/23/2005	DKW Analyze and review the arguments and issues in Cox's fee application and the time spent.	245.00	1.30
	MAK Prepare response to defendants' motion for attorney's fees	185.00	4.00
08/24/2005	DKW Analyze and review the Response to Opposition to Attorneys' Fees.	245.00	0.80

Mr. and Mrs. John Cundiff

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		Rate	HOURS	
	MAK Prepare response to defendants' motion for attorney's fees.	185.00	2.00	
08/25/2005	MAK Prepare response to defendants' motion for attorney's fees.	185.00	4.60	
	PROFESSIONAL SERVICES RENDERED		24.90	4,882.50
08/04/2005	FAX (1/2)			1.50
08/04/2005	Photocopy costs			13.05
08/04/2005	Postage			5.94
08/22/2005	Photocopy costs			4.40
08/25/2005	Postage			3.95
08/25/2005	Postage			1.98
08/25/2005	Photocopy costs			36.20
	TOTAL EXPENSES			67.02
07/21/2005	Cost Write Off - Duplicate check.			-162.00
	TOTAL CREDITS FOR EXPENSES			-162.00
	TOTAL CURRENT WORK			4,787.52
	BALANCE DUE			<u>\$34,962.60</u>

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PREVIOUS BALANCE \$34,962.60

		Rate	HOURS
08/29/2005	DKW Analyze and review the arguments and issues in our objection to the reasonableness of fees claimed and the reply to motion for protective order; response to motion to quash and motion to compel.	245.00	1.50
	MAK Revise and finalize response to defendants' motion for attorney's fees.	185.00	0.70
	MAK Review defendants' response to motion to quash subpoena duces tecum served on Ware, and motion to compel responses to request for production of documents.	185.00	0.40
	MAK Research intended third party beneficiary law and champerty.	185.00	1.30
	MAK Prepare response to defendants' motion to compel, and reply to defendants' response for motion to quash subpoena duces re Ware.	185.00	2.40
	MAK Revise and finalize reply to defendants' response to motion to quash subpoena duces tecum and response to defendants motion to compel responses to request for production of documents.	185.00	0.30
	DKW Review the proposed partial final judgment.	245.00	0.80
08/30/2005	DKW Review the transcript of hearing and the proposed set of objections.	245.00	0.50
	MAK Prepare objection to form of partial final judgment.	185.00	0.50
09/09/2005	MAK Receive and review defendants' response to objection to form of partial final judgment.	185.00	0.20
	MAK Receive and review defendants reply to plaintiffs response to motion to compel.	185.00	0.30

Mr. and Mrs. John Cundiff

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FILE NO:  
STATEMENT NO:

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		Rate	HOURS	
09/12/2005	DKW			
				Review the Response to Objection to Defendant's Form of Judgment; and Reply to Objections to Attorneys' Fees and Reply to Response to Motion to Compel. Review selected portions of the file.
		245.00	<u>2.00</u>	
			10.90	PROFESSIONAL SERVICES RENDERED
				<u>2,304.50</u>
08/29/2005				Postage
				2.21
08/29/2005				Photocopy costs
				46.00
08/30/2005				Photocopy costs
				2.40
09/08/2005				Postage
				3.13
09/08/2005				Photocopy costs
				14.40
				<u>68.14</u>
				TOTAL EXPENSES
				2,372.64
				TOTAL CURRENT WORK
				<u>\$37,335.24</u>
				BALANCE DUE

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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
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USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

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11/08/2005  
FILE NO: 10641-0011  
STATEMENT NO: 23

PREVIOUS BALANCE \$37,335.24

		Rate	HOURS	
09/26/2005	DKW			
	Research and review the arguments and issues on appeal; Telephone call from Alfie.	245.00	2.50	
09/28/2005	CB			
	Telephone conference with Div 1 re oral argument on attorney's fees, protective order, etc.	105.00	0.20	
	PROFESSIONAL SERVICES RENDERED		2.70	633.50
	TOTAL CURRENT WORK			633.50
10/21/2005	Payment received - Thank you CK# 1985			-34,962.60
	BALANCE DUE			<u>\$3,006.14</u>

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FILE NO: 10641-001I  
STATEMENT NO: 24

PREVIOUS BALANCE \$3,006.14

			Rate	HOURS	
10/27/2005	CB	Telephone call to Judge Mackey's court re status of judgment attorney's fees.	105.00	0.20	
10/28/2005	DKW	Review the arguments raised in Cox's attorney fee application; Conference with MAK re: notifying the court to schedule a hearing.	245.00	1.00	
11/07/2005	MAK	Prepare request for setting oral argument on pending motions.	185.00	0.40	
	DKW	Review and approve the request for scheduling of oral argument.	245.00	0.20	
	DKW	Review the file and converse with MK re: the case.	245.00	0.60	
11/22/2005	DKW	Review selected portions of the file in anticipation of hearings on entry of judgment and attorneys' fees.	245.00	1.40	
11/23/2005	DKW	Prepare for and attend hearings on Motion for Protective Order; Motion to Quash Subpeona; Motion for Attorneys' Fees and Objections to Form of Judgment.	245.00	4.50	
		PROFESSIONAL SERVICES RENDERED		8.30	1,981.50

11/07/2005	Postage				0.74
11/08/2005	FAX				1.00
11/09/2005	Postage				0.74
	TOTAL EXPENSES				2.48

TOTAL CURRENT WORK 1,983.98

BALANCE DUE \$4,990.12

Mr. and Mrs. John Cundiff

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	PREVIOUS BALANCE			\$4,990.12
		Rate	HOURS	
12/08/2005	DKW Telephone conference with Mark Drutz.	245.00	0.20	
12/23/2005	DKW Review the status of the court's rulings and the pending matters under advisement.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		<u>1.20</u>	<u>294.00</u>
12/02/2005	Postage			<u>0.74</u>
	TOTAL EXPENSES			0.74
	TOTAL CURRENT WORK			294.74
	BALANCE DUE			<u>\$5,284.86</u>

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PREVIOUS BALANCE \$5,284.86

		Rate	HOURS	
01/06/2006	DKW Telephone call from Jerry Carver; Review the file.	245.00	1.00	
01/13/2006	DKW Receive, review and send the client a copy of the court's 1/10/06 minute order.	245.00	0.20	
	CB Receive and review minute entry awarding attorney's fees and costs, copy mailed to client.	105.00	0.50	
	DKW Telephone conference with Ware.	245.00	0.20	
01/23/2006	DKW Receive and analyze and review the judgment form; Review the file re: the decision and proper judgment form.	245.00	1.20	
01/24/2006	DKW Receive and review the new form of judgment and compare to the previous form and the court's minute order.	245.00	1.00	
	MAK Review revised form of judgment submitted by defendants and discuss with DKW.	185.00	0.40	
01/25/2006	CB Review proposed judgment and notice of lodging, copy mailed to client.	105.00	0.40	
01/26/2006	CB Telephone conferences (2) with Div 1; telephone conference with Drutz re transcript of hearing motion for summary judgment in July 2005.	105.00	0.60	
	DKW Update the research.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		6.50	1,358.50
01/13/2006	Postage			0.78
01/24/2006	Photocopy costs			4.20
01/25/2006	Postage			0.63
01/25/2006	Photocopy costs			1.80

Mr. and Mrs. John Cundiff

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	TOTAL EXPENSES	<u>7.41</u>
	TOTAL CURRENT WORK	1,365.91
01/23/2006	Payment received - Thank you CK# 2015	-5,284.86
	BALANCE DUE	<u>\$1,365.91</u>

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PREVIOUS BALANCE	\$1,365.91
BALANCE DUE	<u>\$1,365.91</u>

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04/05/2006  
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PREVIOUS BALANCE	\$1,365.91
BALANCE DUE	<u>\$1,365.91</u>

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Mr. and Mrs. John Cundiff

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		PREVIOUS BALANCE			\$1,365.91
			Rate	HOURS	
04/14/2006	CB	Telephone conference with Jody in Drutz' office re stipulation for bond.	105.00	0.20	
04/19/2006	CB	Telephone call to Drutz requesting stipulation for bond.	105.00	0.20	
04/26/2006	CB	Receive and review transmittal letter from Drutz, stipulation to bond bond and order re posting bond, copy mailed to client.	105.00	0.20	
		PROFESSIONAL SERVICES RENDERED		0.60	63.00
04/25/2006		Photocopy costs			7.00
04/26/2006		Postage			13.43
04/26/2006		Postage			0.63
04/26/2006		Photocopy costs			1.40
04/26/2006		FAX			6.00
		TOTAL EXPENSES			28.46
		TOTAL CURRENT WORK			91.46
05/01/2006		Payment received - Thank you CK# 2043			-1,365.91
		BALANCE DUE			<u>\$91.46</u>

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			Rate	HOURS	
		PREVIOUS BALANCE			\$91.46
04/28/2006	CB	Telephone conference with Drutz' office; telephone conference with CC re certified check for bond.	105.00	0.60	
05/01/2006	CB	Receive cashier's check for bond; telephone conference with Drutz' office reopening account at Summit Bank; conference with accounting re opening account.	105.00	0.60	
05/05/2006	CB	Telephone conference with Drutz' office re signature card for supersedeas bond account; telephone conference with Lola at Summit Bank.	105.00	0.60	
05/10/2006	CB	Receive and review order re posting bond signed by Judge Mackey, copy mailed to client; receive and review letter from superior court to court of appeals, copy mailed to client.	105.00	0.40	
		PROFESSIONAL SERVICES RENDERED		2.20	231.00
05/08/2006		Photocopy costs			1.20
		TOTAL EXPENSES			1.20
		TOTAL CURRENT WORK			232.20
		BALANCE DUE			<u>\$323.66</u>

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		Rate	HOURS	
01/19/2007	DKW Research and update authorities.	245.00	1.00	
01/23/2007	DKW Work on updating authorities.	245.00	0.80	
01/26/2007	DKW Review Pacific Second authorities re: standards for enforcement of restrictions.	245.00	1.60	
	PROFESSIONAL SERVICES RENDERED		3.40	833.00
12/31/2006	Cost Write Off - CK#4900 Steven Stein			-12.00
12/31/2006	Cost Write Off CK#4903 Donald James			-12.00
12/31/2006	Cost Write Off CK#4904 James Cox			-12.00
12/31/2006	Cost Write Off CK#4905 Alan Cox			-12.00
	TOTAL CREDITS FOR EXPENSES			-48.00
	TOTAL CURRENT WORK			785.00
	BALANCE DUE			<u>\$785.00</u>

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			Rate	HOURS	
07/30/2007	DKW	Conference with a witness re: status of the case.	245.00	0.30	
07/31/2007	CB	Receive and review notice of lodging judgment on mandate and proposed judgment on mandate.	105.00	0.30	
08/02/2007	CB	Receive return call from Tina Fenton re file return and cost of bond.	105.00	0.40	
08/06/2007	DKW	Work on the objections to form of judgment on remand.	245.00	1.00	
	CB	Review, revise, finalize, file and serve objection to form of judgment on mandate; telephone conference with Div 1; telephone conference with Alfie.	105.00	1.20	
08/09/2007	CB	Receive and review notice of association of counsel.	105.00	0.20	
08/14/2007	DKW	Receive, review and send the client copies of the court's 8/7/07 minute orders.	245.00	0.30	
	CB	Receive and review minute entry exonerating bond; receive and review minute entry setting pretrial conference; telephone conference with Div. 1; make arrangements to pick up exhibits.	105.00	0.80	
08/15/2007	CB	Receive exhibits from clerk; telephone conference with YC Exhibit Clerk re Ware bond monies.	105.00	0.40	
08/16/2007	DKW	Receive, review and send the client a copy of the Motion for Clarification.	245.00	0.30	
08/20/2007	CB	Receive and review motion for clarification; telephone conference with Div 1 re cost bond.	105.00	0.40	
08/21/2007	CB	Receive and review response to objection to Cox's lodged form of judgment on mandate.	105.00	0.30	
		PROFESSIONAL SERVICES RENDERED		<u>5.90</u>	<u>885.50</u>

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08/01/2007	Postage	0.75
08/06/2007	Photocopy costs	7.20
08/21/2007	Postage	0.58
08/21/2007	Photocopy costs	<u>1.00</u>
	TOTAL EXPENSES	9.53
	TOTAL CURRENT WORK	895.03
	BALANCE DUE	<u>\$895.03</u>

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PREVIOUS BALANCE \$895.03

			Rate	HOURS	
08/27/2007	CB	Work on, finalize, file and serve reply to response to objection to lodged form of judgment on mandate; telephone conference with superior court appellate clerk re return of Ware bond monies.	105.00	1.20	
08/28/2007	CB	Receive and review minute entry setting briefing schedule and oral argument; update file.	105.00	0.70	
08/30/2007	CB	Review file for all arguments re joinder issues; receive and review amended minute entry re return of cost bond.	105.00	1.00	
09/10/2007	CB	Receive and review amended minute entry re cost bond	115.00	0.20	
09/11/2007	DKW	Receive, review and send the client a copy of the court's amended order dated 8/27/07	245.00	0.20	
09/13/2007	CB	Update file.	115.00	0.40	
09/17/2007	CB	Telephone call to Drutz re legal memorandum.	115.00	0.20	
09/18/2007	CB	Telephone conference with Drutz re legal memorandum; review minute entry setting legal memoranda deadlines; prepare stipulation to extend deadlines for legal memorandum; prepare order extending deadlines for legal memorandum.	115.00	0.80	
09/19/2007	CB	File and lodge stipulation and order re legal memoranda extensions.	115.00	0.30	
		PROFESSIONAL SERVICES RENDERED		5.00	572.00

08/27/2007	Photocopy costs	3.00
08/27/2007	Postage	0.82
09/07/2007	FAX	6.00

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09/14/2007	Postage	0.58
09/19/2007	Postage	<u>1.16</u>
	TOTAL EXPENSES	11.56
	TOTAL CURRENT WORK	583.56
09/13/2007	Cost payment received CK#6803 - Clerk of Superior Court	-500.00
09/13/2007	Cost payment received CK#6801 - Clerk of Superior Court	-500.00
09/28/2007	Payment received - Thank you CK# 2133	<u>-468.21</u>
	TOTAL PAYMENTS	-1,468.21
	BALANCE DUE	<u>\$10.38</u>

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PREVIOUS BALANCE \$10.38

			Rate	HOURS	
10/01/2007	DKW	Research the caselaw re: necessary verses indispensable parties.	245.00	2.00	
10/05/2007	DKW	Work on issues relating to the joinder of other property owners.	245.00	1.00	
	DKW	Telephone conference with Jeff Adams.	245.00	0.20	
10/09/2007	DKW	Prepare correspondence to Mark Drutz.	245.00	0.30	
10/11/2007	CB	Review file; work on and draft joint pretrial conference memorandum; review first draft of portion of legal memorandum; receive and review defendants' joint pretrial conference memorandum; revise joint pretrial conference memorandum.	115.00	5.70	
10/12/2007	CB	Work on, finalize and hand deliver joint pretrial conference memorandum to Adams for execution; review, revise, finalize, file and serve legal memorandum re joinder.	115.00	2.20	
	DKW	Work on the memorandum re: joinder; and the joint pretrial statement.	245.00	1.50	
10/15/2007	CB	Update file.	115.00	0.50	
10/25/2007	DKW	Telephone call from Jeff Adams.	245.00	0.30	
		PROFESSIONAL SERVICES RENDERED		13.70	2,264.50

10/11/2007	FAX				9.00
10/12/2007	Postage				0.75
10/12/2007	Photocopy costs				16.80
10/15/2007	Postage				1.33
10/16/2007	Postage				0.58
10/23/2007	FAX				1.00

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10/25/2007	FAX	2.00
	TOTAL EXPENSES	31.46
	TOTAL CURRENT WORK	2,295.96
	BALANCE DUE	<u>\$2,306.34</u>

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 12/03/2007  
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PREVIOUS BALANCE \$2,306.34

			Rate	HOURS	
10/29/2007	CB	Receive and review note from Cundiff; receive and review e-mail from Ware re covenants, conditions and restrictions decisions by Nevada Supreme Court.	115.00	0.50	
11/06/2007	DKW	Receive, review and send the client a copy of defendants' response to legal memorandum re: joinder.	245.00	0.80	
	CB	Receive and review responsive legal memorandum re joinder issue.	115.00	0.90	
	DKW	Analyze and review arguments re: joinder.	245.00	0.60	
11/13/2007	CB	Review and revise reply to response to legal memorandum re joinder.	115.00	1.40	
11/14/2007	DKW	Work on the reply memorandum re: joinder.	245.00	2.00	
	DKW	Work on the reply memorandum re: joinder; Research and review the authorities interpreting the rule.	245.00	1.50	
11/15/2007	DKW	Revise and complete the reply re: joinder.	245.00	1.00	
11/19/2007	RH	Receive call from John Cundiff re 11/20/07 hearing - canceled; telephone calls (2) to CB; review file; return call to client - confirming hearing vacated and to communicate with this office.	105.00	0.60	
	DKW	Analyze and review the composition of landowners who may be joined in the action.	245.00	2.00	
		PROFESSIONAL SERVICES RENDERED		11.30	2,320.50

11/07/2007 Postage 0.58  
 11/15/2007 Photocopy costs 5.00

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11/20/2007	Postage	0.58
	TOTAL EXPENSES	<u>6.16</u>
	TOTAL CURRENT WORK	2,326.66
11/28/2007	Payment received - Thank you CK# 2144	-1,879.52
	BALANCE DUE	<u>\$2,753.48</u>

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			Rate	HOURS	
		PREVIOUS BALANCE			\$2,753.48
11/27/2007	CB	Receive and review minute entry setting oral argument on joinder issue.	115.00	0.30	
12/17/2007	DKW	Receive, review and send the client a copy of the Notice Setting Oral Argument.	245.00	0.20	
12/19/2007	DKW	Work on updating authorities.	245.00	0.80	
12/20/2007	CB	Receive order granting substitution of counsel.	115.00	0.20	
	DKW	Research and review the additional violations of the restrictions.	245.00	1.50	
12/26/2007	DKW	Receive and review Vakula's 12/21/07 correspondence.	245.00	0.20	
		PROFESSIONAL SERVICES RENDERED		3.20	719.00
		TOTAL CURRENT WORK			719.00
		BALANCE DUE			<u>\$3,472.48</u>

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Mr. and Mrs. John Cundiff  
 7460 N. Coyote Springs Rd.  
 Prescott Valley AZ 86314  
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PREVIOUS BALANCE \$3,472.48

			Rate	HOURS	
12/31/2007	CB	Receive and review correspondence and remainder of retainer monies from Vakula.	115.00	0.30	
01/02/2008	DKW	Work on issues relating to joinder of additional parties.	245.00	1.00	
	CB	Review and update file; review trial exhibits; discuss status of case with DKW and MAK, pending oral argument issues, and potential of class action pending Judge's ruling on indispensable parties.	115.00	1.70	
	MAK	Conference with DKW and CB (2) re: preparation for trial; discuss joinder issue and possible steps to take depending on trial court's ruling.	185.00	0.50	
01/03/2008	DKW	Analyze and review the rules relating to classifying the case as a class action suit.	245.00	1.00	
01/08/2008	CB	Telephone conference with Alfie (N.C.); telephone conference with CC (N.C.); telephone conference with Becky Nash (N.C.); telephone conference with Barbara Cundiff (N.C.); telephone call to Ken and Kathryn Page (l.m.) (N.C.); receive and review correspondence from Vakula to Ware.	115.00	0.20	
01/23/2008	DKW	Telephone call from a witness.	245.00	0.20	
01/24/2008	DKW	Telephone conference with Kathryn.	245.00	0.30	
01/25/2008	DKW	Review and update authorities relating to joinder.	245.00	1.00	
		PROFESSIONAL SERVICES RENDERED		6.20	1,203.00
01/08/2008		Telephone expense			4.00
		TOTAL EXPENSES			4.00

Mr. and Mrs. John Cundiff



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TOTAL CURRENT WORK 1,207.00

BALANCE DUE \$4,679.48

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PREVIOUS BALANCE \$4,679.48

		Rate	HOURS	
02/12/2008	DKW Telephone call from Jeff Adams.	245.00	0.30	
02/14/2008	CB Receive and review notice of change of address and association of counsel; receive and review motion for substitution of counsel.	115.00	0.40	
02/21/2008	CB Receive and review notice of filing signed consent of transfer; receive executed order granting substitution of counsel.	115.00	0.30	
	PROFESSIONAL SERVICES RENDERED		1.00	<u>154.00</u>
02/14/2008	Postage			<u>0.58</u>
	TOTAL EXPENSES			0.58
	TOTAL CURRENT WORK			154.58
02/13/2008	Adjustment - CCW			-426.82
02/13/2008	Payment received - Thank you CK# 2161			<u>-4,252.66</u>
	TOTAL PAYMENTS			-4,679.48
	BALANCE DUE			<u>\$154.58</u>

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PREVIOUS BALANCE \$154.58

			Rate	HOURS
03/10/2008	DKW	Prepare for and attend hearing on joinder of all property owners in Coyote Springs Ranch.	245.00	5.00
	CB	Receive instruction from DKW re outcome of oral argument re joinder; make arrangements for duplicate demonstrative maps with parcel numbers.	115.00	0.50
03/17/2008	DKW	Analyze and review requirements for notification of the subdivision landowners.	245.00	0.60
03/18/2008	MJ	Research missing addresses for Coyote Springs property owner list.	115.00	0.40
03/19/2008	CB	Conference with DKW and MAK re strategy given recent court determination re joinder; prepare certification for GIS map; receive and review e-mail from MJ and cursory review of attached data file.	115.00	1.80
	DKW	Work on issues relating to Rule 19 joinder.	245.00	1.20
	MJ	Work on enlargement of maps of Coyote Springs CC&R property owner and YC Assessor's office; deliver to Towne Scribe for backing.	115.00	2.00
03/21/2008	CB	Receive and review new demonstrative maps of subdivision and executed certificate.	115.00	0.50
	DKW	Work on issues relating to Rule 19 and Rule 23	245.00	1.50
03/24/2008	DKW	Work on issues relating to joinder.	245.00	1.20
03/25/2008	CB	Receive and review minute entry ordering plaintiff to join all landowners subject to the June 12, 1974 declaration of restrictions.	115.00	0.30
03/26/2008	CB	Conference with DKW and MAK re status and strategy.	115.00	0.60

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	Rate	HOURS	
DKW Conference regarding strategy in the case.	245.00	0.80	
MAK Office conference with DKW and CB re: discuss issues pending with case and trial court's recent orders on joinder.	185.00	0.50	
PROFESSIONAL SERVICES RENDERED		<u>16.90</u>	<u>3,317.50</u>

03/11/2008	Miscellaneous advances - Insty-Prints	213.01
03/12/2008	Professional services - Insty-Prints	156.03
03/18/2008	Miscellaneous advances - Towne Scribe	43.34
	TOTAL ADVANCES	<u>412.38</u>
	TOTAL CURRENT WORK	3,729.88
03/28/2008	Payment received - Thank you CK# 2175	-154.58
	BALANCE DUE	<u>\$3,729.88</u>

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PREVIOUS BALANCE \$3,729.88

			Rate	HOURS	
03/27/2008	CB	Work on homeowner's list.	115.00	4.10	
03/31/2008	DKW	Analyze and review issues relating to the plan of joinder.	245.00	1.80	
04/02/2008	DKW	Work on issues relating to joinder.	245.00	0.80	
04/03/2008	CB	Work on homeowner's list.	115.00	3.20	
04/07/2008	CB	Continue work on homeowner's list.	115.00	3.70	
04/08/2008	CB	Continue work on homeowner's list.	115.00	1.20	
04/11/2008	DKW	Work on issues relating to joinder.	245.00	0.70	
		PROFESSIONAL SERVICES RENDERED		15.50	2,211.50
		TOTAL CURRENT WORK			2,211.50
05/07/2008		Payment received - Thank you CK# 2186			-3,729.88
		BALANCE DUE			<u>\$2,211.50</u>

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PREVIOUS BALANCE \$2,211.50

			Rate	HOURS
04/28/2008	DKW	Work on the plan of joinder.	245.00	1.30
04/30/2008	DKW	Analyze and review issues of joinder; Telephone conference with the client.	245.00	1.00
05/01/2008	DKW	Research and review joinder requirements.	245.00	1.30
05/06/2008	DKW	Prepare for and attend conference with the clients; Review and approve correspondence to Adams	245.00	1.50
	DKW	Telephone conference with Jeff Adams.	245.00	0.30
	MAK	Office conference with clients re: settlement.	185.00	1.00
	MAK	Correspondence to opposing counsel re: settlement offer authorized by clients.	185.00	0.20
05/07/2008	DKW	Telephone call from Jeff Adams.	245.00	0.20
	MAK	Work on plan for joinder requested by Court; review map to be submitted; review list of non-party property owners to be submitted with plan pursuant to Court's 3/10/08 minute entry.	185.00	3.60
	DKW	Work on the plan of joinder; Analyze and review the property owner list; Provide instructions to my assistant; Telephone conferences with Jeff Adams.	245.00	2.50
	MAK	Correspondence to opposing counsel and form of stipulation re: extension of time to file joinder plan.	185.00	0.30
	DKW	Telephone conference with Jeff Adams; Work on and approve the stipulation and order.	245.00	1.00
	CB	Telephone conference with Jeff Adams; work on supporting documents for plan required to be submitted to court pursuant to court's ruling.	115.00	2.70

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			Rate	HOURS	
05/08/2008	DKW	Receive partially executed stipulation and forward for filing.	245.00	0.20	
	CB	File stipulation to extend deadlines; continue work on supporting documents for plan required to be submitted to court pursuant to court's ruling.	115.00	3.10	
05/09/2008	DKW	Telephone call from Alfie.	245.00	0.20	
	DKW	Work on the plan of joinder; Review the list of owners.	245.00	1.00	
05/12/2008	DKW	Conference re: plan of joinder; Review Phillip's rejection of our offer.	245.00	0.50	
	CB	Receive and review correspondence from Adams rejecting settlement offer; complete work on supporting documents for plan required to be submitted re court ruling.	115.00	2.70	
	MAK	Research re: federal rule 19(b) comments and cases cited therein as to court's determination of indispensability of non-party to litigation; research re: alignment of party if joined.	185.00	5.60	
05/13/2008	MAK	Prepare (cont) proposed plan for joinder; include arguments regarding federal rule counter-part that non-party property owners are not indispensable.	185.00	3.80	
	MAK	Additional revisions to legal argument re: indispensability of non-parties.	185.00	0.40	
	DKW	Analyze and review the draft of the plan and attachments; Review portions of the federal rules.	245.00	1.50	
	MAK	Additional revisions to joinder proposal.	185.00	0.20	
	CB	Review and revise plaintiff's plan for joinder.	115.00	1.60	
	DKW	Analyze and review the plan and strategy of the case.	245.00	1.20	
	MAK	Research (additional) re: federal cases denying joinder where jurisdiction of court would be lost.	185.00	1.50	
05/14/2008	CB	Revise, finalize, file. and serve plan for joinder.	115.00	2.30	
05/22/2008	DKW	Work on issues relating to joinder.	245.00	0.80	
		PROFESSIONAL SERVICES RENDERED		43.50	8,049.50
05/06/2008		Postage			1.64
05/06/2008		FAX			2.00

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05/08/2008	Postage	1.23
05/12/2008	Postage	1.68
05/14/2008	Postage	2.87
05/14/2008	Photocopy costs	42.40
05/22/2008	Postage	3.12
	TOTAL EXPENSES	54.94
	TOTAL CURRENT WORK	8,104.44
	BALANCE DUE	<u>\$10,315.94</u>

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PREVIOUS BALANCE \$10,315.94

			Rate	HOURS
05/29/2008	CB	Receive and review defendants' response to and motion to strike plaintiffs' plan for joinder of property owners subject to restrictive covenants.	115.00	0.90
	DKW	Analyze and review Cox's Response to the Proposed Plan and Motion to Strike; Conference re proceeding with the case.	245.00	1.50
06/02/2008	MAK	Prepare notice of preparedness to file reply re: Cox's objection to proposed form of joinder of non-party property owners.	185.00	0.50
	CB	Review, revise, finalize, file and serve notice of plaintiffs' preparedness to file reply to defendants' response to plaintiffs' plan for joinder.	115.00	0.40
	DKW	Conference with assistant.	245.00	0.30
06/05/2008	DKW	Receive and review the court's 6/4/08 minute order.	245.00	0.20
06/09/2008	CB	Receive and review minute entry setting deadline for reply to response to plan for joinder.	115.00	0.20
06/12/2008	DKW	Work on issues relating to joinder.	245.00	1.00
06/20/2008	DKW	Analyze and review authorities re: petitioning for special action relief.	245.00	1.60
06/24/2008	MAK	Review plan for joinder motion, review response and motion to strike, prepare reply pursuant to trial court's minute entry.	185.00	2.40
06/25/2008	MAK	Prepare (cont) response to motion to strike and reply to proposed plan for joinder (re: indispensability of non-party property owners).	185.00	2.30
	CB	Review, revise, finalize, file and serve reply to response to plaintiffs' plan for joinder of property		

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	Rate	HOURS	
owners subject to restrictive covenants.	115.00	0.70	
DKW Review the minute of the court requiring the submission of the plan; Review portions of the court of appeals decision; Review the draft of the reply memorandum.	245.00	1.20	
PROFESSIONAL SERVICES RENDERED		<u>13.20</u>	<u>2,636.00</u>
06/03/2008 Postage			1.17
06/04/2008 FAX			1.00
06/25/2008 Postage			<u>0.59</u>
TOTAL EXPENSES			2.76
05/09/2008 Miscellaneous advances - Insty-Prints			119.19
TOTAL ADVANCES			<u>119.19</u>
TOTAL CURRENT WORK			2,757.95
BALANCE DUE			<u>\$13,073.89</u>

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PREVIOUS BALANCE \$13,073.89

		Rate	HOURS	
07/03/2008	DKW Work on issues relating to joinder.	245.00	0.80	
07/09/2008	DKW Analyze and review the status of the joinder; Provide instructions to my assistant; Telephone the judicial assistant.	295.00	1.00	
07/10/2008	DKW Work on revisions to the list of joined persons; Conference with and provide instructions to my assistant.	295.00	1.00	
07/23/2008	DKW Telephone call to the judicial secretary to check on the status of the judges decision; Conference with my assistant; Work on update to list of property owners.	295.00	1.00	
07/25/2008	DKW Review the file and the status of the court's decision on the plan approval.	295.00	0.60	
	PROFESSIONAL SERVICES RENDERED		4.40	<u>1,258.00</u>
06/27/2008	Postage			0.59
	TOTAL EXPENSES			<u>0.59</u>
	TOTAL CURRENT WORK			1,258.59
07/11/2008	Payment received - Thank you CK# 2198			-10,315.94
08/12/2008	Payment received - Thank you CK# 2200			-2,757.95
	TOTAL PAYMENTS			<u>-13,073.89</u>
	BALANCE DUE			<u>\$1,258.59</u>

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PREVIOUS BALANCE \$1,258.59

			Rate	HOURS	
08/01/2008	DKW	Review portions of the file to cover with my paralegal.	295.00	1.00	
08/04/2008	DKW	Conference with and provide case history to my assistant for action on the file.	295.00	1.00	
08/05/2008	DKW	Prepare instructions to my assistant re: course of trial.	295.00	1.40	
08/15/2008	DKW	Review selected portions of the file and the status of the court's decision.	295.00	0.50	
08/21/2008	DKW	Review the status of the court's decision.	295.00	0.40	
08/25/2008	DKW	Conference with my assistant re: appellate remedies.	295.00	0.50	
	MAK	Receive and review trial court's minute entry re: joinder of indispensable parties.	225.00	0.40	
08/26/2008	DKW	Telephone call from Alfie; Analyze and review the court's 8/25/08 minute order. Review special action jurisdiction.	295.00	1.00	
	CB	Receive and review minute entry finding that this matter be dismissed unless Plaintiff joins all necessary parties within 90 days.	115.00	0.40	
	JSE	Receive and review judge's ruling re joinder; O/C's with DKW/MAK.	95.00	0.60	
	MAK	Research civil appellate rules re: request for stay pending special action; discuss (brief) with DKW.	225.00	0.40	
	MAK	Research and review annotations to federal rule of civil procedure, Rule 19, on joinder issues re: preparation of special action petition.	225.00	3.10	
		PROFESSIONAL SERVICES RENDERED		10.70	2,691.50

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08/26/2008	FAX	10.00
	TOTAL EXPENSES	<u>10.00</u>
	TOTAL CURRENT WORK	2,701.50
	BALANCE DUE	<u>\$3,960.09</u>

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		Rate	HOURS	
	PREVIOUS BALANCE			\$3,960.09
08/29/2008	DKW Telephone conference with the client.	295.00	0.20	
09/03/2008	DKW Analyze and review the court's decision re: joinder and rules pertaining to special action.	295.00	1.00	
09/04/2008	DKW Conference with the clients; Telephone conferences with Becky Nash and Katherine Paige; Work on case strategy; Review the court of appeals decision.	295.00	2.50	
	PROFESSIONAL SERVICES RENDERED		3.70	<u>1,091.50</u>
09/04/2008	Telephone expense			2.00
09/04/2008	Postage			<u>1.26</u>
	TOTAL EXPENSES			3.26
	TOTAL CURRENT WORK			1,094.76
	BALANCE DUE			<u>\$5,054.85</u>

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04/09/2009  
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PREVIOUS BALANCE \$3,984.92

		Rate	HOURS	
02/09/2004	DKW Prepare for the mediation conference.	245.00	2.20	
02/10/2004	DKW Prepare for and attend the mediation conference.	245.00	5.00	
02/11/2004	DKW Prepare a memorandum of issues and provide information to Marguerite.	245.00	0.70	
	MAK Research re waiver/abandonment of deed restriction; and, expansion of non-conforming use.	185.00	1.70	
02/12/2004	MAK Research (cont) re expansion of non-conforming deed restriction use of property.	185.00	2.00	
	PROFESSIONAL SERVICES RENDERED		11.60	2,620.00
02/11/2004	Professional services - Hancock Arbitration and Mediation			300.00
	TOTAL ADVANCES			300.00
	TOTAL CURRENT WORK			2,920.00
02/05/2004	Payment received - Thank you CK# 1709			-6,904.92
	BALANCE DUE			<u>\$0.00</u>

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			Rate	HOURS
03/25/2009	DKW	Receive and review the motion to compel joinder; Telephone Kathy Page to discuss.	295.00	0.60
03/30/2009	DKW	Telephone conference with a witness in the case.	295.00	0.30
03/31/2009	DKW	Telephone call to Kathy Page.	295.00	0.20
04/01/2009	JSE	Memo from MAK re time for joinder.	115.00	0.20
	DKW	Telephone conference with Alfie.	295.00	0.20
04/06/2009	DKW	Telephone call from Alfie.	295.00	0.20
	MAK	Prepare motion for additional time to file response to request to lift stay, and order thereon.	245.00	0.40
	RM	Prepare for filing Motion and order to request time, copies to all parties.	115.00	0.30
	RM	Telephone call from client Kathryn Page. Would like DKW to call Alfie to receive instructions. Message to DKW.	115.00	0.20
04/07/2009	MAK	Correspondence to client re: status of litigation and potential dismissal of action.	245.00	0.80
	MAK	Telephone call to CC Ware re: contact to opposing counsel and terms of settlement; telephone call from Alfie Ware re: confirming instructions to DKW.	245.00	0.20
	DKW	Telephone conferences with Alfie (2 calls) and telephone conference with Adams.	295.00	0.80
04/08/2009	MAK	Revise correspondence to clients re: proceeding with case and settlement options.	245.00	0.30
	DKW	Telephone conference with Kathy Page.	295.00	0.30
04/09/2009	DKW	Telephone call from Alfie; Receive a FAX from Alfie and telephone Alfie to discuss.	295.00	0.70

v. Donald and Katherine Cox  
Deed Restriction Enforcement

			Rate	HOURS
04/10/2009	DKW	Telephone conference with Jeff Adams; Two telephone conferences with Alfie and CC and one with Kathy.	295.00	1.00
	MAK	Correspondence to client confirming telephone conversations to proceed with litigation; reviewing issues involved in proceeding with case.	245.00	0.80
	MAK	Participate in telephone conferences (3) with client and Wares.	245.00	1.00
	RM	Telephone calls to Yavapai County re new map for updated title search	115.00	0.70
04/13/2009	MAK	Prepare response to Defendants' motion for lift of stay and request for orders re: joinder.	245.00	0.80
	DKW	Review the draft of the response to motion to lift stay.	295.00	0.40
	RM	Work on updated title information.	115.00	2.00
04/14/2009	DKW	Receive and review the executed Order permitting additional time to file the response to motion for joinder.	295.00	0.20
	RH	Work on obtaining GIS property descriptions for each parcel located in S14 and 24 of T15N, R01W.	115 00	1.90
	DKW	Review and organize issues to be presented; Provide instructions to my assistant.	295.00	0.60
	MAK	Prepare motion to amend caption and addition of third party complaint; work on proposed third party complaint; review availability of use by other courts of potential electronic mail after appearance by potential third parties.	245.00	2.40
	RM	Work on title research.	115.00	2.00
04/15/2009	DKW	Telephone call from Alfie; Work on structuring the Amended Complaint.	295.00	1.00
	RH	Work on pulling GIS information for parcels located in S 6, 7, 13, 19, 24, 25, T 15N, R 1W and research titles for parcels located in S 13, 24, and 25, T 15N, R 1W.	115.00	8.80
	RM	Work on title research.	115.00	2.00
04/16/2009	RH	Work on researching titles to real properties in S 6, 7, 19, 25, T 15N, R 1W.	115.00	10.20
	DKW	Telephone call from Jerry Carver.	295 00	0.20

v. Donald and Katherine Cox  
Deed Restriction Enforcement

			Rate	HOURS	
	RM	Work on title research, order and pick up map from County.	115.00	2.30	
04/17/2009	MAK	Review defendant Cox's reply to response to lift stay order.	245.00	0.40	
	RH	Work on researching titles to properties.	115.00	4.30	
04/18/2009	RH	Work on researching titles to properties.	115.00	2.00	
	RM	Work on title research.	115.00	2.50	
04/19/2009	RM	Work on title research.	115.00	5.00	
04/20/2009	DKW	Receive and review Cox's reply to response to motion for joinder.	295.00	0.30	
	RH	Work on researching titles to real properties.	115.00	3.30	
	RM	Work on title research and typing results.	115.00	4.50	
04/21/2009	RM	Work on title research and type results	115.00	3.00	
04/22/2009	RM	Work on typing results of research.	115.00	6.00	
04/23/2009	JSE	Work on preparing joinder caption.	115.00	1.00	
	RM	Work on typing results and caption	115.00	4.00	
04/24/2009	DKW	Telephone conferences with Alfie and CC; Work on the Third Party Complaint, the Motion to Leave to Amend, the correspondence to Adams and stipulation.	295.00	2.50	
	MAK	Revise third party complaint; work on issues concerning third party defendants.	245.00	1.00	
	MAK	Prepare stipulation re: motion to amend caption and third party complaint; prepare correspondence to opposing counsel re: same.	245.00	0.40	
	JSE	Complete joinder caption formatting; prepare 3rd party complaint caption; proof and complete third-party complaint.	115.00	1.40	
04/27/2009	DKW	Receive, review and send the client a copy of the court's 4/24/09 minute order.	295.00	0.20	
04/28/2009	MAK	Correspondence to client re: effecting substitution of counsel; e-mail to Jeff Coughlin re: transfer of file.	245.00	0.40	
		PROFESSIONAL SERVICES RENDERED		86.20	12,816.00

v. Donald and Katherine Cox  
Deed Restriction Enforcement

03/31/2009	Telephone expense	2.00
04/06/2009	Photocopy costs	4.00
04/06/2009	Postage	0.84
04/08/2009	Telephone expense	2.00
04/09/2009	Postage	0.84
04/09/2009	Telephone expense	2.00
04/09/2009	FAX	1.00
04/10/2009	Telephone expense	6.00
04/13/2009	Photocopy costs	4.80
04/13/2009	Postage	1.68
04/15/2009	FAX	10.00
04/20/2009	Photocopy costs	1.20
04/20/2009	Postage	0.59
04/24/2009	Photocopy costs	1.20
04/24/2009	Telephone expense	4.00
04/24/2009	FAX	2.00
04/27/2009	Postage	0.84
04/28/2009	Postage	0.84
	<b>TOTAL EXPENSES</b>	<u>45.83</u>

04/16/2009	Professional services - YC Assessor	140.00
	<b>TOTAL ADVANCES</b>	<u>140.00</u>
	<b>TOTAL CURRENT WORK</b>	13,001.83
	<b>BALANCE DUE</b>	<u>\$13,001.83</u>

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Mr. and Mrs. John Cundiff  
7460 N. Coyote Springs Rd.  
Prescott Valley AZ 86314  
USA

Mr. and Mrs. John Cundiff

v. Donald and Katherine Cox  
Deed Restriction Enforcement

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05/28/2009  
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		PREVIOUS BALANCE			\$13,001.83
			Rate	HOURS	
04/29/2009	MAK	Provide assistance and instructions to staff re: copying and transmission of file to new counsel (N.C.)	245.00	0.60	
05/01/2009	MAK	Work on issues relating to file transfer (N.C.)	245.00	1.00	
		PROFESSIONAL SERVICES RENDERED		1.60	<u>392.00</u>
05/01/2009		Postage			1.77
05/01/2009		Postage			<u>0.84</u>
		TOTAL EXPENSES			2.61
		TOTAL CURRENT WORK			394.61
		BALANCE DUE			<u>\$13,396.44</u>

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14810 N. 18th Place  
Phoenix AZ 85022  
USA

Mrs. Kathryn Page

Appeal

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09/06/2005  
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			Rate	HOURS
07/27/2005	MAK	Research re additional case law on business operation.	185.00	4.30
07/28/2005	MAK	Research re business for purposes of restrictive covenants.	185.00	2.30
07/29/2005	MAK	Research (cont) re legal definition of "business" under restrictive covenants.	185.00	1.10
	MAK	Work on appellate opening brief.	185.00	3.70
08/01/2005	MAK	Work on (cont) appellate brief; review additional cases.	185.00	3.40
08/04/2005	MAK	Review transcript of 7/26/05 oral argument on summary judgment.	185.00	0.60
	MAK	Research (cont) re appellate opening brief.	185.00	1.60
	MAK	Work on opening brief.	185.00	1.00
08/10/2005	DKW	Research and review the procedural vehicle for supplementing the record; Provide instructions to my assistant.	245.00	1.50
	MAK	Prepare appellate brief.	185.00	4.30
	MAK	Research (cont) re business and agricultural activities in violation of recorded covenants.	185.00	4.10
08/11/2005	MAK	Prepare appellate opening brief.	185.00	5.10
08/12/2005	MAK	Prepare appellate opening brief.	185.00	5.30
	DKW	Analyze and review selected portions of the record for review.	245.00	1.50
08/15/2005	MAK	Prepare appellate opening brief.	185.00	4.00
	DKW	Analyze and review selected portions of the file.	245.00	1.00

Appeal

			Rate	HOURS	
08/16/2005	MAK	Prepare appellate opening brief.	185.00	3.80	
08/17/2005	MAK	Prepare appellate opening brief.	185.00	5.50	
08/18/2005	MAK	Prepare appellate opening brief.	185.00	4.80	
08/19/2005	MAK	Prepare appellate opening brief.	185.00	0.80	
	DKW	Analyze and review the issues and authorities re: appeal.	245.00	2.00	
08/22/2005	DKW	Analyze and review arguments and issues.	245.00	1.00	
		PROFESSIONAL SERVICES RENDERED		<u>62.70</u>	<u>12,019.50</u>
		TOTAL CURRENT WORK			12,019.50
		BALANCE DUE			<u>\$12,019.50</u>

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 USA

Mrs. Kathryn Page

Appeal

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 10/14/2005  
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		PREVIOUS BALANCE			\$12,019.50
			Rate	HOURS	
08/30/2005	MAK	Review additional case law re definition of "business" under restrictive covenants.	185.00	0.70	
	MAK	Prepare appellate brief (cont) re include additional case law (N.C.)	185.00	1.60	
08/31/2005	MAK	Work on opening brief; additional research (N.C.)	185.00	3.20	
	DKW	Analyze and review the authorities in the draft of the opening brief.	245.00	1.00	
09/01/2005	MAK	Work on appellate opening brief, including additional case law.	185.00	4.60	
	DKW	Work on the appeal.	245.00	0.80	
09/06/2005	DKW	Analyze and review the arguments in the opening brief.	245.00	1.20	
09/13/2005	DKW	Analyze and review the arguments and issues in the appellate opening brief.	245.00	2.00	
09/15/2005	DKW	Analyze and review the issues and arguments on appeal; Review selected portions of the record	245.00	1.50	
09/16/2005	DKW	Analyze and review arguments and issues on appeal.	245.00	1.50	
09/22/2005	DKW	Research and work on the appeal.	245.00	1.40	
				PROFESSIONAL SERVICES RENDERED	19.50
				TOTAL CURRENT WORK	3,283.50
				BALANCE DUE	<u>\$15,303.00</u>

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Mrs. Kathryn Page

Appeal

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	PREVIOUS BALANCE			\$15,303.00
		Rate	HOURS	
10/05/2005	DKW Work on the appellate brief.	245.00	1.00	
10/25/2005	DKW Analyze and review selected authorities on appeal.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		2.00	490.00
	TOTAL CURRENT WORK			490.00
	BALANCE DUE			<u>\$15,793.00</u>

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Appeal

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12/13/2005  
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PREVIOUS BALANCE \$15,793.00

		Rate	HOURS	
11/01/2005	DKW Analyze and review selected portions of the record.	245.00	1.50	
	PROFESSIONAL SERVICES RENDERED		1.50	<u>367.50</u>
	TOTAL CURRENT WORK			367.50
	BALANCE DUE			<u>\$16,160.50</u>

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Mrs. Kathryn Page

Appeal

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		PREVIOUS BALANCE			\$16,160.50
			Rate	HOURS	
01/13/2006	DKW	Analyze and review procedure for filing the Supersedeas Bond.	245.00	1.20	
		PROFESSIONAL SERVICES RENDERED		1.20	294.00
		TOTAL CURRENT WORK			294.00
		BALANCE DUE			<u>\$16,454.50</u>

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Mrs. Kathryn Page

Appeal

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PREVIOUS BALANCE \$16,454.50

			Rate	HOURS
01/27/2006	DKW	Research and review updated authorities re. appeal.	245.00	1.50
01/31/2006	DKW	Analyze and review the rules relating to securing the supersedeas cash deposit.	245.00	1.40
02/01/2006	CB	Conference with MAK; telephone conference with Drutz' office re motion for summary judgment transcript from July, 2005.	105.00	0.40
02/02/2006	MAK	Review recent Arizona supreme court decision re standard to be applied when court interprets covenants and restrictions.	185.00	0.50
	DKW	Analyze and review the recent Supreme Court decision re: standard for evaluating a breach of restrictive covenants.	245.00	1.50
02/03/2006	CB	Telephone conference with Drutz' office re motion for summary judgment transcript of 07/26/05; Transmit e-mail to MAK.	105.00	0.30
02/07/2006	MAK	Review transcript of oral argument on defendants' motion for summary judgment re agricultural activities permissible under CC&R's.	185.00	0.50
	CB	Receive voice mail from Drutz' office re motion for summary judgment transcript; conference with MAK; telephone conference with Drutz' office; receive and review transcript of hearing on motion for summary judgment; telephone conference with Clerk re making oral argument on motion for summary judgment part of record to be transmitted on appeal.	105 00	1.00
02/08/2006	CB	Conference with MAK; telephone conference with Mackey's court; telephone conference with Clerk of Court.	105.00	0.60
02/15/2006	DKW	Receive, review and send the client a copy of the entered Partial Final Judgment.	245.00	0.20

## Appeal

			Rate	HOURS	
02/16/2006	MAK	Draft notice of appeal.	185.00	0.50	
	MAK	Discuss proposal of amount of supersedeas bond with DKW; prepare form of stipulation and letter to opposing counsel re amount of supersedeas bond.	185.00	0.50	
	CB	Receive and review partial final judgment signed by Judge Mackey; conference with MAK.	105.00	0.40	
	DKW	Work on supersedeas bond issues.	245.00	0.60	
02/17/2006	DKW	Review the stipulation as to amount of supersedeas bond and correspondence to Drutz; Research re: surrender of interest on deposits with the county.	245.00	2.50	
02/21/2006	DKW	Telephone call from Tom Stoxen re: interest on investments with the clerk of the court; Analyze and review ARS 12-286.	245.00	1.20	
02/22/2006	DKW	Analyze and review the arguments raised in the opening brief.	245.00	1.40	
02/24/2006	DKW	Receive and review the 2/23/06 notice from the clerk of the court together with the enclosed docketing statement.	245.00	0.40	
	CB	Telephone conference with Drutz office.	105.00	0.20	
		PROFESSIONAL SERVICES RENDERED		<u>15.60</u>	<u>3,296.00</u>
02/08/2006		Photocopy costs			5.60
02/08/2006		Postage			1.35
02/16/2006		Postage			0.78
02/16/2006		Photocopy costs			4.20
02/17/2006		Postage			1.89
02/17/2006		Postage			0.78
02/17/2006		Postage			1.02
		TOTAL EXPENSES			<u>15.62</u>
07/25/2005		Service fee - Hawkins and EZ Messenger			<u>78.70</u>
		TOTAL ADVANCES			<u>78.70</u>
		TOTAL CURRENT WORK			3,390.32
		BALANCE DUE			<u><u>\$19,844.82</u></u>

Mrs. Kathryn Page



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Appeal

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04/05/2006

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PREVIOUS BALANCE \$19,844.82

			Rate	HOURS
02/27/2006	CB	Draft docketing statement.	105.00	0.50
02/28/2006	DKW	Review the file and provide instructions re: bond for costs on appeal.	245.00	0.40
	MAK	Revise docketing statement for filing with court.	185.00	0.40
	CB	Telephone conference with appeals clerk; prepare notice of posting bond; revise and finalize docketing statement.	105.00	1.00
03/02/2006	DKW	Review the appeal docketing statement.	245.00	0.40
03/07/2006	DKW	Receive, review and send the client a copy of Drutz's 3/6/06 correspondence; Review selected portions of the file.	245.00	0.60
	DKW	Telephone conference with Mark Drutz.	245.00	0.20
	DKW	Work on appeal issues.	245.00	0.30
03/10/2006	DKW	Analyze and review alternatives to supersedeas cash deposit.	245.00	0.40
03/13/2006	DKW	Receive, review and send the client copies of the amended Notice of Cross-Appeal and Bond for Costs on Cross-Appeal.	245.00	0.40
	CB	Receive and review notice of posting cash bond for costs on cross-appeal and notice of cross-appeal.	105.00	0.40
03/14/2006	MAK	Research.	185.00	2.00
03/21/2006	DKW	Receive and review the Clerk's 3/16/06 list of pleadings and filings included as part of the record on appeal.	245.00	0.60
	DKW	Review portions of the record which are within the cross-appeal.	245.00	1.20

## Appeal

		Rate	HOURS	
03/22/2006	DKW Review provisions relating to Cross-Appeals.	245.00	0.40	
03/24/2006	DKW Receive, review and send the client a copy of the court's 3/22/06 correspondence and outline of record on appeal.	245.00	0.30	
	PROFESSIONAL SERVICES RENDERED		9.50	<u>1,917.50</u>
02/27/2006	Postage			0.63
02/28/2006	Photocopy costs			4.40
03/02/2006	Postage			1.26
03/06/2006	FAX			3.00
03/13/2006	Photocopy costs			1.20
03/13/2006	Postage			0.63
03/21/2006	Photocopy costs			2.00
	TOTAL EXPENSES			<u>13.12</u>
02/17/2006	Filing fee - Clerk of Superior Court - Yavapai County			61.00
	TOTAL ADVANCES			<u>61.00</u>
	TOTAL CURRENT WORK			1,991.62
	BALANCE DUE			<u>\$21,836.44</u>

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Mrs. Kathryn Page

Appeal

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05/11/2006  
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PREVIOUS BALANCE \$21,836.44

			Rate	HOURS
03/27/2006	DKW	Receive and review Cox's Civil Appeals Docketing Statement.	245.00	0.40
03/30/2006	CB	Work on comparison of Interspersed Index with file pleadings; prepare notice of posting cash bond for costs on appeal.	105.00	0.60
04/03/2006	MAK	Prepare appellate brief (cont) re arguments on attorney's fees, conclusion, add recent Arizona supreme court decision to opening brief.	185.00	1.00
04/04/2006	DKW	Analyze and review the revised draft of the opening brief.	245.00	1.00
04/07/2006	DKW	Review revised draft of the opening brief.	245.00	1.00
04/12/2006	DKW	Work on appeal issues.	245.00	1.00
04/13/2006	DKW	Analyze and review the opening brief; Make revisions and converse with Marguerite.	245.00	1.50
	MAK	Revise opening brief; additional research re case citation for standards for waiver & abandonment.	185.00	1.50
04/14/2006	DKW	Review the brief and re-review selected authorities.	245.00	1.00
04/18/2006	CB	Continue work on references and exhibits to brief; begin work on table of contents and table of authorities.	105.00	1.00
04/20/2006	CB	Telephone conference with Drutz re stipulation on supersedeas bond; prepare stipulation for posting bond.	105.00	1.00
04/24/2006	MAK	Revise opening brief re inclusion of additional citations to record on appeal.	185.00	0.20
04/26/2006	DKW	Work on issues relating to the brief; Receive Mark Drutz's FAX together with a revised stipulation and		

## Appeal

		Rate	HOURS	
	order.	245.00	1.20	
CB	Revise certificate of service.	105.00	0.20	
	PROFESSIONAL SERVICES RENDERED		<u>12.60</u>	<u>2,533.00</u>
03/27/2006	Photocopy costs			2.00
03/28/2006	Photocopy costs			2.00
03/30/2006	Postage			2.46
03/30/2006	Photocopy costs			2.00
03/30/2006	Photocopy costs			2.20
03/30/2006	Photocopy costs			<u>10.40</u>
	TOTAL EXPENSES			21.06
03/24/2006	Filing fee - Clerk of Court of Appeals			140.00
03/30/2006	Miscellaneous advances - Clerk of Superior Court - Yavapai County (Cost Bond)			500.00
04/26/2006	Miscellaneous advances - Towne Scribe			<u>154.84</u>
	TOTAL ADVANCES			794.84
	TOTAL CURRENT WORK			3,348.90
	BALANCE DUE			<u>\$25,185.34</u>

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Mrs. Kathryn Page  
 14810 N. 18th Place  
 Phoenix AZ 85022  
 USA

Mrs. Kathryn Page

Appeal

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 STATEMENT NO: 10

PREVIOUS BALANCE \$25,185.34

		Rate	HOURS	
04/28/2006	DKW Review the finished opening brief; Provide instructions to my assistant.	245.00	1.00	
05/03/2006	DKW Receive, review and send the client a copy of Drutz's 5/1/06 correspondence.	245.00	0.20	
05/05/2006	DKW Receive, review and send the client a copy of the entered Order RE:: Posting Bond.	245.00	0.20	
05/08/2006	DKW Receive, review and send the client a copy of the Clerk's 5/4/06 update to the appeal docket.	245.00	0.20	
05/11/2006	DKW Work on update to authorities.	245.00	1.00	
05/15/2006	DKW Receive and review Motion to Strike Opening Brief and Motion for Extension.	245.00	0.80	
	CB Receive and review motion to strike appellant's opening brief re issue of waiver and motion for extension of time to file responsive brief, copy mailed to client, brief conference with MAK.	105.00	0.60	
05/26/2006	MAK Prepare response to motion to strike.	185.00	0.40	
	DKW Review the response to motion to strike/enlarge time.	245.00	0.30	
	PROFESSIONAL SERVICES RENDERED		4.70	1,043.50

05/15/2006	Photocopy costs			6.00
05/15/2006	Postage			0.87
05/26/2006	Postage			2.37
05/26/2006	Photocopy costs			7.20
	TOTAL EXPENSES			16.44

TOTAL CURRENT WORK 1,059.94

Mrs. Kathryn Page

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FILE NO:  
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Appeal

BALANCE DUE

\$26,245.28

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Appeal

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PREVIOUS BALANCE \$26,245.28

			Rate	HOURS	
05/30/2006	MAK	Research re issue of joinder of necessary parties for cross-appeal.	185.00	3.80	
06/01/2006	CB	Receive and review letter from Drutz transmitting stipulation for extension of time to file brief, copy mailed to client; conference with DKW and obtain his signature on stipulation.	105.00	0.40	
	DKW	Receive and review correspondence from Drutz together with the Stipulation and Order re: enlarging time; Review the file and provide instructions to my assistant.	245.00	1.00	
06/07/2006	DKW	Receive, review and send the client a copy of Drutz's 6/2/06 correspondence.	245.00	0.20	
	DKW	Work on selected appeal issues.	245.00	0.80	
06/08/2006	DKW	Receive and review the court's 6/6/06 Order.	245.00	0.20	
	DKW	Review additional issues relating to the appeal.	245.00	0.80	
06/09/2006	CB	Receive and review order extending time for filing answer brief.	105.00	0.20	
06/12/2006	DKW	Receive, review and send the client a copy of the court's 6/6/06 order.	245.00	0.20	
06/13/2006	CB	Receive and review reply in support of motion to strike appellant's opening brief re waiver, copy mailed to client; receive and review order extending time for filing answering brief/cross appeal, copy mailed to client.	105.00	0.50	
		PROFESSIONAL SERVICES RENDERED		8.10	1,602.50

06/01/2006 Photocopy costs 1.60

Appeal

06/13/2006	Postage	0.63
06/13/2006	Photocopy costs	1.80
	TOTAL EXPENSES	4.03
	TOTAL CURRENT WORK	1,606.53
	BALANCE DUE	<u>\$27,851.81</u>

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Mrs. Kathryn Page

Appeal

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	PREVIOUS BALANCE			\$27,851.81
		Rate	HOURS	
07/03/2006	DKW Receive and review the decision of the court of appeals re: considering the defense of waiver.	245.00	0.60	
07/05/2006	CB Receive and review order granting motion to strike, copy mailed to client.	105.00	0.20	
07/10/2006	CB Receive e-mail from MAK and locate recent order for deadline to file responsive brief.	105.00	0.30	
	PROFESSIONAL SERVICES RENDERED		1.10	199.50
	TOTAL CURRENT WORK			199.50
	BALANCE DUE			<u>\$28,051.31</u>

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Appeal

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09/06/2006  
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PREVIOUS BALANCE \$28,051.31

			Rate	HOURS
07/27/2006	DKW	Research and review recent authorities re: restrictive covenants.	245.00	1.00
07/28/2006	MAK	Review file re exhibits comprising opposing party's appendix.	185.00	0.50
07/31/2006	MAK	Research re support for motion to strike appellee's appendix containing exhibits used in a summary judgment that was denied.	185.00	1.50
08/01/2006	MAK	Analyze appendix to opening brief against record on appeal (appendix based upon documents submitted on summary judgment that was not granted and not appealed from).	185.00	1.30
	MAK	Research re reliance in appellate brief on affidavits submitted in support of summary judgment denied by trial court.	185.00	1.40
08/02/2006	MAK	Analyze and review opening and response briefs.	185.00	1.80
	MAK	Analyze and review cases cited by opposing party in opening and response briefs.	185.00	2.40
08/03/2006	MAK	Prepare motion to strike portions of appendix to opening/response brief.	185.00	2.00
08/04/2006	DKW	Receive, review and send the client a copy of the appellate court's 8/3/06 minute order.	245.00	0.20
08/08/2006	DKW	Telephone call from Mark Drutz re: stipulating to extension for filing reply brief.	245.00	0.20
08/11/2006	DKW	Analyze and review Cox's Answering Brief.	245.00	1.50
08/21/2006	DKW	Review Cundiff's Motion to Strike.	245.00	0.40
08/22/2006	CB	Conference with MAK; review, file and serve appellants' motion to strike appellee's appendix to		

## Appeal

		Rate	HOURS	
	answering brief and opening brief on cross appeal, copy mailed to client; prepare stipulation and order for extension of time to file brief, copy mailed to client; telephone conference with Drutz; prepare transmittal letter to appeals clerk; finalize stipulation and hand deliver to Drutz for signature.	105.00	0.70	
08/23/2006	CB Receive stipulation executed by Drutz; prepare letter to appellate clerk transmitting stipulation for filing, copy mailed to client.	105.00	0.50	
08/25/2006	DKW Research and review issues on appeal.	245.00	1.50	
	PROFESSIONAL SERVICES RENDERED		16.90	3,318.50
08/22/2006	Postage			3.48
08/22/2006	Photocopy costs			9.60
08/22/2006	FAX			6.00
08/23/2006	Photocopy costs			4.80
08/23/2006	Postage			2.52
	TOTAL EXPENSES			26.40
	TOTAL CURRENT WORK			3,344.90
	BALANCE DUE			<u>\$31,396.21</u>

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Mrs. Kathryn Page

Appeal

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PREVIOUS BALANCE

\$31,396.21

			Rate	HOURS	
07/27/2005	MAK	Fee adjustment per DKW.	185.00	-2.00	-370.00
07/28/2005	MAK	Fee adjustment per DKW.	185.00	-1.00	-185.00
07/29/2005	MAK	Fee adjustment per DKW	185.00	-1.70	-314.50
08/01/2005	MAK	Fee adjustment per DKW.	185.00	-1.40	-259.00
08/10/2005	MAK	Fee adjustment per DKW.	185.00	-2.30	-425.50
	MAK	Fee adjustment per DKW.	185.00	-1.80	-333.00
08/11/2005	MAK	Fee adjustment per DKW.	185.00	-2.00	-370.00
08/12/2005	MAK	Fee adjustment per DKW.	185.00	-2.30	-425.50
09/01/2005	MAK	Fee adjustment per DKW.	185.00	-2.00	-370.00
	MAK	Fee adjustment per DKW.	185.00	-2.30	-425.50
09/13/2005	MAK	Fee adjustment per DKW.	185.00	-1.00	-185.00
	DKW	Fee adjustment per DKW.	245.00	-1.00	-245.00
01/13/2006	DKW	Fee adjustment per DKW.	245.00	-1.20	-294.00
02/01/2006	CB	Fee adjustment per DKW.	105.00	-0.20	-21.00
02/28/2006	CB	Fee adjustment per DKW.	105.00	-1.00	-105.00
	CB	Fee adjustment per DKW.	105.00	-0.60	-63.00
03/13/2006	CB	Fee adjustment per DKW.	105.00	-0.40	-42.00
03/30/2006	CB	Fee adjustment per DKW.	105.00	-0.60	-63.00
04/07/2006	DKW	Fee adjustment per DKW.	245.00	-1.00	-245.00
04/13/2006	MAK	Fee adjustment per DKW.	185.00	-1.50	-277.50

Appeal

			Rate	HOURS	
05/15/2006	CB	Fee adjustment per DKW.	105.00	-0.60	-63.00
05/30/2006	MAK	Fee adjustment per DKW.	185.00	-1.50	-277.50
06/01/2006	CB	Fee adjustment per DKW.	105.00	-0.40	-42.00
06/09/2006	CB	Fee adjustment per DKW.	105.00	-0.20	-21.00
06/13/2006	CB	Fee adjustment per DKW.	105.00	-0.50	-52.50
		TOTAL CREDITS FOR FEES		-30.50	-5,474.50
		TOTAL CURRENT WORK			-5,474.50
		BALANCE DUE			<u>\$25,921.71</u>

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Appeal

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 11/06/2006  
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PREVIOUS BALANCE \$25,921.71

			Rate	HOURS	
08/29/2006	DKW	Receive and review the appellate court's 8/28/06 Order.	245.00		
09/13/2006	DKW	Receive, review and send the client a copy of the Response to Appellants' Motion to Strike Appendix; Review authorities set forth in the pleading.	245.00	1.00	
09/15/2006	DKW	Work on issues on appeal.	245.00	1.20	
09/22/2006	CB	Receive and review reply to response to motion to strike appendix to answering brief, copy mailed to client. (N.C.)	105.00	0.30	
09/29/2006	DKW	Review the file and the status of appeal; Review selected cases relating to restrictive covenant enforcement.	245.00	1.00	
10/11/2006	DKW	Receive and review the appellate court's 10/6/06 order.	245.00	0.20	
	CB	Receive and review minute entry from appellate court denying motion to strike, copy mailed to client.	105.00	0.30	
10/18/2006	DKW	Analyze and review arguments in the response brief.	245.00	1.00	
10/23/2006	DKW	Review portions of the brief.	245.00	1.00	
10/25/2006	DKW	Conference with and provide instructions to my assistant re: the reply brief.	245.00	0.60	
	MAK	Prepare appellate reply and answering brief on cross-appeal.	185.00	5.40	
10/26/2006	MAK	Prepare appellate reply and answering brief on cross-appeal.	185.00	5.70	
		PROFESSIONAL SERVICES RENDERED		17.70	3,555.00

Appeal

09/11/2006	FAX	2.00
09/13/2006	Postage	0.63
09/13/2006	Photocopy costs	1.80
09/15/2006	Postage	2.22
	TOTAL EXPENSES	<u>6.65</u>
	TOTAL CURRENT WORK	3,561.65
10/25/2006	Payment received - Thank you CK# 2091	-13,000.00
	BALANCE DUE	<u>\$16,483.36</u>

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Mrs. Kathryn Page

Appeal

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PREVIOUS BALANCE \$16,483.36

			Rate	HOURS	
10/27/2006	DKW	Work on issues on appeal.	245.00	1.50	
10/30/2006	MAK	Revisions to appellate answering and reply brief; research re standard on review for motion to join necessary parties.	185.00	1.80	
	CB	Work on reply brief and response to cross-appeal brief; begin work on table of contents and table of citations.	105.00	4.40	
10/31/2006	DKW	Final review of the brief; Complete and forward for filing.	245.00	1.00	
	CB	Work on and finalize table of contents and table of citations; work on, finalize, file and serve reply brief and response to cross appeal brief; prepare, file and serve request for oral argument.	105.00	2.60	
11/22/2006	DKW	Telephone conference with Drutz.	245.00	0.20	
	DKW	Receive and review stipulation; execute and return for filing.	245.00	0.20	
	DKW	Work on issues on appeal.	245.00	0.80	
		PROFESSIONAL SERVICES RENDERED		12.50	1,974.50

10/31/2006	Postage				2.31
10/31/2006	Postage				6.75
10/31/2006	Photocopy costs				6.60
	TOTAL EXPENSES				15.66

10/31/2006	Miscellaneous advances - Towne Scribe				86.90
10/31/2006	Messenger/delivery service - Federal Express				18.81
	TOTAL ADVANCES				105.71

Mrs. Kathryn Page

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TOTAL CURRENT WORK

2,095.87

BALANCE DUE

\$18,579.23

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Mrs. Kathryn Page  
 14810 N. 18th Place  
 Phoenix AZ 85022  
 USA

Mrs. Kathryn Page

Appeal

PREVIOUS BALANCE \$18,579.23

		Rate	HOURS	
11/27/2006	DKW Receive, review and send the clients copies of Drutz's 11/22/06 correspondence to me and his 11/22/06 letter to the clerk of the court of appeals.	245.00	0.30	
11/28/2006	CB Receive letter from Drutz to Appeals Clerk transmitting stipulation re extension to file reply brief, copy mailed to client.	105.00	0.30	
12/04/2006	DKW Work on issues on appeal.	245.00	1.00	
12/05/2006	DKW Analyze and review the reply brief on cross-appeal.	245.00	2.00	
12/06/2006	CB Receive and review appellee's reply brief on cross appeal,copy mailed to client.	105.00	0.90	
12/08/2006	DKW Review the authorities in the reply brief.	245.00	1.00	
12/13/2006	DKW Receive and review the appellate court's 12/12/06 order.	245.00	0.20	
12/14/2006	CB Receive and review order granting requests for oral argument on appeal, copy mailed to client.	105.00	0.30	
12/26/2006	DKW Research re: additional authorities rendered since briefing.	245.00	1.00	
	PROFESSIONAL SERVICES RENDERED		7.00	1,505.00
12/04/2006	Postage			1.59
12/04/2006	Photocopy costs			6.60
	TOTAL EXPENSES			8.19
	TOTAL CURRENT WORK			1,513.19
	BALANCE DUE			<u>\$20,092.42</u>

Mrs. Kathryn Page



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02/02/2007

FILE NO: 10641-0031  
STATEMENT NO: 18

PREVIOUS BALANCE \$20,092.42

		Rate	HOURS	
01/19/2007	DKW			
	Receive, review and send the client a copy of the Notice of Oral Argument.	245.00	0.20	
01/22/2007	CB			
	Receive and review minute entry from Appellate Court setting oral argument, copy mailed to client.	105.00	0.30	
	PROFESSIONAL SERVICES RENDERED		0.50	80.50
	TOTAL CURRENT WORK			80.50
01/23/2007	Payment received - Thank you CK# 1818			-16,483.36
	BALANCE DUE			<u>\$3,689.56</u>

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	PREVIOUS BALANCE			\$3,689.56
		Rate	HOURS	
02/01/2007	DKW Telephone conference with Mark Drutz.	245.00	0.30	
02/14/2007	DKW Receive, review and send the client a copy of the court's order rescheduling oral argument.	245.00	0.20	
	CB Receive and review minute entry rescheduling oral argument.	105.00	0.30	
	PROFESSIONAL SERVICES RENDERED		0.80	154.00
	TOTAL CURRENT WORK			154.00
	BALANCE DUE			<u>\$3,843.56</u>

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PREVIOUS BALANCE \$3,843.56

			Rate	HOURS	
03/05/2007	DKW	Telephone conference with Mrak Drutz.	245.00	0.20	
03/06/2007	CB	Telephone call to Appellate Court; prepare, file and serve unopposed motion for continuance of oral argument; prepare and transmit letter to appellate clerk via facsimile and regular mail; telephone conference with Drutz.	105.00	0.80	
03/09/2007	DKW	Receive the notice of filing the unopposed motion for rescheduling hearing.	245.00	0.20	
03/14/2007	DKW	Analyze and review the court's 3/12/07 order.	245.00	0.20	
	CB	Telephone conference with CC; telephone call to Cundiff (l.m.).	105.00	0.30	
		PROFESSIONAL SERVICES RENDERED		1.70	262.50
		TOTAL CURRENT WORK			262.50
		BALANCE DUE			<u>\$4,106.06</u>

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Appeal

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05/08/2007  
FILE NO: 10641-003I  
STATEMENT NO: 21

PREVIOUS BALANCE \$4,106.06

			Rate	HOURS
03/27/2007	DKW	Telephone conferences with Alfie and Jerry Carver.	245.00	0.50
04/16/2007	CB	Telephone call to client (l.m.); telephone conference with client.	105.00	0.20
04/20/2007	DKW	Review the briefs on file with the appellate court; Analyze and review the arguments and authorities.	245.00	4.40
04/21/2007	DKW	Prepare for appellate hearing reviewing authorities.	245.00	2.50
04/22/2007	DKW	Prepare the appellate hearing reviewing Mr. and Mrs. Cox deposition transcripts.	245.00	2.50
04/23/2007	DKW	Analyze and review the authorities, arguments and pleadings in the case;	245.00	5.30
	MAK	Research per DKW re whether claim for breach and enforcement of restrictive covenants is in law or in equity; memo to DKW re same.	185.00	1.80
	MAK	Review file re information requested from DKW concerning zoning of property and permissible uses.	185.00	0.80
	KL	Work on and assist MAK and DKW re file organization for Court of Appeals.	85.00	0.50
04/24/2007	DKW	Analyze and review the arguments and issues in the motions before the court of appeals.	245.00	4.60
04/25/2007	DKW	Analyze and review the record, arguments and authorities in preparation for oral argument.	245.00	4.00
04/26/2007	DKW	Prepare for and present oral arguments on appeal; Travel to Prescott.	245.00	4.00
	CB	Update and reorganize file from hearing.	105.00	0.70
04/27/2007	DKW	Review and organize appeal file pleadings and authorities; Receive and execute the request for		

## Appeal

			Rate	HOURS	
		advanced notification of decision; Conference with my assistant re: issues raised at oral argument.	245.00	2.50	
04/30/2007	DKW	Research and update authorities cited on appeal.	245.00	1.50	
05/01/2007	CB	Receive and review order and request for immediate notice of filing.	105.00	0.30	
05/04/2007	DKW	Review additional authorities for supplementation.	245.00	1.50	
		PROFESSIONAL SERVICES RENDERED		<u>37.60</u>	<u>8,808.00</u>
04/24/2007		Photocopy costs			<u>2.40</u>
		TOTAL EXPENSES			2.40
		TOTAL CURRENT WORK			8,810.40
		BALANCE DUE			<u>\$12,916.46</u>

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Law Offices of  
FAUR MOORE & WILHELMOSEN, P.A.

Post Office Box 1391  
Prescott, Arizona 86302-1391  
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Mrs. Kathryn Page  
14810 N. 18th Place  
Phoenix AZ 85022  
USA

Mrs. Kathryn Page

Appeal

Page 1  
06/04/2007  
FILE NO: 10641-0031  
STATEMENT NO: 22

PREVIOUS BALANCE \$12,916.46

BALANCE DUE \$12,916.46

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Mrs. Kathryn Page

Appeal

Page 1  
07/11/2007

FILE NO: 10641-0031  
STATEMENT NO: 23

PREVIOUS BALANCE \$12,916.46

		Rate	HOURS
05/30/2007	DKW Analyze and review the appellate court's Memorandum Decision; Telephone Alfie Ware to discuss.	245.00	1.20
	DKW Work on and revise the Motion for Clarification; Review and dispatch correspondence to the Court of Appeals.	245.00	0.60
	MAK Telephone call to court of appeals re obtaining copy of decision in case.	185.00	0.20
	MAK Receive and review memorandum decision from Court of Appeals	185.00	0.50
	MAK Prepare, revise and finalize motion for clarification to Court of Appeals.	185.00	0.50
	CB Receive and review memorandum decision from Court of Appeals vacating judgment and remanding to trial court; finalize, file and serve motion for clarification; prepare correspondence to appellate clerk.	105.00	1.80
06/04/2007	DKW Analyze and review the written Memorandum Decision; Review and send the client a copy of the appellate court's 5/24/07 Order.	245.00	1.80
06/08/2007	DKW Receive, review and send the client a copy of the appellate court's 6/6/07 Order.	245.00	0.20
06/11/2007	CB Receive and review order denying motion for clarification.	105.00	0.20
06/12/2007	DKW Telephone conferences with Drutz and the client.	245.00	0.50
	DKW Telephone conference with Katherine Paige re: settlement offer; Receive instructions to decline the settlement offer.	245.00	0.50

## Appeal

		Rate	HOURS	
06/14/2007	DKW Prepare confirming correspondence to the client.	245.00	0.40	
	CB Prepare and transmit correspondence to clients.	105.00	0.30	
06/19/2007	DKW Telephone conference with a witness in the case.	245.00	0.20	
	PROFESSIONAL SERVICES RENDERED		8.90	<u>1,786.50</u>
05/30/2007	Postage			5.02
05/30/2007	Photocopy costs			4.80
05/30/2007	Photocopy costs			8.60
05/30/2007	FAX			1.00
06/12/2007	Telephone expense			2.00
06/14/2007	Postage			<u>1.23</u>
	TOTAL EXPENSES			22.65
	TOTAL CURRENT WORK			1,809.15
06/13/2007	Payment received - Thank you CK# 1923			-12,916.46
	BALANCE DUE			<u>\$1,809.15</u>

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 Phoenix AZ 85022  
 USA

Mrs. Kathryn Page

Appeal

Page 1  
 08/23/2007  
 FILE NO: 10641-0031  
 STATEMENT NO: 24

		Rate	HOURS	
PREVIOUS BALANCE				\$1,809.15
06/27/2007	DKW Review the status of filing the petition for review; Provide instructions to my assistant.	245.00	0.60	
07/02/2007	DKW Analyze and review the written Memorandum Decision and authorities relating to joinder.	245.00	1.00	
07/09/2007	DKW Receive, review and send the client a copy of the Mandate from the appellate court.	245.00	0.20	
	DKW Prepare correspondence to Mark Drutz.	245.00	0.40	
	CB Receive and review correspondence from appellate court to superior court; telephone conferences with Court re return of cost bond; telephone conference with Drutz re supersedeas bond; prepare correspondence to Drutz.	105.00	0.80	
07/10/2007	DKW Review and dispatch correspondence to Summit Bank re: dispersal of funds.	245.00	0.20	
	CB Telephone conference with Drutz; prepare correspondence to Summit Bank re refund of supersedeas bond monies.	105.00	0.40	
07/19/2007	DKW Review selected portions of the decision and the rule relating to joining necessary parties.	245.00	1.50	
PROFESSIONAL SERVICES RENDERED			5.10	1,081.50
TOTAL CURRENT WORK				1,081.50
08/02/2007	Payment received - Thank you CK# 1937			-1,809.15
BALANCE DUE				<u>\$1,081.50</u>

Mrs. Kathryn Page



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08/23/2007  
10641-003I  
24

FILE NO:  
STATEMENT NO:

Appeal

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7460 N. Coyote Springs Road  
Prescott Valley AZ 86314  
USA

Mr. and Mrs. John Cundiff

Special Action  
v. Don & Katherine Cox

Page 1  
10/15/2008  
FILE NO: 10641-004I  
STATEMENT NO: 1

			Rate	HOURS
08/27/2008	JSE	Receive and review message from MAK and reply (.2); O/C w/MAK re ordering transcript of hearing ( 2); T/t Judge Mackey's court to talk to court reporter (.2); Leave detailed message on answering machine for Draper, court reporter (.2); e-mail to Marguerite re order (.2). R/tf Draper re transcript order; Memo. to MAK with response and reply.	95.00	1.50
	MAK	Research (cont.) federal law re: necessity of joinder of all property owners for special action petition.	225.00	6.40
08/28/2008	MAK	Research (cont) re: property owners as indispensable to enforcement of restrictive covenants.	225.00	1.80
08/29/2008	MAK	Research re: special action jurisdiction; review cases from other jurisdictions regarding necessary and indispensable parties in property restriction enforcement cases.	245.00	5.60
09/02/2008	MAK	Analyze prior appellate briefs, Court of Appeals memorandum decision and relevant subsequent minute entries from superior court re: special action petition.	245.00	6.30
09/05/2008	MAK	Work on and review case law re: special action petition.	245.00	6.20
09/08/2008	MAK	Work on and review (cont) case law from other jurisdictions regarding indispensable parties re: preparation of special action petition.	245.00	4.30
09/09/2008	DKW	Analyze and review the basis for the special action petition.	295.00	1.50
	DKW	Analyze and review the arguments to be raised in the petition for special action.	295.00	1.40
09/10/2008	DKW	Analyze and review the rule 19(b) arguments.	295.00	1.50

Special Action  
v. Don & Katherine Cox

			Rate	HOURS
09/12/2008	DKW	Work on developing the issues in the petition for special action.	295.00	1.40
	MAK	Work on special action petition; research and discuss framing issues in petition with DKW.	245.00	6.30
09/15/2008	DKW	Analyze and review the file and position on special action.	295.00	2.00
	MAK	Work on (cont) special action petition; presentation of statement of facts, procedural history and jurisdictional statement.	245.00	4.50
09/16/2008	MAK	Prepare (cont) special action petition; review transcript of oral argument before Judge Mackey, 3/10/08 re: joinder.	245.00	2.30
	DKW	Review selected portions of the file and authorities pertaining to the effect of amending restrictive covenants.	295.00	2.00
09/17/2008	MAK	Conference with DKW re: special action issues.	245.00	0.40
	DKW	Work on issues relating to the Petition for Special Action; Review the court's minute orders and the transcript on the 3/11/08 hearing; Analyze and strategize the filing of the petition and a notice of change of judge. Telephone conference with Kathy Page.	295.00	4.20
09/18/2008	MAK	Work on petition for special action; review Supreme Court decision and cases referenced therein.	245.00	6.50
	DKW	Analyze and review Rule 19(b) and the possible legal arguments to be raised in light of the court's interpretation and decision.	295.00	1.80
09/19/2008	MAK	Work on (cont) petition for special action review re: joinder of all property owners.	245.00	6.20
09/22/2008	MAK	Work on (cont) petition for special action review re: joinder of indispensable parties; discuss (comprehensive) Arizona case law with DKW.	245.00	6.30
	DKW	Work on issues relating to the Petition for Special Action..	295.00	1.50
09/23/2008	JSE	Draft motion for stay pending special action; revise and finalize; prepare for filing and service	95.00	0.80
09/24/2008	DKW	Review authorities re: joinder.	295.00	0.60
09/25/2008	MAK	Prepare appellate brief re: special action petition for review of trial court's decision on joinder of all		

Special Action  
v. Don & Katherine Cox

		Rate	HOURS	
	property owners.	245.00	5.10	
09/26/2008	MAK Prepare appellate brief re: special action petition concerning joinder issue.	245.00	4.80	
	PROFESSIONAL SERVICES RENDERED		<u>93.20</u>	<u>23,220.00</u>
09/17/2008	Telephone expense			2.00
09/18/2008	Photocopy costs			1.60
09/23/2008	Postage			1.68
09/23/2008	Postage			0.42
09/23/2008	Photocopy costs			<u>1.80</u>
	TOTAL EXPENSES			7.50
09/15/2008	Court reporting fee - Holly Draper			101.50
	TOTAL ADVANCES			<u>101.50</u>
	TOTAL CURRENT WORK			23,329.00
	BALANCE DUE			<u>\$23,329.00</u>

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Page 1  
10/15/2008  
FILE NO: 10641-004I  
STATEMENT NO: 1

Special Action  
v. Don & Katherine Cox

DUPLICATE

			Rate	HOURS
08/27/2008	JSE	Receive and review message from MAK and reply (.2); O/C w/MAK re ordering transcript of hearing (.2); T/t Judge Mackey's court to talk to court reporter (.2); Leave detailed message on answering machine for Draper, court reporter (.2); e-mail to Marguerite re order (.2). R/tf Draper re transcript order; Memo to MAK with response and reply.	95.00	1.50
	MAK	Research (cont.) federal law re: necessity of joinder of all property owners for special action petition.	225.00	6.40
08/28/2008	MAK	Research (cont) re: property owners as indispensable to enforcement of restrictive covenants.	225.00	1.80
08/29/2008	MAK	Research re: special action jurisdiction; review cases from other jurisdictions regarding necessary and indispensable parties in property restriction enforcement cases.	245.00	5.60
09/02/2008	MAK	Analyze prior appellate briefs, Court of Appeals memorandum decision and relevant subsequent minute entries from superior court re: special action petition.	245.00	6.30
09/05/2008	MAK	Work on and review case law re: special action petition.	245.00	6.20
09/08/2008	MAK	Work on and review (cont) case law from other jurisdictions regarding indispensable parties re: preparation of special action petition.	245.00	4.30
09/09/2008	DKW	Analyze and review the basis for the special action petition.	295.00	1.50
	DKW	Analyze and review the arguments to be raised in the petition for special action.	295.00	1.40
09/10/2008	DKW	Analyze and review the rule 19(b) arguments.	295.00	1.50

Special Action  
v. Don & Katherine Cox

			Rate	HOURS
09/12/2008	DKW	Work on developing the issues in the petition for special action.	295.00	1.40
	MAK	Work on special action petition; research and discuss framing issues in petition with DKW.	245.00	6.30
09/15/2008	DKW	Analyze and review the file and position on special action.	295.00	2.00
	MAK	Work on (cont) special action petition; presentation of statement of facts, procedural history and jurisdictional statement.	245.00	4.50
09/16/2008	MAK	Prepare (cont) special action petition; review transcript of oral argument before Judge Mackey, 3/10/08 re: joinder.	245.00	2.30
	DKW	Review selected portions of the file and authorities pertaining to the effect of amending restrictive covenants.	295.00	2.00
09/17/2008	MAK	Conference with DKW re: special action issues.	245.00	0.40
	DKW	Work on issues relating to the Petition for Special Action; Review the court's minute orders and the transcript on the 3/11/08 hearing; Analyze and strategize the filing of the petition and a notice of change of judge. Telephone conference with Kathy Page.	295.00	4.20
09/18/2008	MAK	Work on petition for special action; review Supreme Court decision and cases referenced therein.	245.00	6.50
	DKW	Analyze and review Rule 19(b) and the possible legal arguments to be raised in light of the court's interpretation and decision.	295.00	1.80
09/19/2008	MAK	Work on (cont) petition for special action review re: joinder of all property owners.	245.00	6.20
09/22/2008	MAK	Work on (cont) petition for special action review re: joinder of indispensable parties; discuss (comprehensive) Arizona case law with DKW.	245.00	6.30
	DKW	Work on issues relating to the Petition for Special Action..	295.00	1.50
09/23/2008	JSE	Draft motion for stay pending special action; revise and finalize; prepare for filing and service	95.00	0.80
09/24/2008	DKW	Review authorities re: joinder.	295.00	0.60
09/25/2008	MAK	Prepare appellate brief re: special action petition for review of trial court's decision on joinder of all		

Special Action  
v. Don & Katherine Cox

		Rate	HOURS	
	property owners.	245.00	5.10	
09/26/2008	MAK Prepare appellate brief re: special action petition concerning joinder issue.	245.00	4.80	
	PROFESSIONAL SERVICES RENDERED		<u>93.20</u>	<u>23,220.00</u>
09/17/2008	Telephone expense			2.00
09/18/2008	Photocopy costs			1.60
09/23/2008	Postage			1.68
09/23/2008	Postage			0.42
09/23/2008	Photocopy costs			<u>1.80</u>
	TOTAL EXPENSES			7.50
09/15/2008	Court reporting fee - Holly Draper			101.50
	TOTAL ADVANCES			<u>101.50</u>
	TOTAL CURRENT WORK			23,329.00
	BALANCE DUE			<u>\$23,329.00</u>

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Special Action  
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Page 1  
11/14/2008  
FILE NO: 10641-004I  
STATEMENT NO: 2

PREVIOUS BALANCE \$23,329.00

			Rate	HOURS
09/03/2008	MAK	Analyze additional federal case law re: determination of "indispensable" party and discuss (brief) with DKW re: formulation of issues for special action review.	245.00	3.60
09/29/2008	DKW	Analyze and review arguments and issues.	295.00	0.80
	MAK	Prepare (cont) appellate brief re: special action petition on issue of indispensability of other property owners.	245.00	4.00
09/30/2008	MAK	Prepare (cont) appellate brief re: special action petition for review of indispensability of other landowners to action.	245.00	2.80
	DKW	Work on the petition for special action.	295.00	1.50
	JSE	Receive message from trial court re order of stay; prepare order of stay pending special action	115.00	1.00
10/01/2008	MAK	Prepare (cont) appellate brief re: special action review of issue that nonparty property owners are indispensable to the action.	245.00	2.20
	MAK	Prepare (cont) appellate brief re: special action on issue of joinder.	245.00	4.00
	DKW	Work on issues in the special action.	295.00	1.50
	JSE	Work on special action with MK	115.00	4.00
10/02/2008	MAK	Prepare (cont) appellate brief re: special action on issue of joinder; work on appendix and citations to record in petition.	245.00	1.80
	DKW	Analyze and review the draft of the petition.	295.00	2.00
	JSE	Continued work on special-action petition: make revisions to brief, begin marking text for tables	115.00	4.20

Special Action  
v. Don & Katherine Cox

			Rate	HOURS
10/03/2008	MAK	Revisions per DKW to petition for special action.	245.00	1.00
	DKW	Review the draft of the petition; Work on issues in the special action.	295.00	1.80
	MAK	Telephone call to Judge Portley's office re: court's procedure on scheduling oral argument.	245.00	0.30
	JSE	Continued work on special-action petition: prepare cover, prepare and define pages for tables of contents and authorities, complete marking text through brief, Westlaw research re complete case citations, numerous messages and conferences with MK	115.00	6.80
10/06/2008	JSE	Office conference with MK	115.00	0.30
	JSE	Prepare cover and table of contents for Appendix; covers (2) and Appendix table to Sonia with instructions for preparation; prepare certificates of compliance and service; generate tables of contents and authorities; revise tables for conformity; print finished brief and deliver to MK; prepare request to exceed word limit and request for oral argument	95.00	2.20
	JSE	Numerous conferences with Sonia re processing of petition for special action	115.00	0.80
	DKW	Work on the special action.	295.00	1.00
10/07/2008	DKW	Work on issues relating to the filing of the brief.	295.00	1.00
	JSE	Numerous conferences with Sonia re processing of special action re joinder; receive and review misprinted special action; redo appendix cover and table of contents; instructions to Sonia re taking back for reprint and rebind and staying to see it is done correctly; telephone call from Sonia re incorrect covers and table of contents	115.00	1.00
	JSE	Receive and review all bound originals and copies; office conferences with DKW and with ES re unacceptable appendices and redating to rerun entire job; do page-by-page proof of original and all copies of petition only	115.00	2.20
10/08/2008	JSE	Office conferences with MK re redating all special-action documents and preparing for reprinting; office conferences with Cheryl re insertion of new pages and instructions for binding; revise correspondence to court to accompany filing, including fee agreement check; final proof of petition, appendix and request for Oral argument and for		

Special Action  
v. Don & Katherine Cox

			Rate	HOURS
		word-limit extension	115.00	1.60
10/09/2008	DKW	Work on completing and filing the Petition for Special Action.	295.00	1.00
	JSE	Receive and review petition, etc., from printer; proof all copies; office conferences with staff re preparations for filing and service; office conference with ES re shipping FedEx Ground and packaging; box originals plus seven of petition and appendix and originals plus four each of requests for oral argument and word-limit extension with letter of transmittal and fee agreement check for delivery to FedEx; prepare service sets for Judge Mackey and attorney Adams	115.00	2.70
10/10/2008	DKW	Review the final brief; Organize and review portions of the file.	295.00	1.50
	JSE	Receive and review telephone message from Sherry, attorney Adams' office; telephone call from Sherry re new copy of Request for Extension of Word Limit; prepare new requests for extension and oral argument; correspondence to court of appeals re replacement requests; file and serve requests for extension and oral argument	115.00	2.90
10/16/2008	JSE	Prepare Proof of Service of Order setting schedules; copy, file and serve	115.00	0.90
10/17/2008	MAK	Telephone calls (2) from Clerk, Court of Appeals re: filing of notice of service of scheduling order on opposing counsel and respondent judge.	245.00	0.40
	MAK	Review and final revisions to reply in support of special action re: change of judge.	245.00	0.40
	DKW	Work on issues relating to the special action petition; Final review of the petition.	295.00	1.50
10/20/2008	DKW	Receive and review the response to request for word extension.	295.00	0.20
	JSE	Prepare Request for Postponement of afternoon for oral argument/consideration; office conference with MK; finalize request and have copied, filed and served	115.00	1.50
10/21/2008	DKW	Receive a message from Adams; Review portions of the file and provide instructions to my assistant.	295.00	0.70
	JSE	Telephone call from opposing counsel Adams re service of order setting schedule; office conference with MK re call from Adams; correspondence to Adams with second copy of Proof of Service and		

Special Action  
v. Don & Katherine Cox

		Rate	HOURS	
	Order; office conference with DKW re same	115.00	1.20	
10/22/2008	DKW Analyze and review the timing of the possible oral argument and reply.	295.00	0.50	
10/23/2008	DKW Prepare strategy of the case.	295.00	0.50	
	JSE Numerous office conferences with MK re upcoming reply brief	115.00	2.40	
10/24/2008	MAK Review response to petition for special action.	245.00	1.40	
	MAK Office conference with DKW and JSE re: preparation of reply memorandum in support of special action petition.	245.00	0.30	
	MAK Review additional cases set forth in response to petition for special action.	245.00	2.30	
	DKW Analyze and review the response memorandum; Provide instructions to my assistant.	295.00	2.00	
	JSE Conferences with MK re theories of special action and important arguments for reply coming due; office conference with MK and DKW re necessary elements for reply	115.00	1.40	
	PROFESSIONAL SERVICES RENDERED		<u>79.10</u>	<u>15,387.50</u>
09/29/2008	Postage			0.84
10/06/2008	Photocopy costs			26.00
10/17/2008	Photocopy costs			30.00
10/17/2008	Postage			7.31
10/20/2008	Postage			2.10
10/21/2008	FAX			10.00
10/27/2008	FAX			3.00
	TOTAL EXPENSES			<u>79.25</u>
09/26/2008	Filing fee - Clerk of Court of Appeals			140.00
09/26/2008	Messenger/delivery service - Federal Express			6.80
10/06/2008	Filing fee - Clerk of Superior Court - Court of Appeals			280.00
10/07/2008	Professional services - Towne Scribe			489.85
10/10/2008	Messenger/delivery service - Federal Express			15.14
10/10/2008	Messenger/delivery service - Federal Express			9.36
	TOTAL ADVANCES			<u>941.15</u>
	TOTAL CURRENT WORK			16,407.90

Mr. and Mrs. John Cundiff



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11/14/2008  
10641-0041  
2

FILE NO:  
STATEMENT NO:

Special Action  
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BALANCE DUE

\$39,736.90

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Special Action  
 v. Don & Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$23,329.00

			Rate	HOURS
09/03/2008	MAK	Analyze additional federal case law re: determination of "indispensable" party and discuss (brief) with DKW re: formulation of issues for special action review.	245.00	3.60
09/29/2008	DKW	Analyze and review arguments and issues.	295.00	0.80
	MAK	Prepare (cont) appellate brief re: special action petition on issue of indispensability of other property owners.	245.00	4.00
09/30/2008	MAK	Prepare (cont) appellate brief re: special action petition for review of indispensability of other landowners to action.	245.00	2.80
	DKW	Work on the petition for special action.	295.00	1.50
	JSE	Receive message from trial court re order of stay; prepare order of stay pending special action	115.00	1.00
10/01/2008	MAK	Prepare (cont) appellate brief re: special action review of issue that nonparty property owners are indispensable to the action.	245.00	2.20
	MAK	Prepare (cont) appellate brief re: special action on issue of joinder.	245.00	4.00
	DKW	Work on issues in the special action.	295.00	1.50
	JSE	Work on special action with MK	115.00	4.00
10/02/2008	MAK	Prepare (cont) appellate brief re: special action on issue of joinder; work on appendix and citations to record in petition.	245.00	1.80
	DKW	Analyze and review the draft of the petition.	295.00	2.00
	JSE	Continued work on special-action petition: make revisions to brief, begin marking text for tables	115.00	4.20

Special Action  
 v. Don & Katherine Cox

			Rate	HOURS
10/03/2008	MAK	Revisions per DKW to petition for special action.	245.00	1.00
	DKW	Review the draft of the petition; Work on issues in the special action.	295.00	1.80
	MAK	Telephone call to Judge Portley's office re: court's procedure on scheduling oral argument.	245.00	0.30
	JSE	Continued work on special-action petition: prepare cover, prepare and define pages for tables of contents and authorities, complete marking text through brief, Westlaw research re complete case citations, numerous messages and conferences with MK	115.00	6.80
10/06/2008	JSE	Office conference with MK	115.00	0.30
	JSE	Prepare cover and table of contents for Appendix; covers (2) and Appendix table to Sonia with instructions for preparation; prepare certificates of compliance and service; generate tables of contents and authorities; revise tables for conformity; print finished brief and deliver to MK; prepare request to exceed word limit and request for oral argument	95.00	2.20
	JSE	Numerous conferences with Sonia re processing of petition for special action	115.00	0.80
	DKW	Work on the special action.	295.00	1.00
10/07/2008	DKW	Work on issues relating to the filing of the brief.	295.00	1.00
	JSE	Numerous conferences with Sonia re processing of special action re joinder; receive and review misprinted special action; redo appendix cover and table of contents; instructions to Sonia re taking back for reprint and rebind and staying to see it is done correctly; telephone call from Sonia re incorrect covers and table of contents	115.00	1.00
	JSE	Receive and review all bound originals and copies; office conferences with DKW and with ES re unacceptable appendices and redating to rerun entire job; do page-by-page proof of original and all copies of petition only	115.00	2.20
10/08/2008	JSE	Office conferences with MK re redating all special-action documents and preparing for reprinting; office conferences with Cheryl re insertion of new pages and instructions for binding; revise correspondence to court to accompany filing, including fee agreement check; final proof of petition, appendix and request for Oral argument and for		

Special Action  
 v. Don & Katherine Cox

			Rate	HOURS
		word-limit extension	115.00	1.60
10/09/2008	DKW	Work on completing and filing the Petition for Special Action.	295.00	1.00
	JSE	Receive and review petition, etc., from printer; proof all copies; office conferences with staff re preparations for filing and service; office conference with ES re shipping FedEx Ground and packaging; box originals plus seven of petition and appendix and originals plus four each of requests for oral argument and word-limit extension with letter of transmittal and fee agreement check for delivery to FedEx; prepare service sets for Judge Mackey and attorney Adams	115.00	2.70
10/10/2008	DKW	Review the final brief; Organize and review portions of the file.	295.00	1.50
	JSE	Receive and review telephone message from Sherry, attorney Adams' office; telephone call from Sherry re new copy of Request for Extension of Word Limit; prepare new requests for extension and oral argument; correspondence to court of appeals re replacement requests; file and serve requests for extension and oral argument	115.00	2.90
10/16/2008	JSE	Prepare Proof of Service of Order setting schedules; copy, file and serve	115.00	0.90
10/17/2008	MAK	Telephone calls (2) from Clerk, Court of Appeals re: filing of notice of service of scheduling order on opposing counsel and respondent judge.	245.00	0.40
	MAK	Review and final revisions to reply in support of special action re: change of judge.	245.00	0.40
	DKW	Work on issues relating to the special action petition; Final review of the petition.	295.00	1.50
10/20/2008	DKW	Receive and review the response to request for word extension.	295.00	0.20
	JSE	Prepare Request for Postponement of afternoon for oral argument/consideration; office conference with MK; finalize request and have copied, filed and served	115.00	1.50
10/21/2008	DKW	Receive a message from Adams; Review portions of the file and provide instructions to my assistant.	295.00	0.70
	JSE	Telephone call from opposing counsel Adams re service of order setting schedule; office conference with MK re call from Adams; correspondence to Adams with second copy of Proof of Service and		

Special Action  
 v. Don & Katherine Cox

		Rate	HOURS	
	Order; office conference with DKW re same	115.00	1.20	
10/22/2008	DKW Analyze and review the timing of the possible oral argument and reply.	295.00	0.50	
10/23/2008	DKW Prepare strategy of the case.	295.00	0.50	
	JSE Numerous office conferences with MK re upcoming reply brief	115.00	2.40	
10/24/2008	MAK Review response to petition for special action.	245.00	1.40	
	MAK Office conference with DKW and JSE re: preparation of reply memorandum in support of special action petition.	245.00	0.30	
	MAK Review additional cases set forth in response to petition for special action.	245.00	2.30	
	DKW Analyze and review the response memorandum; Provide instructions to my assistant.	295.00	2.00	
	JSE Conferences with MK re theories of special action and important arguments for reply coming due; office conference with MK and DKW re necessary elements for reply	115.00	1.40	
	PROFESSIONAL SERVICES RENDERED		<u>79.10</u>	<u>15,387.50</u>
09/29/2008	Postage			0.84
10/06/2008	Photocopy costs			26.00
10/17/2008	Photocopy costs			30.00
10/17/2008	Postage			7.31
10/20/2008	Postage			2.10
10/21/2008	FAX			10.00
10/27/2008	FAX			3.00
	TOTAL EXPENSES			<u>79.25</u>
09/26/2008	Filing fee - Clerk of Court of Appeals			140.00
09/26/2008	Messenger/delivery service - Federal Express			6.80
10/06/2008	Filing fee - Clerk of Superior Court - Court of Appeals			280.00
10/07/2008	Professional services - Towne Scribe			489.85
10/10/2008	Messenger/delivery service - Federal Express			15.14
10/10/2008	Messenger/delivery service - Federal Express			9.36
	TOTAL ADVANCES			<u>941.15</u>
	TOTAL CURRENT WORK			16,407.90

FILE NO:  
STATEMENT NO:

Special Action  
v. Don & Katherine Cox

BALANCE DUE

\$39,736.90

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USA

Mr. and Mrs. John Cundiff

Special Action  
v. Don & Katherine Cox

Page 1  
12/05/2008  
FILE NO: 10641-004I  
STATEMENT NO: 3

PREVIOUS BALANCE \$39,736.90

			Rate	HOURS
11/03/2008	JSE	Review case facts and outline points for Petition for Review	115.00	5.20
11/10/2008	JSE	Begin organization and outline of petition for review re joinder	115.00	4.00
11/11/2008	DKW	Telephone call from Jeff Adams; Work on the Petition for Review.	295.00	1.50
	JSE	Read and note special-action facts; incorporate DKW and MK points into outline re joinder arguments	115.00	3.20
11/12/2008	JSE	Conference with MK re petition for review re joinder; research additional case law	115.00	2.80
	JSE	Receive and review fees and costs accounting from ES; office conferences with ES and with MMM re status of judgment and application for fees; review documents in drafts	115.00	2.10
11/20/2008	JSE	Work on assimilating facts from special action into new petition for review	115.00	2.70
11/21/2008	DKW	Work on arguments in the Petition for Review.	295.00	1.50
11/24/2008	DKW	Analyze and review issues to be framed to the Supreme Court; Provide instructions to my assistant	295.00	1.20
	JSE	Begin drafting issues and facts for petition for review; continued study of special-action petition to determine how to summarize for page purposes without losing content	115.00	6.30
11/26/2008	JSE	Revise and reconstruct petition draft for brevity; work on legal argument; telephone conferences with MK re page concerns; prepare draft for MK's review; telephone MK re request for stay	115.00	4.30

Mr. and Mrs. John Cundiff

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12/05/2008  
10641-0041  
3

FILE NO:  
STATEMENT NO:

Special Action  
v. Don & Katherine Cox

	Rate	HOURS	
PROFESSIONAL SERVICES RENDERED		34.80	4,758.00
TOTAL CURRENT WORK			4,758.00
BALANCE DUE			<u>\$44,494.90</u>

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Special Action  
 v. Don & Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$39,736.90

			Rate	HOURS
11/03/2008	JSE	Review case facts and outline points for Petition for Review	115.00	5.20
11/10/2008	JSE	Begin organization and outline of petition for review re joinder	115.00	4.00
11/11/2008	DKW	Telephone call from Jeff Adams; Work on the Petition for Review.	295.00	1.50
	JSE	Read and note special-action facts; incorporate DKW and MK points into outline re joinder arguments	115.00	3.20
11/12/2008	JSE	Conference with MK re petition for review re joinder; research additional case law	115.00	2.80
	JSE	Receive and review fees and costs accounting from ES; office conferences with ES and with MMM re status of judgment and application for fees; review documents in drafts	115.00	2.10
11/20/2008	JSE	Work on assimilating facts from special action into new petition for review	115.00	2.70
11/21/2008	DKW	Work on arguments in the Petition for Review.	295.00	1.50
11/24/2008	DKW	Analyze and review issues to be framed to the Supreme Court, Provide instructions to my assistant.	295.00	1.20
	JSE	Begin drafting issues and facts for petition for review; continued study of special-action petition to determine how to summarize for page purposes without losing content	115.00	6.30
11/26/2008	JSE	Revise and reconstruct petition draft for brevity; work on legal argument; telephone conferences with MK re page concerns; prepare draft for MK's review, telephone MK re request for stay	115.00	4.30

FILE NO:  
STATEMENT NO:

Special Action  
v. Don & Katherine Cox

	Rate	HOURS	
PROFESSIONAL SERVICES RENDERED		34.80	4,758.00
TOTAL CURRENT WORK			4,758.00
BALANCE DUE			<u>\$44,494.90</u>

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Special Action  
v. Don & Katherine Cox

Page 1  
01/06/2009  
FILE NO: 10641-0041  
STATEMENT NO: 4

PREVIOUS BALANCE \$44,494.90

			Rate	HOURS
12/01/2008	DKW	Review the draft of the petition for review.	295.00	1.00
	MAK	Review, discuss with DKW and prepare petition for review to supreme court.	245.00	3.00
12/02/2008	DKW	Analyze and review the arguments and authorities in support of the petition.	295.00	1.50
	MAK	Prepare (cont) petition for review to supreme court; discuss with DKW issue regarding request for stay.	245.00	3.90
	JSE	Prepare motion to stay to superior court; office conference with DKW; revise and finalize motion; file and serve	115.00	0.60
12/03/2008	MAK	Prepare (cont) petition for review to supreme court.	245.00	3.80
12/04/2008	DKW	Work on the petition for special action.	295.00	1.50
	MAK	Prepare (cont) petition for review; discuss with DKW; revisions on public policy arguments.	245.00	4.00
	JSE	Proof, correct and make additional suggestions and changes to petition for review; office conferences with DKW and with MAK	115.00	3.80
12/05/2008	MAK	Final revisions and preparation of appendix.	245.00	0.50
	DKW	Work on the final draft of the petition.	295.00	0.50
	JSE	Office conference with MAK re final preparation and filing of petition for review; prepare Table of Contents for appendix; work with staff to prepare covers for brief and appendix, instructions for handling of petition, etc., for filing	115.00	2.60
12/08/2008	DKW	Receive a message from Cheryl at Mackey's office; Review and dispatch the request for stay; Provide		

Special Action  
v. Don & Katherine Cox

			Rate	HOURS
		instructions to my assistant; Review selected procedural rules.	295.00	1.20
	JSE	Complete petition for review and appendix; correspondence to court of appeals; correspondence to Supreme Court; prepare request for stay pending decisions to Supreme Court; receive and review message from Cheryl; return call to Cheryl; office conferences with DKW and with MAK; proof finalized petition and appendix; prepare stay order for Judge Mackey; instructions and work with staff to complete filing and service	115.00	5.90
12/11/2008	MAK	Review response to petition for review to Supreme Court re: denial of special action review on issue of joinder.	245.00	0.30
12/15/2008	JSE	Receive and review court of appeals transmittal of petition for review re joinder; office conferences with DKW and with MAK; telephone call to Reuben, court of appeals (LM); thorough review and notes of all special-action and appellate rules re time computation; lengthy telephone conference with Reuben, court of appeals; office conferences with MAK re court of appeals interpretation of "briefs" and motion for filing with Supreme Court.	115.00	3.20
	DKW	Receive and review the notice from the Supreme Court; Conference with my assistant.	295.00	0.40
	MAK	Review transmittal letter from Court of Appeals to Clerk, Supreme Court re: untimeliness of petition for review; discuss with DKW and JE; review appeal and special action rules; telephone conversation with Clerk, Supreme Court of Arizona re: calculation of time petition was due; telephone conversation with appellate attorney in Phoenix re: same; prepare motion for extension of time to file petition for review; receive and review Cox's response to petition for review re: dismissal for failure to timely file.	245.00	4.10
12/16/2008	JSE	Office conferences with MAK re motion for extension and response to motion to dismiss; proof and format motion and response; office conference with MAK re covers; instructions to staff re copying, filing and service.	115.00	1.20
12/17/2008	JSE	Work on file reorganization and sorting and marking filing for staff.	115.00	1.20
12/22/2008	DKW	Research and review the procedural rules; Review the time-frame and contents of the response to petition.	295.00	1.50

Special Action  
v. Don & Katherine Cox

		Rate	HOURS	
12/24/2008	DKW Review the status of the special action; Review and analyze the selected procedural rules.	295.00	1.50	
	PROFESSIONAL SERVICES RENDERED		47.20	9,614.00
12/22/2008	Postage			0.59
12/22/2008	Postage			0.59
	TOTAL EXPENSES			1.18
11/17/2008	Professional services - Towne Scribe			181.62
12/08/2008	Messenger/delivery service - Federal Express			21.26
12/16/2008	Messenger/delivery service - Federal Express			15.88
	TOTAL ADVANCES			218.76
	TOTAL CURRENT WORK			9,833.94
12/31/2008	Payment received - Thank you CK# 2730			-19,945.15
	BALANCE DUE			<u>\$34,383.69</u>

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Special Action  
 v. Don & Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$44,494.90

			Rate	HOURS
12/01/2008	DKW	Review the draft of the petition for review.	295.00	1.00
	MAK	Review, discuss with DKW and prepare petition for review to supreme court.	245.00	3.00
12/02/2008	DKW	Analyze and review the arguments and authorities in support of the petition.	295.00	1.50
	MAK	Prepare (cont) petition for review to supreme court; discuss with DKW issue regarding request for stay.	245.00	3.90
	JSE	Prepare motion to stay to superior court; office conference with DKW; revise and finalize motion; file and serve	115.00	0.60
12/03/2008	MAK	Prepare (cont) petition for review to supreme court.	245.00	3.80
12/04/2008	DKW	Work on the petition for special action.	295.00	1.50
	MAK	Prepare (cont) petition for review; discuss with DKW; revisions on public policy arguments.	245.00	4.00
	JSE	Proof, correct and make additional suggestions and changes to petition for review; office conferences with DKW and with MAK	115.00	3.80
12/05/2008	MAK	Final revisions and preparation of appendix.	245.00	0.50
	DKW	Work on the final draft of the petition.	295.00	0.50
	JSE	Office conference with MAK re final preparation and filing of petition for review; prepare Table of Contents for appendix; work with staff to prepare covers for brief and appendix; instructions for handling of petition, etc., for filing	115.00	2.60
12/08/2008	DKW	Receive a message from Cheryl at Mackey's office; Review and dispatch the request for stay; Provide		

Special Action  
 v. Don & Katherine Cox

			Rate	HOURS
		instructions to my assistant; Review selected procedural rules.	295.00	1.20
	JSE	Complete petition for review and appendix; correspondence to court of appeals; correspondence to Supreme Court; prepare request for stay pending decisions to Supreme Court; receive and review message from Cheryl; return call to Cheryl; office conferences with DKW and with MAK; proof finalized petition and appendix; prepare stay order for Judge Mackey; instructions and work with staff to complete filing and service	115.00	5.90
12/11/2008	MAK	Review response to petition for review to Supreme Court re: denial of special action review on issue of joinder.	245.00	0.30
12/15/2008	JSE	Receive and review court of appeals transmittal of petition for review re joinder; office conferences with DKW and with MAK; telephone call to Reuben, court of appeals (LM); thorough review and notes of all special-action and appellate rules re time computation; lengthy telephone conference with Reuben, court of appeals; office conferences with MAK re court of appeals interpretation of "briefs" and motion for filing with Supreme Court.	115.00	3.20
	DKW	Receive and review the notice from the Supreme Court; Conference with my assistant.	295.00	0.40
	MAK	Review transmittal letter from Court of Appeals to Clerk, Supreme Court re: untimeliness of petition for review; discuss with DKW and JE; review appeal and special action rules; telephone conversation with Clerk, Supreme Court of Arizona re: calculation of time petition was due; telephone conversation with appellate attorney in Phoenix re: same; prepare motion for extension of time to file petition for review; receive and review Cox's response to petition for review re: dismissal for failure to timely file.	245.00	4.10
12/16/2008	JSE	Office conferences with MAK re motion for extension and response to motion to dismiss; proof and format motion and response; office conference with MAK re covers; instructions to staff re copying, filing and service.	115.00	1.20
12/17/2008	JSE	Work on file reorganization and sorting and marking filing for staff.	115.00	1.20
12/22/2008	DKW	Research and review the procedural rules; Review the time-frame and contents of the response to petition.	295.00	1.50



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 USA

FILE NO:  
 STATEMENT NO: 5

Mr. and Mrs. John Cundiff

Special Action  
 v. Don & Katherine Cox

PREVIOUS BALANCE \$34,383.69

			Rate	HOURS	
12/29/2008	DKW	Analyze and strategize the future of the case.	295.00	1.50	
01/06/2009	MAK	Receive and review motion for extension of time to file response to petition for review; prepare response to motion for additional time; revise accordingly.	245.00	0.80	
	JSE	Review file re extension; proof and format response to motion for extension; instructions re filing and service.	115.00	0.90	
01/07/2009	DKW	Research and review additional authorities.	295.00	1.20	
01/20/2009	MAK	Receive and review response to petition for review; research N.C. Rule 19 against statement made by opposing counsel.	245.00	1.00	
01/21/2009	DKW	Receive and review the Response to Petition; Conference re: Notice of Errata; Review North Carolina authorities.	295.00	1.50	
	JSE	Telephone call to Reuben, court of appeals; memo. to MAK; proof and format Notice of Errata with supplemental authority; office conference with Becky with detailed explanations of process and history for filing notice.	115.00	3.80	
01/26/2009	DKW	Work on and review authorities in opposing counsel's response memorandum.	295.00	1.00	
		PROFESSIONAL SERVICES RENDERED		11.70	2,515.50
01/21/2009		Photocopy costs			5.60
01/22/2009		Postage			1.34
		TOTAL EXPENSES			6.94

Mr. and Mrs. John Cundiff

FILE NO:

STATEMENT NO:

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02/03/2009

10641-004I

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Special Action

v. Don & Katherine Cox

01/21/2009	Messenger/delivery service - Federal Express	13.49
	TOTAL ADVANCES	<u>13.49</u>
	TOTAL CURRENT WORK	2,535.93
	BALANCE DUE	<u>\$36,919.62</u>

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 02/03/2009  
 FILE NO: 10641-004I  
 STATEMENT NO: 5

Special Action  
 v. Don & Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$34,383.69

			Rate	HOURS	
12/29/2008	DKW	Analyze and strategize the future of the case.	295.00	1.50	
01/06/2009	MAK	Receive and review motion for extension of time to file response to petition for review; prepare response to motion for additional time; revise accordingly.	245.00	0.80	
	JSE	Review file re extension; proof and format response to motion for extension; instructions re filing and service.	115.00	0.90	
01/07/2009	DKW	Research and review additional authorities.	295.00	1.20	
01/20/2009	MAK	Receive and review response to petition for review; research N.C. Rule 19 against statement made by opposing counsel.	245.00	1.00	
01/21/2009	DKW	Receive and review the Response to Petition; Conference re: Notice of Errata; Review North Carolina authorities.	295.00	1.50	
	JSE	Telephone call to Reuben, court of appeals; memo. to MAK; proof and format Notice of Errata with supplemental authority; office conference with Becky with detailed explanations of process and history for filing notice.	115.00	3.80	
01/26/2009	DKW	Work on and review authorities in opposing counsel's response memorandum.	295.00	1.00	
		PROFESSIONAL SERVICES RENDERED		11.70	2,515.50
01/21/2009		Photocopy costs			5.60
01/22/2009		Postage			1.34
		TOTAL EXPENSES			6.94

Special Action  
v. Don & Katherine Cox

01/21/2009	Messenger/delivery service - Federal Express	13.49
	TOTAL ADVANCES	13.49
	TOTAL CURRENT WORK	2,535.93
	BALANCE DUE	<u>\$36,919.62</u>

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Special Action  
v. Don & Katherine Cox

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04/09/2009  
FILE NO: 10641-004I  
STATEMENT NO: 7

		Rate	HOURS	
	PREVIOUS BALANCE			\$36,919.62
01/28/2009	DKW Review the status of the case before the Supreme Court.	295.00	0.50	
03/16/2009	JSE Office conference with MAK re Petitions for Review being considered; telephone call to Arizona Supreme Court re time can call for result; memo to MAK.	115.00	0.40	
03/17/2009	JSE Three calls to Arizona Supreme Court re results of petitions; receive and review message from MAK re decision.	115.00	0.50	
	PROFESSIONAL SERVICES RENDERED		1.40	251.00
03/26/2009	Postage			1.85
03/26/2009	Photocopy costs			7.20
	TOTAL EXPENSES			9.05
	TOTAL CURRENT WORK			260.05
	BALANCE DUE			<u>\$37,179.67</u>

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04/09/2009  
FILE NO: 10641-004I  
STATEMENT NO: 7

Special Action  
v. Don & Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$36,919.62

		Rate	HOURS	
01/28/2009	DKW			
	Review the status of the case before the Supreme Court.	295.00	0.50	
03/16/2009	JSE			
	Office conference with MAK re Petitions for Review being considered; telephone call to Arizona Supreme Court re time can call for result; memo to MAK.	115.00	0.40	
03/17/2009	JSE			
	Three calls to Arizona Supreme Court re results of petitions; receive and review message from MAK re decision.	115.00	0.50	
	PROFESSIONAL SERVICES RENDERED		1.40	251.00
03/26/2009	Postage			1.85
03/26/2009	Photocopy costs			7.20
	TOTAL EXPENSES			9.05
	TOTAL CURRENT WORK			260.05
	BALANCE DUE			<u>\$37,179.67</u>

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USA

Mr. and Mrs. John Cundiff

Special Action- Change of Judge  
v. Donald and Katherine Cox

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10/15/2008  
FILE NO: 10641-005M  
STATEMENT NO: 1

			Rate	HOURS
09/17/2008	MAK	Discuss with DKW change of judge (peremptory and for cause); review Rule 42(f) and pertinent case law; prepare notice.	245.00	2.80
09/19/2008	DKW	Analyze and review Mackey's decision and possible review issues.	295.00	1.20
09/22/2008	JSE	Office conferences with MK re special action; draft motion to stay pending reassignment on change of judge; assist MK with petition	95.00	1.30
09/23/2008	MAK	Prepare appellate brief re: special action petition on peremptory right to change judge.	245.00	4.80
	DKW	Analyze and review issues re: Notice of Change of Judge; Review and execute the Motion for Stay of Proceedings; Review Rule 19 authorities.	295.00	1.50
09/24/2008	DKW	Analyze and review issues relating to change of judge.	295.00	0.60
	MAK	Prepare appellate brief re: special action petition on issue of change of judge.	245.00	5.60
09/25/2008	MAK	Work on corrections to petition for special action re: change of judge; instructions to JE re: preparation of petition table of contents, compliance certificates, etc.; dictate request for stay; instructions re: preparation of request for oral argument.	245.00	1.20
	DKW	Work on issues relating to the special action petition re change of judge.	295.00	0.60
	JSE	Work on petition for special action re change of judge with MK; numerous office conferences and review of documents	95.00	5.80
	JSE	Prepare Appendix cover; mark and generate tables of contents and authorities; prepare request for oral argument and motion to court of appeals for stay of		

Special Action- Change of Judge  
v. Donald and Katherine Cox

		Rate	HOURS	
	trial-court proceedings pending special-action review	95.00	7.30	
	JSE Work on finalizing draft of petition for special action; finalize tables of contents and authorities	95.00	6.10	
09/26/2008	DKW Final review of the petition, appendix, motion for stay and request for oral argument.	295.00	2.50	
	DKW Receive, review and send the client a copy of the court's 9/26/08 minute order.	295.00	0.20	
	PROFESSIONAL SERVICES RENDERED		<u>41.50</u>	<u>7,422.50</u>
09/26/2008	Postage			<u>4.80</u>
	TOTAL EXPENSES			4.80
09/26/2008	Miscellaneous advances - Towne Scribe			315.67
09/26/2008	Miscellaneous advances - Towne Scribe			<u>7.58</u>
	TOTAL ADVANCES			323.25
	TOTAL CURRENT WORK			7,750.55
	BALANCE DUE			<u>\$7,750.55</u>

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 10/15/2008  
 FILE NO: 10641-005M  
 STATEMENT NO: 1

Special Action- Change of Judge  
 v. Donald and Katherine Cox

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			Rate	HOURS
09/17/2008	MAK	Discuss with DKW change of judge (peremptory and for cause); review Rule 42(f) and pertinent case law; prepare notice.	245.00	2.80
09/19/2008	DKW	Analyze and review Mackey's decision and possible review issues.	295.00	1.20
09/22/2008	JSE	Office conferences with MK re special action; draft motion to stay pending reassignment on change of judge; assist MK with petition	95.00	1.30
09/23/2008	MAK	Prepare appellate brief re: special action petition on peremptory right to change judge.	245.00	4.80
	DKW	Analyze and review issues re: Notice of Change of Judge; Review and execute the Motion for Stay of Proceedings; Review Rule 19 authorities.	295.00	1.50
09/24/2008	DKW	Analyze and review issues relating to change of judge.	295.00	0.60
	MAK	Prepare appellate brief re: special action petition on issue of change of judge.	245.00	5.60
09/25/2008	MAK	Work on corrections to petition for special action re: change of judge; instructions to JE re: preparation of petition table of contents, compliance certificates, etc.; dictate request for stay; instructions re: preparation of request for oral argument	245.00	1.20
	DKW	Work on issues relating to the special action petition re change of judge.	295.00	0.60
	JSE	Work on petition for special action re change of judge with MK; numerous office conferences and review of documents	95.00	5.80
	JSE	Prepare Appendix cover; mark and generate tables of contents and authorities; prepare request for oral argument and motion to court of appeals for stay of		

STATEMENT NO:

Special Action- Change of Judge  
v. Donald and Katherine Cox

		Rate	HOURS	
	trial-court proceedings pending special-action review	95.00	7.30	
	JSE Work on finalizing draft of petition for special action; finalize tables of contents and authorities	95.00	6.10	
09/26/2008	DKW Final review of the petition, appendix, motion for stay and request for oral argument.	295.00	2.50	
	DKW Receive, review and send the client a copy of the court's 9/26/08 minute order.	295.00	0.20	
	PROFESSIONAL SERVICES RENDERED		41.50	<u>7,422.50</u>
09/26/2008	Postage			<u>4.80</u>
	TOTAL EXPENSES			4.80
09/26/2008	Miscellaneous advances - Towne Scribe			315.67
09/26/2008	Miscellaneous advances - Towne Scribe			<u>7.58</u>
	TOTAL ADVANCES			323.25
	TOTAL CURRENT WORK			7,750.55
	BALANCE DUE			<u>\$7,750.55</u>

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v. Donald and Katherine Cox

Page 1  
11/14/2008  
FILE NO: 10641-005M  
STATEMENT NO: 2

PREVIOUS BALANCE \$7,750.55

			Rate	HOURS
09/29/2008	DKW	Receive a telephone call from the Court of Appeals;	295.00	0.20
10/02/2008	DKW	Receive, review and send the client a copy of the appellate court's 9/30/08 order.	295.00	0.20
	JSE	Receive and review Order setting briefing schedule on special action; office conferences with DKW; prepare Proof of Service and serve copies of Order on all parties	115.00	1.80
10/10/2008	DKW	Review the Response to Petition for Review.	295.00	1.20
10/14/2008	DKW	Analyze and review the response memorandum; Work on formulating arguments on reply.	295.00	1.00
	MAK	Review response to petition for special action and discuss with DKW re: preparation of reply.	245.00	0.50
	MAK	Prepare reply brief re: change of judge; additional research re: evidence.	245.00	2.50
10/15/2008	MAK	Prepare appellate brief re: reply in support of petition for special action review on issue of change of judge.	245.00	4.80
	DKW	Analyze and review arguments and issues.	295.00	1.00
10/16/2008	DKW	Receive, review and send the client a copy of the court's 10/15/08 Order.	295.00	0.20
	DKW	Work on issues surrounding the petition and response.	295.00	1.00
	JSE	Work on completing reply formatting; begin marking for tables	115.00	4.50
10/17/2008	JSE	Complete marking and preparation of tables of contents and authorities; file and serve reply	115.00	2.30



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Special Action- Change of Judge  
v. Donald and Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$7,750.55

			Rate	HOURS
09/29/2008	DKW	Receive a telephone call from the Court of Appeals;	295.00	0.20
10/02/2008	DKW	Receive, review and send the client a copy of the appellate court's 9/30/08 order.	295.00	0.20
	JSE	Receive and review Order setting briefing schedule on special action; office conferences with DKW; prepare Proof of Service and serve copies of Order on all parties	115.00	1.80
10/10/2008	DKW	Review the Response to Petition for Review.	295.00	1.20
10/14/2008	DKW	Analyze and review the response memorandum; Work on formulating arguments on reply.	295.00	1.00
	MAK	Review response to petition for special action and discuss with DKW re: preparation of reply.	245.00	0.50
	MAK	Prepare reply brief re: change of judge; additional research re: evidence.	245.00	2.50
10/15/2008	MAK	Prepare appellate brief re: reply in support of petition for special action review on issue of change of judge.	245.00	4.80
	DKW	Analyze and review arguments and issues.	295.00	1.00
10/16/2008	DKW	Receive, review and send the client a copy of the court's 10/15/08 Order.	295.00	0.20
	DKW	Work on issues surrounding the petition and response.	295.00	1.00
	JSE	Work on completing reply formatting; begin marking for tables	115.00	4.50
10/17/2008	JSE	Complete marking and preparation of tables of contents and authorities; file and serve reply	115.00	2.30



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Special Action- Change of Judge  
 v. Donald and Katherine Cox

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 12/05/2008  
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 STATEMENT NO: 3

PREVIOUS BALANCE \$12,157.57

			Rate	HOURS
10/27/2008	DKW	Work on issues in the reply brief.	295.00	2.00
	JSE	Receive and review FAX from Court of Appeals with Order setting reply; reread our petition; read opposing counsel's response; research case law cited in response; conferences with MK and with DKW re reply; begin drafting reply brief	95.00	8.00
	DKW	Analyze and review arguments and authorities in the response to petition; Conference with and provide instructions to my assistant.	295.00	2.20
10/28/2008	JSE	Work on draft of reply brief; telephone calls to MK at hospital; complete draft less conclusion	95.00	8.00
10/29/2008	JSE	Telephone call to court of appeals re decision re change of judge; telephone call to MK (LM); return call from MK re appellate decision	95.00	0.60
	JSE	Travel to hospital with Reply draft for MK; multiple telephone conferences with MK; return to hospital for revisions; draft conclusion; generate tables of contents and authorities; revise and finalize reply; prepare dated signature pages and assemble for copying; preliminary instructions to staff re covers, binding, copying of reply	95.00	7.00
10/30/2008	JSE	Review (final) of completed Reply; additional instructions to staff re filing and service	95.00	1.20
10/31/2008	JSE	Review rules re petition for review to supreme court; receive and review appellate court decision re special action; telephone call to MK to MK's home with decision	95.00	1.50
	JSE	Prepare motion for stay and order to trial court; telephone conference with MK; memorandum to MMM; to MK's home for signature; instructions for		

Special Action- Change of Judge  
 v. Donald and Katherine Cox

			Rate	HOURS
		filing and service	95.00	1.90
11/04/2008	JSE	Continued review of appendix documents and prior briefs; work on petition for review	115.00	4.80
11/05/2008	JSE	Draft Petition for Review; travel to hospital to meet with MK twice; receive and review changes to petition draft; office conference with DKW; continued work on petition	115.00	6.10
11/06/2008	JSE	Legal research case law and additional citations; work on draft of petition for review; revise legal argument completely per input from DKW and MK	115.00	5.90
11/07/2008	DKW	Receive and review the appellate court's 10/28/08 Order.	295.00	0.20
	JSE	Additional legal research re case-law arguments in petition for review; two telephone conferences with MK; receive and review memorandum from DKW re fees on special action; review court order and reply to DKW; work on draft revisions	115.00	5.50
	DKW	Receive and review the appellate court's 10/27/08 order.	295.00	0.20
11/10/2008	JSE	Work on petition for review	115.00	4.10
	DKW	Receive and review the appellate court's order denying jurisdiction.	295.00	0.20
	DKW	Work on the petition for review.	295.00	1.40
11/11/2008	JSE	Work on revisions and additional argument points on petition for review	115.00	2.30
11/12/2008	DKW	Work on arguments and issues in the Petition for Review.	295.00	1.20
	JSE	Conference with MK re petition for review	115.00	0.50
11/13/2008	DKW	Review draft of and work on the Petition for Review.	295.00	2.00
11/14/2008	DKW	Review and work on the second draft of the Petition for Review.	295.00	1.00
	JSE	Receive and review memorandum from DKW re argument that Cox should join new parties; travel to MK's with drafts; prepare appendix covers; instructions to staff re preparation of appendices	115.00	2.60
11/17/2008	DKW	Conference with my assistant; Review the amendments of the Petition for Review.	295.00	0.40

Special Action- Change of Judge  
 v. Donald and Katherine Cox

		Rate	HOURS	
	JSE			
	Three telephone conferences with MK; two office conferences with DKW; complete revisions to petition and supplement to conclusion; telephone call from MK's home; draft request for stay	115.00	4.80	
11/18/2008	DKW			
	Review the final draft of the petition; Conference with my assistant; Review portions of the file.	295.00	1.50	
	JSE			
	Receive and review memorandum from DKW re status; reply memorandum to DKW; receive and review 2nd memorandum from DKW and reply; make final revisions to petition for review and request for stay; instructions to staff re covers, binding, packaging and shipping petition, appendix and request for stay; correspondence to court of appeals with package	115.00	4.10	
11/19/2008	DKW			
	Revise and complete the petition for special action; Provide instructions to my assistant.	295.00	0.80	
	JSE			
	Receive and review memorandum from DKW; office conference with DKW; final page-by-page proof of appendices, petition and request for stay and oversee packaging and shipment to court of appeals	115.00	2.80	
11/20/2008	DKW			
	Telephone call from Rubin at the Court of Appeals; Review filing rules.	295.00	1.00	
11/24/2008	DKW			
	Receive, review and send the client a copy of the appellate court's 11/21/08 notification.	295.00	0.20	
11/25/2008	DKW			
	Telephone conference with Alfie.	295.00	0.20	
	DKW			
	Work on issues in the Petition for Review.	295.00	1.00	
11/26/2008	DKW			
	Receive and review the Supreme Court's 11/25/08 Order denying stay-relief.	295.00	0.20	
	PROFESSIONAL SERVICES RENDERED		87.40	12,313.00
10/30/2008	Photocopy costs			57.60
10/30/2008	Postage			3.02
10/31/2008	Postage			1.18
11/19/2008	Photocopy costs			64.00
11/19/2008	Postage			7.33
	TOTAL EXPENSES			133.13
10/09/2008	Professional services - Towne Scribe			112.68
10/30/2008	Messenger/delivery service - Federal Express			17.49
11/13/2008	Filing fee - Clerk of Court of Appeals			280.00

Mr. and Mrs. John Cundiff

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Special Action- Change of Judge  
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11/19/2008	Messenger/delivery service - Federal Express	<u>36.37</u>
	TOTAL ADVANCES	446.54
	TOTAL CURRENT WORK	12,892.67
	BALANCE DUE	<u>\$25,050.24</u>

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FILE NO: 10641-005M  
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Special Action- Change of Judge  
v. Donald and Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$12,157.57

			Rate	HOURS
10/27/2008	DKW	Work on issues in the reply brief.	295.00	2.00
	JSE	Receive and review FAX from Court of Appeals with Order setting reply; reread our petition; read opposing counsel's response; research case law cited in response; conferences with MK and with DKW re reply; begin drafting reply brief	95.00	8.00
	DKW	Analyze and review arguments and authorities in the response to petition; Conference with and provide instructions to my assistant.	295.00	2.20
10/28/2008	JSE	Work on draft of reply brief; telephone calls to MK at hospital; complete draft less conclusion	95.00	8.00
10/29/2008	JSE	Telephone call to court of appeals re decision re change of judge; telephone call to MK (LM); return call from MK re appellate decision	95.00	0.60
	JSE	Travel to hospital with Reply draft for MK; multiple telephone conferences with MK; return to hospital for revisions; draft conclusion; generate tables of contents and authorities; revise and finalize reply; prepare dated signature pages and assemble for copying; preliminary instructions to staff re covers, binding, copying of reply	95.00	7.00
10/30/2008	JSE	Review (final) of completed Reply; additional instructions to staff re filing and service	95.00	1.20
10/31/2008	JSE	Review rules re petition for review to supreme court; receive and review appellate court decision re special action; telephone call to MK to MK's home with decision	95.00	1.50
	JSE	Prepare motion for stay and order to trial court; telephone conference with MK; memorandum to MMM; to MK's home for signature; instructions for		

Special Action- Change of Judge  
 v. Donald and Katherine Cox

			Rate	HOURS
		filing and service	95.00	1.90
11/04/2008	JSE	Continued review of appendix documents and prior briefs; work on petition for review	115.00	4.80
11/05/2008	JSE	Draft Petition for Review; travel to hospital to meet with MK twice; receive and review changes to petition draft; office conference with DKW; continued work on petition	115.00	6.10
11/06/2008	JSE	Legal research case law and additional citations; work on draft of petition for review; revise legal argument completely per input from DKW and MK	115.00	5.90
11/07/2008	DKW	Receive and review the appellate court's 10/28/08 Order.	295.00	0.20
	JSE	Additional legal research re case-law arguments in petition for review; two telephone conferences with MK; receive and review memorandum from DKW re fees on special action; review court order and reply to DKW; work on draft revisions	115.00	5.50
	DKW	Receive and review the appellate court's 10/27/08 order.	295.00	0.20
11/10/2008	JSE	Work on petition for review	115.00	4.10
	DKW	Receive and review the appellate court's order denying jurisdiction.	295.00	0.20
	DKW	Work on the petition for review.	295.00	1.40
11/11/2008	JSE	Work on revisions and additional argument points on petition for review	115.00	2.30
11/12/2008	DKW	Work on arguments and issues in the Petition for Review.	295.00	1.20
	JSE	Conference with MK re petition for review	115.00	0.50
11/13/2008	DKW	Review draft of and work on the Petition for Review.	295.00	2.00
11/14/2008	DKW	Review and work on the second draft of the Petition for Review.	295.00	1.00
	JSE	Receive and review memorandum from DKW re argument that Cox should join new parties; travel to MK's with drafts; prepare appendix covers; instructions to staff re preparation of appendices	115.00	2.60
11/17/2008	DKW	Conference with my assistant; Review the amendments of the Petition for Review.	295.00	0.40



Special Action- Change of Judge  
v. Donald and Katherine Cox

11/19/2008	Messenger/delivery service - Federal Express	36.37
	TOTAL ADVANCES	446.54
	TOTAL CURRENT WORK	12,892.67
	BALANCE DUE	<u>\$25,050.24</u>

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Special Action- Change of Judge  
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 01/06/2009  
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 STATEMENT NO: 4

PREVIOUS BALANCE \$25,050.24

			Rate	HOURS	
12/02/2008	JSE	Prepare motion for stay to superior court; office conference with DKW; revise and finalize motion; file and serve	115.00	0.60	
12/03/2008	DKW	Telephone call from a witness in the case; Review portions of the file and provide instructions to my assistant.	295.00	0.60	
12/11/2008	DKW	Analyze and review the arguments in Cox's Response to Petition for Review to the Supreme Court and the Appendix.	295.00	1.00	
12/17/2008	JSE	Work on file reorganization and sorting and marking filing for staff.	115.00	1.20	
		PROFESSIONAL SERVICES RENDERED		3.40	679.00

12/01/2008	Postage				1.26
12/02/2008	Postage				0.84
12/08/2008	Photocopy costs				113.60
12/08/2008	Postage				9.60
12/16/2008	Photocopy costs				23.80
12/16/2008	Postage				1.18

TOTAL EXPENSES 150.28

TOTAL CURRENT WORK 829.28

BALANCE DUE \$25,879.52

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Special Action- Change of Judge  
 v. Donald and Katherine Cox

DUPLICATE

PREVIOUS BALANCE \$25,050.24

			Rate	HOURS	
12/02/2008	JSE	Prepare motion for stay to superior court; office conference with DKW; revise and finalize motion; file and serve	115.00	0.60	
12/03/2008	DKW	Telephone call from a witness in the case; Review portions of the file and provide instructions to my assistant.	295.00	0.60	
12/11/2008	DKW	Analyze and review the arguments in Cox's Response to Petition for Review to the Supreme Court and the Appendix.	295.00	1.00	
12/17/2008	JSE	Work on file reorganization and sorting and marking filing for staff.	115.00	1.20	
		PROFESSIONAL SERVICES RENDERED		3.40	679.00
12/01/2008		Postage			1.26
12/02/2008		Postage			0.84
12/08/2008		Photocopy costs			113.60
12/08/2008		Postage			9.60
12/16/2008		Photocopy costs			23.80
12/16/2008		Postage			1.18
		TOTAL EXPENSES			150.28
		TOTAL CURRENT WORK			829.28
		BALANCE DUE			<u>\$25,879.52</u>

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Special Action- Change of Judge  
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03/04/2009  
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STATEMENT NO: 6

		PREVIOUS BALANCE			\$25,879.52
			Rate	HOURS	
03/02/2009	JSE	Office conference with MAK re status of review by Supreme Court; telephone call to deputy clerk of Supreme Court; memo to MAK.	115.00	1.00	
		PROFESSIONAL SERVICES RENDERED		1.00	115.00
		TOTAL CURRENT WORK			115.00
		BALANCE DUE			<u>\$25,994.52</u>

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DUPLICATE

PREVIOUS BALANCE \$25,879.52

			Rate	HOURS	
03/02/2009	JSE	Office conference with MAK re status of review by Supreme Court; telephone call to deputy clerk of Supreme Court; memo to MAK.	115.00	1.00	
		PROFESSIONAL SERVICES RENDERED		1.00	115.00
		TOTAL CURRENT WORK			115.00
		BALANCE DUE			<u>\$25,994.52</u>

**\*PAYMENT IS DUE UPON RECEIPT OF STATEMENT\***  
**\*PLEASE INCLUDE FILE NUMBER TO INSURE PROPER CREDIT\***  
**VISA/MASTERCARD**

Post Office Box 1391  
 Prescott, Arizona 86302-1391  
 (928) 445-2444  
 (928) 771-0450 FAX  
 FMWlaw@FMWlaw.net  
 www.FMWlaw.net

Mr. and Mrs. John Cundiff  
 7460 N. Coyote Springs Road  
 Prescott Valley AZ 86314  
 USA

Mr. and Mrs. John Cundiff

Special Action- Change of Judge  
 v. Donald and Katherine Cox

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	PREVIOUS BALANCE			\$25,994.52
		Rate	HOURS	
03/05/2009	JSE Office conference with MAK re Supreme Court review scheduled March 17th.	115.00	0.30	
03/16/2009	JSE Office conference with MAK re Petitions for Review being considered; telephone call to Arizona Supreme Court re time can call for result; memo to MAK.	115.00	0.40	
03/17/2009	JSE Three calls to Arizona Supreme Court re results of petitions; receive and review message from MAK re decision.	115.00	0.50	
	PROFESSIONAL SERVICES RENDERED		<u>1.20</u>	<u>138.00</u>
03/26/2009	Postage			<u>1.85</u>
	TOTAL EXPENSES			<u>1.85</u>
	TOTAL CURRENT WORK			139.85
	BALANCE DUE			<u><u>\$26,134.37</u></u>

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Special Action- Change of Judge  
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DUPLICATE

		PREVIOUS BALANCE			\$25,994.52
			Rate	HOURS	
03/05/2009	JSE	Office conference with MAK re Supreme Court review scheduled March 17th.	115 00	0.30	
03/16/2009	JSE	Office conference with MAK re Petitions for Review being considered; telephone call to Arizona Supreme Court re time can call for result; memo to MAK.	115.00	0.40	
03/17/2009	JSE	Three calls to Arizona Supreme Court re results of petitions; receive and review message from MAK re decision.	115.00	0.50	
		PROFESSIONAL SERVICES RENDERED		1.20	138.00
03/26/2009		Postage			1.85
		TOTAL EXPENSES			1.85
		TOTAL CURRENT WORK			139.85
		BALANCE DUE			<u>\$26,134.37</u>

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**VISA/MASTERCARD**