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BY: S. KELBAUGH

1 Hans Clugston, Esquire
(State Bar No. 019033)
2 **HANS CLUGSTON, PLLC**
1042 Willow Creek Road
3 Ste. A101-PMB 502
Prescott, AZ 86301
4 (928) 772-9696
HCPLLCCourtDocs@straight-talk-law.us
5 Counsel for Margaret Kozlowski and
Northern Arizona Fiduciaries, Inc.
6 (Cert. Fid. No. 20198; Carla M. Jones, Cert. Fid. No. 20276)

7 **IN THE SUPERIOR COURT OF ARIZONA**
8 **IN AND FOR THE COUNTY OF YAVAPAI**

9 **JOHN B. CUNDIFF** and **BARBARA C.**
10 **CUNDIFF**, husband and wife; **BECKY NASH**, a
11 married woman dealing with her separate
12 property; **KENNETH PAGE** and **KATHRYN**
PAGE, as Trustee of the Kenneth Page and
Catherine Page Trust,

13 Plaintiffs,

14 -vs-

15 **DONALD COX** and **CATHERINE COX**,
husband and wife,

16 Defendants.

Case No. P1300CV20030399

MARGARET KOZLOWSKI'S
ANSWER TO PLAINTIFFS'
FIRST AMENDED COMPLAINT

(Hon. David L. Mackey, Div. 1)

17 Margaret Kozlowski, having been served with Plaintiffs' First Amended Complaint in
18 the above-referenced matter, hereby admits, denies and alleges as follows:

19 **I. General Allegations Common to All Counts**

20 1. Mrs. Kozlowski is without sufficient knowledge or information sufficient to
21 form a belief as to the truth of the averments contained in Paragraphs 1, 2, 4, 5, 6, 7, 9, 10,
22 11, 12, 13, and 14 of the Complaint.

23 2. Mrs. Kozlowski admits Paragraphs 3 and 8 of the Complaint.

24 **II. Jurisdiction and Venue**

25 3. Mrs. Kozlowski admits Paragraph 15 of the Complaint.
26

1 sufficient knowledge or information sufficient to form a belief as to the truth of the
2 remaining averments contained in Paragraph 26.

3 12. Mrs. Kozlowski is without sufficient knowledge or information sufficient to
4 form a belief as to the truth of the averments contained in Paragraphs 27 and 28 of the
5 Complaint.

6
7 **VII. Count V—Request for Injunctive Relief**

8 13. Answering Paragraph 29 of the Complaint, Mrs. Kozlowski reallages and
9 incorporates her answers to Paragraphs 1-28 of the Complaint as if each were fully set forth.

10 14. Mrs. Kozlowski is without sufficient knowledge or information sufficient to
11 form a belief as to the truth of the averments contained in Paragraph 30 of the Complaint.

12 **VIII. Affirmative Defenses**

13 15. Plaintiffs have failed to state a claim upon which relief can be granted as to
14 Margaret Kozlowski.

15 16. Mrs. Kozlowski further alleges that she has not had sufficient opportunity to
16 investigate Plaintiffs claims, Defendants' Answer, or to engage in discovery, and due to the
17 possibility that the facts and circumstances may hereinafter be discovered which may
18 substantiate one or more of affirmative defenses, Mrs. Kozlowski alleges as affirmative
19 defenses those set forth in Arizona Rules of Civil Procedure Rules 4, 4.1, 5, 6, 8(c), and 12.

20 **IX. Miscellaneous**

21 17. Margaret Kozlowski has authorized Northern Arizona Fiduciaries, Inc. to act
22 as her agent in these proceedings pursuant to a Durable Power of Attorney dated February
23 22, 2007.

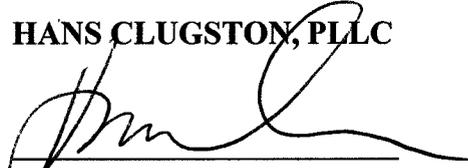
24
25 WHEREFORE, having fully answered Plaintiffs' First Amended Complaint,
26 Margaret Kozlowski prays for the following:

1 A. An award of her reasonable attorneys' fees and costs pursuant to A.R.S. §§
2 12-341.01 and/or 12-348 and interest thereon at the highest legal rate;

3 B. For such other and further relief as the Court deems just and necessary under
4 the circumstances.

5 DATED this 27th day of August, 2010.

7 HANS CLUGSTON, PLLC

8 
9 Hans Clugston, Esq.
10 Counsel for Margaret Kozlowski

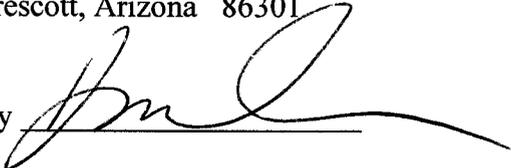
11 Copy of the foregoing mailed
12 this 27th day of August, 2010, to:

13 J. Jeffrey Coughlin
14 J. Jeffrey Coughlin PLLC
114 S. Pleasant Street
15 Prescott, AZ 86303
(Counsel for Plaintiffs Cundiff/Page)

16 Jeffrey R. Adams
17 Adams & Mull, PLLC
18 POB 1031
Prescott, AZ 86302
19 (Counsel for Defendants Cox)

20 Margaret Kozlowski
The Peridot, #446
21 211 Bradshaw Drive
22 Prescott, Arizona 86301

23 Northern Arizona Fiduciaries, Inc.
101 East Gurley, Ste. 211
24 Prescott, Arizona 86301

25 By 
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