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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2010 OCT 29 PM 2:58 ✓
JEANNE HICKS, CLERK
BY: S. LANDINO

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

JOHN B. CUNDIFF and BARBARA C.)
CUNDIFF, husband and wife; ELIZABETH)
NASH, a married woman dealing with her)
Separate property; KENNETH PAGE and)
KATHRYN PAGE, as Trustee of the)
Kenneth Page and Catherin Page Trust,)

Plaintiffs,)

Vs.)

DONALD COX and CATHERINE COX,)
Husband and wife,)

Defendants.)

Case No. P1300CV20030399

**ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

(Hon. David L. Mackey, Division 1)

MICHAEL AND KAREN WARGO, jointly referred to hereinafter as 'Wargos', do hereby acknowledge service of the Plaintiffs' First Amended Complaint and the Court's Notice of June 15, 2010 in the above captioned matter. As evidence by said complaint and further acknowledged by the Court, the Wargos have not been identified as defendants to this action and therefore respond accordingly.

I. General Allegations Common to All Counts

1. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13 and 14 of the complaint.

2. Wargos admit to Paragraphs 3 and 8 of the complaint.

II. Jurisdiction and Venue

3. Wargos do not object to this Court's jurisdiction.

III. Count I – Breach of Contract

4 Answering Paragraph 16 of the complaint, Wargos reallege and incorporate their responses to Paragraphs 1 through 15 as though fully set forth herein.

5. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 17 and 18 of the complaint.

IV. Count II – Breach of Contract

6. Answering Paragraph 19 of the complaint, Wargos reallege and incorporate their responses to Paragraphs 1 through 18 as though fully set forth herein.

7. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 20 and 21 of the complaint.

V. Count III – Breach of Contract

8. Answering Paragraph 22 of the complaint, Wargos reallege and incorporate their responses to Paragraphs 1 through 21 as though fully set forth herein.

9. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 23 and 24 of the complaint.

VI. Count IV – Claim for Declaratory Relief

10. Answering Paragraph 25 of the complaint, Wargos reallege and incorporate their responses to Paragraphs 1 through 24 as though fully set forth herein.

11. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 26, 27 and 28 of the complaint.

VII. County V – Request for Injunctive Relief

12. Answering Paragraph 29 of the complaint, Wargos reallege and incorporate their responses to Paragraphs 1 through 28 as though fully set forth herein.

13. Wargos are without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 30 of the complaint.

VIII. Affirmative Defenses

14. The Plaintiffs have failed to state a claim against MICHAEL AND KAREN WARGO upon which relief can be granted.

15. Wargos allege that discovery in this matter may reveal the existence of other affirmative defenses as set forth in Rule 8(c), Ariz. R. Civ. P, and they reserve the right to amend this Answer to allege any and all of said affirmative defenses as may be applicable.

WHEREFORE, having fully responded to the Plaintiffs' First Amended Complaint, the Wargos pray for the following:

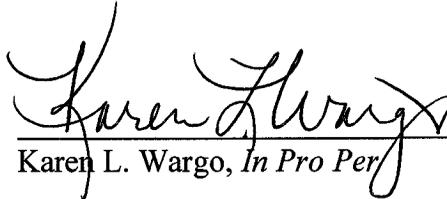
An award of reasonable attorneys' fees if incurred and all costs associated hereto pursuant to A.R.S. Sections 12-341, 12-341.01 and 12-349; and

For such other and further relief as the court may deem just and proper under the circumstances.

DATED: 29th day of October, 2010.



Michael P. Wargo, *In Pro Per*



Karen L. Wargo, *In Pro Per*

A COPY of the foregoing was hand delivered this 29th day of October, 2010 to:

Hon. David L. Mackey
Yavapai County Superior Court
Division 1
Yavapai County Courthouse
Prescott, Arizona

AND

A COPY of the foregoing was mailed this 29th day of October, 2010, to:

J. Jeffrey Coughlin, Esq.
J. Jeffrey Coughlin PLLC
114 S. Pleasant Street
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Attorney for Plaintiffs

Jeffrey R. Adams, Esq.
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Attorney for Defendants

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Prescott, AZ 86301
Attorney for Margaret Kozlowski

William “Bill” Jensen
2428 W. Coronado Avenue
Flagstaff, AZ 86001
In Pro Per

By: _____

A handwritten signature in cursive script, appearing to read "Karen Hwang", written over a horizontal line.