

3 FILED
O'Clock. P M

APR 30 2004

JEANNE HICKS, Clerk
BY *[Signature]*
Deputy

1 FAVOUR, MOORE & WILHELMSSEN, P.A.
2 Post Office Box 1391
3 Prescott, AZ 86302-1391
4 928/445-2444
5 David K. Wilhelmsen, #007112
6 Marguerite Kirk, #018054

7 Attorneys for Plaintiffs

8 IN THE SUPERIOR COURT OF ARIZONA
9 COUNTY OF YAVAPAI

10 **JOHN B. CUNDIFF** and **BARBARA C.**)
11 **CUNDIFF**, husband and wife; **ELIZABETH**)
12 **NASH**, a married woman dealing with her)
13 separate property; **KENNETH PAGE** and)
14 **KATHRYN PAGE**, as Trustee of the Kenneth)
15 Page and Catherine Page Trust,)
16 Plaintiffs,)
17 vs.)
18)
19 **DONALD COX** and **CATHERINE COX**,)
20 husband and wife,)
21 Defendants.)

Case No. CV 2003-0399

Division 3

**Motion to Set and
Certificate of Readiness**

22 Counsel for Plaintiffs, DAVID K. WILHELMSSEN, certifies:

- 23 1. The issues in the above-captioned case have actually been joined;
24 2. This case is not subject to the mandatory arbitration provisions of Rules 72 through 73 of
25 these Rules.
26 3. The parties have completed or will have had a reasonable opportunity to complete the
procedures under Ariz. R. Civ. P. 26 to 37 prior to ten days before trial.
4. This case will be ready for trial on or after September 1, 2004.
5. A trial by jury is not demanded.
6. This cause may not be heard as a short cause within one hour: Estimated time: Three days.
7. The names, addresses and telephone numbers of the parties or their individual attorneys
who are responsible for the conduct of the litigation are:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


For Plaintiffs: Mr. David K. Wilhelmsen
FAVOUR, MOORE & WILHELMSSEN, P.A.
Post Office Box 1391
Prescott, Arizona 86302
Telephone No.: (928) 445-2444

For Defendants: Mr. Jeff Adams
Musgrove, Drutz & Kack, P.C.
1135 Iron Springs Road
Prescott, Arizona 86302
Telephone No.: (928) 445-5935

8. This cause is not entitled to a preference for trial.

DATED this 30th day of April, 2004.

FAVOUR, MOORE & WILHELMSSEN, P.A.

By 
David K. Wilhelmsen
Marguerite Kirk
Post Office Box 1391
Prescott, AZ 86302-1391
Attorneys for Plaintiffs

ORIGINAL of the foregoing
filed with the Clerk of the Superior
Court this ___ day of April, 2004

and a copy hand-delivered this same date to:

Honorable Janis Ann Sterling
Division 3
Yavapai County Superior Court
Prescott, Arizona 86301

Jeff Adams
Musgrove, Drutz & Kack, P.C.
1135 Iron Springs Road
Prescott, Arizona 86302

By: 
David K. Wilhelmsen
Marguerite Kirk