

MAY 4 2004

JEANNE HICKS, Clerk
BY CAROLYN OLIVER
Deputy

1 Jeffrey R. Adams, #018959
2 MUSGROVE, DRUTZ & KACK, P.C.
3 1135 Iron Springs Road
4 Prescott, Arizona 86305
5 (928) 445-5935

6 Attorneys for Defendants

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

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

16 Plaintiffs,

17 v.

18 DONALD COX and CATHERINE)
19 COX, husband and wife,

20 Defendants.

CASE NO. CV 2003-0199

DIVISION 3

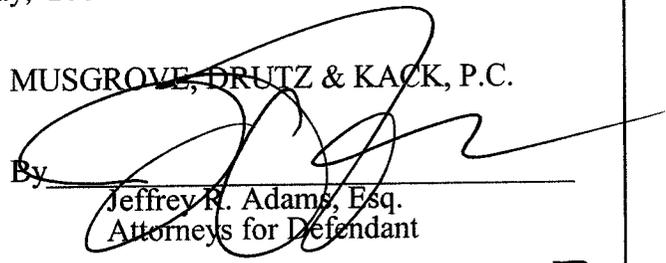
**CONTROVERTING
CERTIFICATE TO MOTION TO
SET**

21 Defendants, Donald Cox and Catherine Cox, by and through undersigned counsel and pursuant
22 to Rule 38.1(b), Ariz. R. Civ. P. hereby file their Controverting Certificate in Response to the Motion
23 to Set and Certificate of Readiness filed by Plaintiffs:

- 24 3. The parties have not had a reasonable opportunity to complete the discovery
25 procedures under Ariz. R. Civ. P. 26 to 37. The parties have yet to begin the
26 discovery process.
- 27 4. This case will not be ready for trial on September 1, 2004.
- 28 5. A trial by jury is demanded.

Respectfully submitted this 4 day of May, 2004.

MUSGROVE, DRUTZ & KACK, P.C.

By 
Jeffrey R. Adams, Esq.
Attorneys for Defendant

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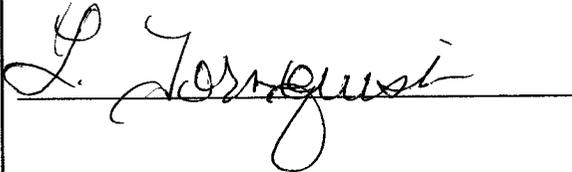
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1 A copy of the foregoing
was hand-delivered this
2 4th day of May, 2004 to:

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

6 and a copy was mailed this
7 4th day of May, 2004 to:

8 David K. Wilhelmsen
Marguerite M. Kirk
9 FAVOUR, MOORE & WILHELMSSEN, P.A.
Post Office Box 1391
Prescott, Arizona 86302-1391
10 Attorneys for Plaintiffs

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