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JUL 28 2004
JEANNE RICHES, Clerk
BY: *[Signature]*
D. J. J.

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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 **)**
20 **DONALD COX and CATHERINE COX,)**
21 **husband and wife,)**
22 **Defendants.)**

Case No. CV 2003-0399 DW 1-

Division 1

**Plaintiffs' Request for the Court's
On-Site Inspection of
Subject Real Property Subdivision**

23 Plaintiffs, John and Barbara Cundiff, Becky Nash, and Kenneth and Kathryn Page, by and
24 through undersigned counsel, hereby request that the Court view the subdivision real property at issue
25 in this case, including Plaintiffs' and Defendants' property, as well as the surrounding area. As the
26 Court is aware, this case principally involves the enforcement of recorded restrictions against
Defendants use of their land for a business or commercial enterprise. Plaintiffs have filed a motion
for summary judgment which concerns Defendants' contention that Plaintiffs have waived
enforcement of the restrictive covenants by acquiescence, or that the restrictive covenant has been
abandoned due to other violations in the subdivision.

Plaintiffs respectfully request that the Court view the Coyote Springs Ranch subdivision as it
is anticipated that this will assist the Court in its ruling on Plaintiffs' motion for summary judgment,
as well as for any hearing or trial in this case. It is further requested that the Court conduct its
inspection at a time convenient to the Court prior to entering its ruling on Plaintiffs' motion for

1 summary judgment. A map of the subdivision area, indicating Plaintiffs' and Defendants' real
2 property, is attached for the Court's convenience.

3 RESPECTFULLY SUBMITTED this 28th day of July, 2004.

4 FAVOUR, MOORE & WILHELMSSEN, P.A.

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7 By Marguerite Kirk
8 David K. Wilhelmsen
9 Marguerite Kirk
10 Attorneys for Plaintiffs

11 ORIGINAL of the foregoing
12 filed this 28th day of July, 2004 to:

13 Clerk, Superior Court of Arizona
14 Yavapai County
15 Prescott, Arizona

16 A copy hand-delivered this 28th day
17 of July, 2004 to:

18 Honorable David L. Mackey
19 Division One
20 Superior Court of Arizona
21 Yavapai County
22 Prescott, Arizona

23 and, a copy hand-delivered this
24 28th day of July, 2004 to:

25 Jeffrey Adams
26 MUSGROVE, DRUTZ & KACK, P.C.
1135 Iron Springs Road
Prescott, Arizona 86302

By: Marguerite Kirk
Marguerite Kirk