

2005 APR 20 PM 4:31

JEANNE HICKS, CLERK ✓

BY: *[Signature]*

1 FAVOUR MOORE & WILHELMSSEN, P.A.  
Post Office Box 1391  
2 Prescott, AZ 86302-1391  
Ph: (928)445-2444  
3 David K. Wilhelmsen, #007112  
Marguerite Kirk, #018054

4 Attorneys for Plaintiffs

5 **IN THE SUPERIOR COURT OF ARIZONA**  
6 **COUNTY OF YAVAPAI**  
7

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

12 Plaintiffs, )

13 vs. )

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

15 Defendants. )

Case No. ~~CY 2002-12~~

Division IV ✓

**PLAINTIFFS' WITHDRAWAL  
OF MOTION TO  
COMPEL DEFENDANTS'  
PRODUCTION OF DOCUMENTS  
PURSUANT TO COURT'S  
JANUARY 31, 2005  
RULING**

17 Plaintiffs, John and Barbara Cundiff, Becky Nash, and, Kenneth and Katheryn Page, by and  
18 through undersigned counsel, hereby withdraw their motion to compel Defendants' production of  
19 complete copies of their income tax returns pursuant to the Court's order of January 31, 2005.  
20 Defendants have complied with the Court's order subsequent to the filing by Plaintiffs of their second  
21 motion to compel.

22 Therefore, based upon Defendants' compliance with the Court's order, Plaintiffs withdraw  
23 their motion to compel filed April 13, 2005.

24 ///

25 ///

**DIV. 1**


**APR 21 2005**

81

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

DATED this 20<sup>th</sup> day of April, 2005.

FAVOUR MOORE & WILHELMSSEN, P.A.

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

Original of the foregoing  
filed this 20<sup>th</sup> day of April, 2005  
with:

Clerk, Superior Court of Arizona  
Yavapai County  
Prescott, Arizona

A copy mailed this 20<sup>th</sup> day  
of April, 2005 to:

Honorable David L. Mackey  
Division One  
Superior Court of Arizona  
Yavapai County  
Prescott, Arizona

and, a copy hand-delivered this  
20<sup>th</sup> day of April, 2005 to:

Mark Drutz  
Jeffrey Adams  
MUSGROVE, DRUTZ & KACK, P.C.  
1135 Iron Springs Road  
Prescott, Arizona 86302  
Attorneys for Defendants Cox

By:   
David K. Wilhelmsen