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8 Attorneys for Cross-Appealing Defendants

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BY: C. Bolton

9 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF YAVAPAI**

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

17 Plaintiffs,

18 v.

19 DONALD COX and CATHERINE COX,  
20 husband and wife,

21 Defendants.

Case No. CV 2003-0399

Division No. 1

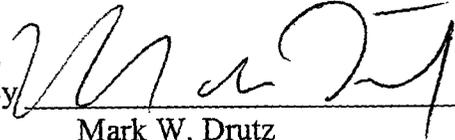
**NOTICE OF CROSS-APPEAL**

22 **NOTICE IS GIVEN** that Defendants Donald Cox and Catherine Cox appeal to the Court  
23 of Appeals, Division One, from the order granting partial summary judgment entered by the Superior  
24 Court on April 4, 2005 in favor of Plaintiffs and against Defendants on Plaintiffs' Motion For  
25 Summary Judgment Re: Defendants' Violations of Restrictive Covenants; Affirmative Defenses of  
26 Estoppel, Laches and Unclean Hands filed on December 1, 2004 and from the order entered by the  
27 Superior Court on July 18, 2005 in favor of Plaintiffs and against Defendants denying Defendants'  
Motion To Join Indispensable Parties Pursuant To Rule 19(A), Ariz. R. Civ. P., Or, In The

1 Alternative, Motion To Dismiss Pursuant To Rule 12(B)(7), Ariz. R. Civ. P., For Failure To Join  
2 Indispensable Parties filed on June 24, 2005.

3 DATED this 8<sup>th</sup> day of March, 2006.

4 MUSGROVE, DRUTZ & KACK, P.C.

5  
6 By 

7 Mark W. Drutz  
8 Jeffrey R. Adams  
9 *Attorneys for Defendants*

10 COPY of the foregoing hand-delivered  
11 this 8<sup>th</sup> day of March, 2006, to:

12 Honorable David L. Mackey  
13 Yavapai County Superior Court  
14 Division 1  
15 Yavapai County Courthouse  
16 Prescott, Arizona 86301

17 COPY of the foregoing mailed this  
18 8<sup>th</sup> day of March, 2006, to:

19 David K. Wilhelmsen, Esq.  
20 Marguerite M. Kirk, Esq.  
21 FAVOUR, MOORE & WILHELMSSEN, P.A.  
22 Post Office Box 1391  
23 Prescott, Arizona 86302-1391  
24 Attorneys for Plaintiffs

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