



Clerk of Superior Court

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Jeanne Hicks
Clerk

Renee Braner

Chief Deputy

March 22, 2006

Mr. Philip G. Urry, Clerk
Court of Appeals, Div. 1
1501 West Washington
Phoenix, AZ 85007

11:55 **FILED** O'Clock, A M

MAR 22 2006

JEANNE HICKS, Clerk
BY [Signature]
Deputy

Dear Mr. Urry:

RE: John B. Cundiff, et al VS Donald Cox, et ux
YAVAPAI COUNTY SUPERIOR COURT CV 2003 0399

Pursuant to the **Notice of Cross Appeal filed March 08, 2006**, enclosed are my Clerk's Certification sheet, two copies of an Interspersed Index listing all pleadings in said case as of this date, and any pertinent articles to this Appeal, as marked by the asterisks thereon.

Should the entire original case record be required by your Court, it will most certainly be transmitted upon written Order.

Yours very truly,

Tina Fenton
Appeals Clerk

cc: David K. Wilhelmsen
Marguerite Kirk
P.O. Box 1391
Prescott, AZ 86302
Counsel for Plaintiffs

Mark Drutz
Musgrove Drutz & Kack, P.C.
P.O. Box 2720
Prescott, AZ 86302
Counsel for Defendants

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

March 22, 2006

John B. Cundiff, et al,

Plaintiff s

Donald Cox, et ux,

Defendants

)
) **Yavapai County Superior Court**
) **CV 2003 0399**
)
)
)
)

STATE OF ARIZONA)
) **ss**
County of Yavapai)

I, JEANNE HICKS, Clerk of the Superior Court of the State of Arizona, in and for the County of Yavapai, DO HEREBY CERTIFY that the enclosed Index itemizes the entire record in the above-entitled action as of this date, consisting of all Pleadings, Minute Entries, and/or Exhibits, Reporters' Transcripts and Depositions.

I FURTHER CERTIFY that the enclosed copies of instruments and minute entry orders forwarded herewith are true copies of the originals on file in this office.

IN WITNESS WHEREOF I hereunto set my hand and affix the seal of said Superior Court this 22nd day of March, 2006.

JEANNE HICKS, Clerk

By:



Tina Fenton
Appeals Clerk

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI
March 16, 2006**

John B. Cundiff, et al)	Court of Appeals
)	1-CA-
vs)	Yavapai Superior Court
)	CV 2003 0399
Donald Cox, et ux)	<u>INTERSPERSED INDEX</u>
Defendant)	

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3	MOTION FOR ORDER TO SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE	05-16-2003
4	ACCEPTANCE & WAIVER OF SERVICE	06-18-2003
5	ACCEPTANCE & WAIVER OF SERVICE	06-18-2003
6	ORDER TO SHOW CAUSE	07-01-2003
7	MOTION TO WITHDRAW	07-01-2003
8	ORDER TO WITHDRAW	07-23-2003
9	NOTICE OF APPEARANCE	08-11-2003
10	MOTION TO VACATE OSC HRG	08-21-2003
11	ORDER VACATING OSC	08-22-2003
12*	PLAINTIFF'S FIRST AMENDED COMPLAINT	03-18-2004
13	ACCEPTANCE OF SERVICE	04-19-2004
14	VERIFIED APPLICATION FOR PRELIMINARY INJUNCTION	04-30-2004
15	MOTION TO SET CERT. OF READINESS	04-30-2004
16	DEMAND FOR JURY TRIAL	05-04-2004
17	CONTROVERTING CERT. TO MOTION TO SET	05-04-2004
18	ME: ORDER ASSIGNING	05-10-2004
19	ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT	05-21-2004

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21	STIPULATION	06-07-2004
22	ORDER	06-08-2004
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24	PLAINTIFF'S MOTION TO AMEND CAPTION	07-01-2004
25	RESPONSE TO MOTION TO AMEND CAPTION	07-07-2004
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34	STIPULATION FOR EXTENSION OF TIME	08-02-2004
35*	REPORTER'S TRANSCRIPTS FILED: M. LISA EDGAR ORAL ARGUMENT ON MOTION TO DISQUALIFY	08-04-2004
36	RESPONSE TO PLAINTIFF'S REQUEST FOR THE COURT'S ONSITE INSPECTION OF SUBJECT REAL PROPERTY SUBDIVISION	08-11-2004
37	PLAINTIFF'S REPLY TO DEFT'S RESPONSE TO PLAINTIFF'S REQUEST	08-12-2004

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38	REQUEST FOR ORAL ARGUMENTS ON PLAINTIFF'S REQUEST	08-16-2004
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45	PLAINTIFF'S MOTION TO COMPEL	09-28-2004
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71	PLAINTIFF'S OBJECTION TO DEFT'S SUPPLEMENTAL AUTHORITIES	02-03-2005
72	PLAINTIFF'S OBJECTION TO DEFT'S SUPPLEMENTAL AUTHORITIES	02-10-2005
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84	OBJECTION TO PLAINTIFF'S SUBPOENA DUCES TECUM	05-09-2005

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85	PLAINTIFF'S RESPONSE TO DEFT'S OBJECTION TO PLAINTIFF'S SUBPOENA DUCES TECUM	06-02-2005
86	STIPULATION RE: EXPERT & NON EXPERT DISCLOSURES, COMPLETION OF DISCOVERY & DISPOSITIVE MOTIONS	06-06-2005
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113	PLAINTIFF'S OPPOSITION TO DEFT'S AMENDED WITNESS LIST & MOTION IN LIMINE	07-19-2005
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115	PLAINTIFF'S PROPOSED FORM OF VERDICT RE: ADVISORY JURY	07-22-2005
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119	RESPONSE TO PLAINTIFF'S OPPOSITION TO DEFT'S AMENDED WITNESS LIST & MOTION IN LIMINE	07-22-2005
120	RESPONSE TO PLAINTIFF'S MOTION TO COMPEL PLAINTIFF'S PRODUCTION OF DOCUMENTS	07-22-2005
121	DEFT'S PROPOSED JURY INSTRUCTIONS	07-22-2005
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145	PLAINTIFF'S REQUEST FOR SCHEDULING OF ORAL ARGUMENT	11-07-2005

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152*	NOTICE OF CROSS APPEAL	03-08-2006
153*	NOTICE OF POSTING CASH BOND FOR COSTS ON CROSS APPEAL	03-08-2006

TRANSCRIPTS: Already Part of The Record

#35 Oral Argument on Motion to Disqualify 7-20-04 filed on 8-4-04

by Court Reporter; M. Lisa Edgar

#131 Hearing on Motions for Summary Judgment 7-26-05 filed on 8-04-05

by Court Reporter; David W. Lundy

EXHIBITS: