

2014 DEC 30 PM 2: 31 ✓

DONNA McQUALITY, CLERK

BY: M McCULLOCH

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9 SUPERIOR COURT OF ARIZONA
10 YAVAPAI COUNTY

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

17 Plaintiffs,

18 v.

19 DONALD COX and CATHERINE COX,
20 husband and wife, *et al.*, *et ux.*,

21 Defendants.

P1300

Case No. CV 2003-0399


Assigned to Hon. Kenton D. Jones
Visiting Judge

**VOLUNTARY WITHDRAWAL OF
REPLY TO RESPONSE TO
MOTION TO STRIKE EXHIBITS 5-
12 TO MOTION FOR
RECONSIDERATION RE: AUGUST
25, 2014 RULING RE: ATTORNEYS'
FEES AWARDED IN FAVOR OF
VARILEK**

22 In filing his *Reply*, Varilek frankly overlooked ARCP 7.1(f)(1)(c), which provides “no reply
23 memorandum may be filed unless authorized by the court” in connection with a motion to strike.
24 Varilek thus withdraws the *Reply* or, alternatively, respectfully moves the Court to authorize its
25 filing *nunc pro tunc* if the Court is so inclined.

26 RESPECTFULLY SUBMITTED December 30, 2014.

27 FAVOUR & WILHELMSSEN, PLLC

28 By: 
David K. Wilhelmsen
Lance B. Payette
Attorneys for Property Owner James Varilek

1 Original of the foregoing filed
2 on December 30, 2014 with:

3 Clerk, Superior Court of Yavapai County
4 120 S. Cortez Street
5 Prescott, AZ 86303

6 Copy of the foregoing
7 mailed on December 30, 2014 to:

8 Jeff Adams
9 THE ADAMS LAW FIRM PLLC
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13 Attorney for the following named
14 Defendants:

15 Donald & Catherine Cox;
16 Leon H. & Noreen N. Vaughn;
17 Martha Lillian Caudill;
18 Sandra Godinez;
19 Curtis Kincheloe;
20 John L. & Gena D. Hatfield, Trustees of the
21 Brit-Char Trust UDT 7-10-07;
22 Cindi E. Lebash;
23 Roberta L. Baldwin;
24 James H. & Doris L. Strom;
25 Joy D. Basset;
26 James B. & Lorraine Darrin, Trustees of the
27 Darrin Family Trust UDT 12-14-98;
28 Tracy L. Greenlee;
Franklin B. & Laura L. Lamberson;
Rhonda L. Folsom;
Daniel & Louella Bauman;
Theresa E. Massardi;
James & Shirley Stephenson;
West R. & Catherine S. Rivers;
Lawrence K. & Heide J. McCarthy,
Trustees of the McCarthy Living Trust
UDC 5-20-81;
Edward C. & Christine Woodworth;
Donald J. & Charlotte F. Klein, Trustees of
the Klein Family Trust;
Jeff & Mychel Westra;
Christine L. Bowra;
Charles R. Coakley, Trustee of the Charles
Coakley Trust UTD 6-10-91;
Else Clark, Trustee of the 2005 Else Clark
Revocable Trust UTD 10-27-05;
Wendy L. Changose;
Kari L. Dennis;
John P. & Karen R. Hough;

1 James Barstad;
2 Michael J. & Diane Glennon;
3 Michael D. White;
4 Steve M. & Deborah D. Wilson;
5 Ottis R. & Delores F. Clark;
6 Mark S. & Soma D. Williams, Trustees of
7 the Mark & Soma Williams Trust UTD 10-
8 10-07;
9 Geoffrey M. McNabb & Kristen D.
10 McNabb;
11 Grant L. & Pamela L. Griffiths;
12 Charles A. & Sherry S. Marx;
13 Kenneth R. & Elizabeth A. Yarbrough;
14 Gary Wanzek; and
15 Vincent J. & Dorothy M. Wanzek

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16 By 
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