



Clerk of Superior Court

Yavapai County Courthouse
120 S. Cortez
Prescott, Arizona 86303-4747
(928) 771-3312
Fax: (928) 771-3111

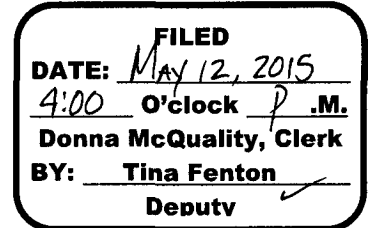
Yavapai County Court Building
2840 N. Commonwealth Drive
Camp Verde, Arizona 86322
(928) 567-7741
Fax (928) 567-7720

Donna McQuality
Clerk

Kelly Gregorio
Chief Deputy

Initial Notice Re: Appeal

Mrs. Ruth Willingham, Clerk
Court of Appeals, Division 1
Via Electronic Transmission



Dear Mrs. Willingham:

**Re: John B. Cundiff, et al, Vs. Donald Cox, et al,
Yavapai County Superior Court: P1300CV20030399**

A Notice of Appeal was filed on, May 6, 2015, by Mark Drutz on behalf of the defendants. The index of record will be electronically transmitted on or before **June 6, 2015**. A copy of the Notice of Appeal is enclosed to all parties or their counsel.

If there is anything else required, please do not hesitate to call me.

Sincerely,

Tina Fenton
Appeals Clerk
(928-771-3312)

Cc: J. Jeffrey Coughlin, Esq.
J. Jeffrey Coughlin, PLLC (e)
Attorney for Plaintiffs

Jeffrey R. Adams, Esq.
The Adams Law Firm, PLLC (e)
Attorney for Defendants

David K. Wilhelmsen, Esq.
Favour & Wilhelmsen, PLLC (e)
Attorney for Property Owner James Varilek

Noel J. Hebets, Esq.
Noel J. Hebets, PLC (e)
Attorney for William M. Grace

Robert E. Schmitt, Esq.
Murphy, Schmitt, Hathaway & Wilson, PLLC (e)
Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

In Pro Per
William H. "Bill" Jensen
14556 Howard Mesa Loop
Williams, AZ 86046

In Pro Per
Gary & Sabra Feddema
9601 East Far Away Place
Prescott Valley, AZ 86315

In Pro Per
William R. and Judith K. Stegeman Trust
9200 East Far Away Place
Prescott Valley, AZ 86315

In Pro Per
Karen L. and Michael P. Wargo
9200 East Spurr Lane
Prescott Valley, AZ 86315

In Pro Per
Linda J. Hahn
10367 W. Mohawk Lane
Peoria, AZ 85382

In Pro Per
Sergio Martinez and Susana Navarro
10150 N. Lawrence Lane
Prescott Valley, AZ 86315

In Pro Per
Lloyd E. and Melva J. Self
9250 E. Slash Arrow Drive
Prescott Valley, AZ 86315

In Pro Per
Rynda and Jimmy Hoffman
9650E.Spurr Lane
Prescott Valley, AZ 86315

In Pro Per
William and Shaunla Heckethom
9715 E. Far Away Place
Prescott Valley, AZ 86315

In Pro Per

Leo M. and Marilyn Murphy
9366 E. Turtlerock Road
Prescott Valley, AZ 86315

In Pro Per

James C. and Leslie M. Richie
9800 E. Plum Creek Way
Prescott Valley, AZ 86315

In Pro Per

Rhonda L. Folsom
9305 N. Coyote Springs Road
Prescott Valley, AZ 86315-4517

In Pro Per

Kenneth Paloutzian
8200 Long Mesa Drive
Prescott Valley, AZ 86315

In Pro Per

Bonnie Rosson
8950 E. Plum Creek Way
Prescott Valley, AZ 86315

In Pro Per

John and Rebecca Feddema
9550 E. Spurr Lane
Prescott Valley, AZ 86315

In Pro Per

Robert Lee Stack and Patti Ann Stack
10375 Lawrence Lane
Prescott Valley, AZ 86315

In Pro Per

John D. and Dusti L. Audsley
7899 E Gazelle Road
Prescott Valley, AZ 86315-7831

In Pro Per

Dana E. and Sherrilyn G. Tapp
8595 E. Easy Street
Prescott Valley, AZ 86315

In Pro Per

Richard and Beverly Strissel
9350 E. Slash Arrow Drive
Prescott Valley, AZ 86314

In Pro Per

Jesus Manjarres
105 Paseo Sarta #C
Green Valley, AZ 85614

In Pro Per

Nicholas Corea
4 Denia
Laguna Nigel, CA 92677

In Pro Per

Jack and Dolores Richardson
505 Oppenheimer Drive, #4
Los Alamos, NM 87544

In Pro Per

Eric Cleveland
9605 E. Disway
Prescott Valley, AZ 86315

In Pro Per

Robert and Patricia Janis
7685 N. Coyote Springs Road
Prescott Valley, AZ 86315

In Pro Per

Mike and Julia Davis
9147 E. Morning Star Road
Prescott Valley, AZ 86315

In Pro Per

Richard and Patricia Pinney
P.O. Box 1558
Chino Valle 86323

1 Mark W. Drutz, #006772
2 Sharon M. Flack, #021590
3 Jeffrey D. Gautreaux, #028104
4 **MUSGROVE DRUTZ KACK & FLACK, PC**
5 1135 W. Iron Springs Road
6 P.O. Box 2720
7 Prescott, Arizona 86302-2720
8 Phone: (928) 445-5935
9 Fax: (928) 445-5980
10 Firm Email: mdkpc@cableone.net

11 Attorneys for Defendants Donald and Catherine Cox

12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

13 **IN AND FOR THE COUNTY OF YAVAPAI**

14 JOHN B. CUNDIFF and BARBARA C.
15 CUNDIFF, husband and wife; ELIZABETH
16 NASH, a married woman dealing with her
17 separate property; KENNETH PAGE and
18 KATHERYN PAGE, as Trustee of the
19 Kenneth Page and Catherine Page Trust,

20 Plaintiffs,

21 v.

22 DONALD COX and CATHERINE COX,
23 husband and wife, et al., et ux.,

24 Defendants.

Case No. P1300CV20030399

Division Pro Tem A

NOTICE OF APPEAL

25 NOTICE IS HEREBY GIVEN that the above named Defendants Donald and Catherine Cox
26 (hereafter "Cox"), by and through undersigned counsel, pursuant to Arizona Rules of Civil Appellate
27 Procedure 8 and 9, hereby appeal to the Court of Appeals of the State of Arizona, Division One,
28 from:

1. Ruling dated May 4, 2015, and entered as a Judgment in this action on May 5, 2015,
in favor of James Varilek;

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2015 MAY -6 PM 3:58 ✓

DEPARTMENT OF CLERK

GRESHAM

BY: _____

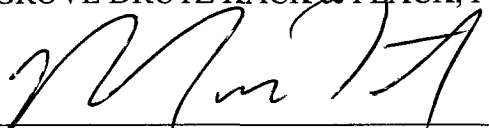
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ruling dated April 3, 2015, and entered as a Judgment in this action on April 7, 2015, including (a) the Court's unsigned Under Advisement Ruling dated August 22, 2014, and entered in this action on August 25, 2014, and (b) the Court's unsigned Under Advisement Ruling dated and entered in this action on June 14, 2013 in favor of James Varilek and Plaintiffs John B. Cundiff, Barbara C. Cundiff, Elizabeth Nash, Kenneth Page, and Katheryn Page, as Trustees of the Kenneth Page and Katheryn Page Trust (Cundiffs, Nash, and Pages shall be referred to herein as the "**Cundiff Plaintiffs**"), *except* as to attorneys' fees awarded to Cundiff Plaintiffs.

On April 27, 2015, Defendants Cox filed Defendants' Coxes Motion for New Trial Re: Award of Attorneys' Fees to Cundiff-Plaintiffs Pursuant to Ariz. R. Civ. P. 59(a) and, in the Alternative, Motion to Alter or Amend Judgment Pursuant to Ariz. R. Civ. P. 59(l), as to the Cundiff Plaintiffs, which has stayed the time for appeal of the award of attorneys' fees in the April 7, 2015, Judgment. ARCAP 9(b)(1)(C)-(D).

DATED this 6th day of May, 2015.

MUSGROVE DRUTZ KACK & FLACK, PC

By: 

Mark W. Drutz
Sharon M. Flack
Jeffrey D. Gautreaux
Attorneys for Defendants Donald and Catherine Cox

COPY the foregoing hand-delivered this 6th day of May, 2015, to:

Honorable Jeffrey Paupore
Yavapai County Superior Court
120 South Cortez Street
Prescott, AZ 86303

1 COPY the foregoing mailed
2 this 6th day of May, 2015, to:

3 J. Jeffrey Coughlin, Esq.
4 J. Jeffrey Coughlin PLLC
5 1570 Plaza West Drive
6 Prescott, AZ 86303
7 Attorneys for Plaintiffs

8 Jeffrey R. Adams, Esq.
9 The Adams Law Firm, PLLC
10 125 Grove Avenue
11 P.O. Box 2522
12 Prescott, AZ 86302
13 Attorneys for Defendants

14 David K. Wilhelmsen, Esq.
15 Favour & Wilhelmsen, PLLC
16 P.O. Box 1391
17 Prescott, AZ 86302-1391
18 Attorneys for Property Owner James Varilek

19 Noel J. Hebets, Esq.
20 Noel J. Hebets, PLC
21 2515 North 48th Street, #3
22 Phoenix, AZ 85008
23 Attorney for William M. Grace

24 Robert E. Schmitt, Esq.
25 Murphy, Schmitt, Hathaway & Wilson, PLLC
26 P.O. Box 591
27 Prescott, AZ 86302
28 Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

29 William H. "Bill" Jensen
30 14556 Howard Mesa Loop
31 Williams, AZ 86046
32 pro se

33 Gary & Sabra Feddema
34 9601 East Far Away Place
35 Prescott Valley, AZ 86315
36 pro se

1 William R. and Judith K. Stegeman Trust
2 9200 East Far Away Place
3 Prescott Valley, AZ 86315
4 pro se

4 Karen L. and Michael P. Wargo
5 9200 East Spurr Lane
6 Prescott Valley, AZ 86315
7 pro se

7 Linda J. Hahn
8 10367 W. Mohawk Lane
9 Peoria, AZ 85382
10 pro se

10 Sergio Martinez and Susana Navarro
11 10150 N. Lawrence Lane
12 Prescott Valley, AZ 86315
13 pro se

13 Lloyd E. and Melva J. Self
14 9250 E. Slash Arrow Drive
15 Prescott Valley, AZ 86315
16 pro se

16 Rynda and Jimmy Hoffman
17 9650 E. Spurr Lane
18 Prescott Valley, AZ 86315
19 pro se

19 William and Shaunla Heckethorn
20 9715 E. Far Away Place
21 Prescott Valley, AZ 86315
22 pro se

22 Leo M. and Marilyn Murphy
23 9366 E. Turtlerock Road
24 Prescott Valley, AZ 86315
25 pro se

26

27

28

- 1 James C. and Leslie M. Richie
2 9800 E. Plum Creek Way
3 Prescott Valley, AZ 86315
4 pro se
- 4 Rhonda L. Folsom
5 9305 N. Coyote Springs Road
6 Prescott Valley, AZ 86315-4517
7 pro se
- 7 Kenneth Paloutzian
8 8200 Long Mesa Drive
9 Prescott Valley, AZ 86315
10 pro se
- 10 Bonnie Rosson
11 8950 E. Plum Creek Way
12 Prescott Valley, AZ 86315
13 pro se
- 13 John and Rebecca Feddema
14 9550 E. Spurr Lane
15 Prescott Valley, AZ 86315
16 pro se
- 16 Robert Lee Stack and Patti Ann Stack
17 Trustees of the Robert Lee and Patti
18 Ann Trust utd March 13, 2007
19 10375 Lawrence Lane
20 Prescott Valley, AZ 86315
21 pro se
- 21 John D. and Dusti L. Audsley
22 7899 E Gazelle Road
23 Prescott Valley, AZ 86315-7831
24 pro se
- 24 Dana E. and Sherrilyn G. Tapp
25 8595 E. Easy Street
26 Prescott Valley, AZ 86315
27 pro se
- 28

- 1 Richard and Beverly Strissel
- 2 9350 E. Slash Arrow Drive
- 3 Prescott Valley, AZ 86314
- 4 pro se

- 4 Jesus Manjarres
- 5 105 Paseo Sarta #C
- 6 Green Valley, AZ 85614
- 7 pro se

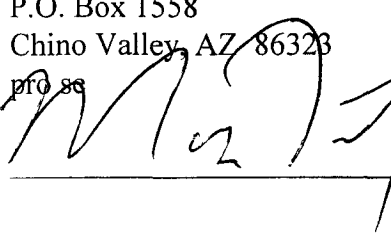
- 7 Nicholas Corea
- 8 4 Denia
- 9 Laguna Nigel, CA 92677
- 10 pro se

- 10 Jack and Dolores Richardson
- 11 505 Oppenheimer Drive, #4
- 12 Los Alamos, NM 87544
- 13 pro se

- 13 Eric Cleveland
- 14 9605 E. Disway
- 15 Prescott Valley, AZ 86315
- 16 pro se

- 16 Robert and Patricia Janis
- 17 7685 N. Coyote Springs Road
- 18 Prescott Valley, AZ 86315
- 19 pro se

- 19 Mike and Julia Davis
- 20 9147 E. Morning Star Road
- 21 Prescott Valley, AZ 86315
- 22 pro se

- 22 Richard and Patricia Pinney
- 23 P.O. Box 1558
- 24 Chino Valley, AZ 86323
- 25 pro se
- 26 
- 27
- 28