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2015 MAY 20 PM 7:11 ✓

J YOUNT

BY: _____

7 Counsel for Defendants Donald and Catherine Cox

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

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

11 JOHN B. CUNDIFF and BARBARA C.
12 CUNDIFF, husband and wife; ELIZABETH
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, et al., et ux.,

21 **Defendants.**

Case No. P1300CV20030399

Division Pro Tem A

**CIVIL APPEALS DOCKETING
STATEMENT**

21 Defendants Donald and Catherine Cox, husband and wife (the "Coxes" or "Defendants Cox"),
22 by and through undersigned counsel, submit the following Docketing Statement pursuant to the
23 provisions of ARCAP 12(e).

24 **A. TIMELINESS OF APPEAL.**

- 25 1. Date of entry of judgments:
26 a. April 7, 2015; and
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B. May 5, 2015 (award of attorneys' fees in favor of Property Owner James Varilek).

2. Are the judgments/order signed as required by Rule 58(a)? Yes No

3. Was the time for appeal extended by a motion? Yes No

No, as to the May 5, 2015 Judgment.

Yes, as to the portion of the April 7, 2015 Judgment awarding attorneys' fees to Plaintiffs John

B. Cundiff and Barbara C. Cundiff, husband and wife; Elizabeth Nash, a married woman; and Kenneth Page and Katheryn Page as Trustee of the Kenneth Page and Catherine Page Trust [sic] (collectively, "Cundiff Plaintiffs"). On April 22, 2015, Defendants Cox filed a 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(I). Defendants Cox have appealed the balance of the April 7, 2015 Judgment (entitled "Ruling").

On or about May 7, 2015, Plaintiffs Cundiff, Nash and Page filed a "Cross Motion to Alter or Amend Judgment Pursuant to Ariz. R. Civ. P. 59(I)".

The Court has not ruled on these Motions.

4. On April 30, 2015, Defendants Cox filed an Objection to Separate Judgment for Attorneys' Fees and Costs in Favor of Plaintiffs Cundiff, in response to a proposed form of judgment lodged by the Cundiff Plaintiffs on April 20, 2015. The Court has not ruled on the Cundiff Plaintiffs' separate proposed form of judgment.

5. The Notice of Appeal was filed by Defendants Cox on May 6, 2015, a copy of which is attached as Exhibit "1".

1 **B. APPEALABLE JUDGMENT OR ORDER.**

2 1. Basis for appellate jurisdiction under A.R.S. § 12-2101

3 (check appropriate statutory subsection)

4 _____A X____A(1) _____A(2) _____A(3) _____A(4)

5 _____A(5)(a) _____A(5)(b) _____A(5)(c) _____A(5)(d) _____A(6)

6 _____A(7) _____A(8) _____A(9) _____A(10)(a) _____A(10)(b)

7 _____A(11(a)) _____A(11)(b) _____B

8 or under A.R.S. § 12-2101.01(A).

9 _____1 _____2 _____3 _____4 _____5 _____6

10 2. List all parties involved in the superior court action:

11 (attach separate sheet, if necessary)

12 Defendants: Donald Cox; and
13 Catherine Cox

14 Plaintiffs: John B. Cundiff and Barbara C. Cundiff;
15 Elizabeth Nash;
16 Kenneth Page and Katheryn Page as
17 Trustee

18 Property Owner Aligned with Plaintiffs: James Varilek

19 See Exhibit "2" attached which identifies those persons whom the Cundiff Plaintiffs
20 allege that they have properly joined into the litigation.

21 (a) If all parties in superior court are not parties to this appeal, explain in detail
22 (with specific reference to the record on appeal) why those parties are not
23 included in this appeal, e.g., dismissed, not served, or other:
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1 The initial parties to this litigation were the Cundiff Plaintiffs and Defendants Cox. *See*
2 Plaintiffs' First Amended Complaint filed March 18, 2004. On or March 10, 2008, the Superior
3 Court ordered joinder of all property owners subject to the Declaration of Restrictions of Coyote
4 Springs Ranch, recorded as Book 916, Page 680 Official Records of Yavapai County, Arizona
5 ("Declaration"). On October 27, 2010, Property Owner James Varilek filed a Notice of Appearance
6 and Request for Alignment as Party-Plaintiff.
7

8 On December 28, 2012, the Cundiff Plaintiffs filed a Motion for Summary Judgment against
9 Defendants Cox on the Coxes' affirmative defenses of abandonment and waiver of the Declaration.
10 On January 7, 2013, Property Owner James Varilek filed a joinder in the Cundiff Plaintiffs' Motion
11 for Summary Judgment. On February 11, 2013, Defendants Cox filed their Response to Plaintiffs'
12 Motion for Summary Judgment.
13

14 On June 14, 2013, the Court entered summary judgment in favor of the Cundiff Plaintiffs and
15 Varilek by an unsigned Under Advisement Ruling.
16

17 On January 3, 2014, Defendants Cox filed a Motion for New Trial Re: Grant of Plaintiffs'
18 Motion for Summary Judgment, which the Trial Court subsequently denied by an unsigned Ruling
19 filed on August 25, 2014.
20

21 On July 2, 2013, the Cundiff Plaintiffs filed an application for award of attorneys' fees. On
22 July 1, 2013, Property Owner James Varilek filed an application for an award of attorneys' fees. On
23 October 3, 2014, Cundiff Plaintiffs filed Plaintiffs' Withdrawal of Application for Attorneys' Fees
24 Against Joined Defendants.

25 Thereafter, in Judgments (entitled "Ruling") entered on April 7, 2015, and on May 5, 2015,
26 the Trial Court awarded attorneys' fees in favor of the Cundiff Plaintiffs and in favor of Property
27
28

1 Owner James Varilek, respectively. In its April 7, 2015 Judgment the Trial Court acknowledged its
2 June 14, 2013 grant of summary judgment.

3 Based upon the foregoing, the Cundiff Plaintiffs and Property Owner James Varilek are the
4 proper Appellees.
5

6 3. Give brief description (3-5 words) of each party's separate claims, counterclaims,
7 cross-claims or third party claims, and the trial court's disposition of each claim, e.g., bench trial,
8 jury verdict, dismissal, summary judgment, default judgment or other (include specific references
9 to the record on appeal and attach separate sheet, if necessary).
10

11 (a) Cundiff Plaintiffs' claim: Breach of Declaration.

12 Trial Court's disposition: Summary judgment in favor of the Cundiff Plaintiffs and
13 Varilek.

14 4. Does the judgment dispose of all claims and all parties? Yes No¹

15 (a) If yes, is it certified as final pursuant to Rule 54(c), ARCP? Yes No

16 (b) Specify claims which remain pending in superior court: On April 22, 2015,
17 Defendants Cox filed a Motion for New Trial Re: Award of Attorneys' Fees to
18 Cundiff-Plaintiffs Pursuant to Ariz. R. Civ. P. 59(a) and, in the Alternative, Motion to
19 Alter or Amend Judgment Pursuant to Ariz. R. Civ. P. 59(l).
20

21 5. Did this case originate in a justice of the peace court or city court? Yes No

22 6. Does this appeal involve a contempt judgment or order? Yes No
23

24 **C. OTHER INFORMATION.**

25 1. Disposition below: (check all applicable descriptions)
26

27 ¹ Defendants do *not* waive the right to appeal the issue of proper Joinder.
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|---|---|
| <input type="checkbox"/> Bench Trial | <u>Dismissal For:</u> |
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| <input type="checkbox"/> Review of Agency Action | <input type="checkbox"/> Failure to Prosecute |
| <input type="checkbox"/> Grant/Deny Rule 60(c) Relief | <input type="checkbox"/> Discovery Sanction |
| <input checked="" type="checkbox"/> Grant/Deny New Trial or | <input type="checkbox"/> Other |
| <input type="checkbox"/> Judgment Notwithstanding the Verdict | |
| <input type="checkbox"/> Injunction | |
| <input type="checkbox"/> Grant/Deny Special Action | |
| <input type="checkbox"/> Denial of TRO/Preliminary Injunction | |

2. Do you intend to order reporter's transcripts for the appeal? Yes No
- (a) If so, have all necessary arrangements been made for preparation of the transcript? Yes No
- (b) Estimated date of completion of transcript. 30 days.

3. Brief description of nature of action and result in trial court:

This case involves a dispute over the validity, enforceability, and alleged violations of the Declaration. The Cundiff Plaintiffs allege in their First Amended Complaint that Defendants Cox breached paragraphs 2, 7, and 15 of the Declaration, a copy of which is attached hereto as Exhibit "3". The Cundiff Plaintiffs have asserted three claims against the Coxes for breach of the Declaration as to paragraphs 2, 7, and 15 of the Declaration, as well as a claim for Injunctive Relief, and a claim for Declaratory Relief.

1 As to paragraph 2 of the Declaration, on Appeal, Division One ruled that "the Coxes'
2 agricultural business use of the property violates section two of the Declaration" and "the absent
3 property owners are necessary parties given the issue to be decided in this case. *** The trial court
4 must determine on remand whether these parties are also indispensable under Rule 19(b)." See
5 Memorandum Decision filed May 24, 2007.

7 On March 10, 2008, the Trial Court found that "it is appropriate to **ORDER** that the Plaintiff
8 [*sic*] shall join all landowners subject to the Declaration"

9 On December 28, 2012, the Cundiff Plaintiffs filed a Motion for Summary Judgment against
10 Defendants Cox on the Coxes' affirmative defenses of abandonment and waiver of the Declaration.
11 On January 7, 2013, Property Owner James Varilek filed a joinder in the Cundiff Plaintiffs' Motion
12 for Summary Judgment. On February 11, 2013, Defendants Cox filed their Response to Plaintiffs'
13 Motion for Summary Judgment.

15 On April 8, 2013, Property Owner James Varilek filed a Motion to Require Defendants Cox
16 to Serve the Indispensable Parties with Documents Comporting with Due Process. On April 25,
17 2013, the Coxes filed their Response to James Varilek's Motion to Require Defendants Cox to Serve
18 the Indispens[a]ble Parties With Documents Comporting With Due Process and Motion to Dismiss
19 for Failure of Plaintiffs to Join Indispens[a]ble Parties.

21 On June 14, 2013, the Court granted summary judgment in favor of the Cundiff Plaintiffs and
22 Varilek, by an unsigned Under Advisement Ruling, wherein "Plaintiff's and Varilek's Motion for
23 Summary Judgment is **GRANTED**". Further, the Trial Court deemed as moot James Varilek's
24 Motion to Require Defendants Cox to Serve the Indispensable Parties with Documents Comporting
25 with Due Process.

1 On July 1, 2013, Property Owner James Varilek filed an application for an award of attorneys'
2 fees. On July 2, 2013, the Cundiff Plaintiffs filed an application for award of attorneys' fees. On
3 October 3, 2014, Cundiff Plaintiffs filed Plaintiffs' Withdrawal of Application for Attorneys' Fees
4 Against Joined Defendants.
5

6 On January 3, 2014, Defendants Cox filed a Motion for New Trial Re: Grant of Plaintiffs'
7 Motion for Summary Judgment, which the Trial Court subsequently denied in its August 25, 2014,
8 unsigned Ruling.

9 In Judgments entered on April 7, 2015, and on May 5, 2015², the Court awarded attorneys' fees
10 in favor of the Cundiff Plaintiffs and in favor of Property Owner James Varilek, respectively.
11

12 In its April 7, 2015 Judgment, the Trial Court "ORDERED Defendant[s' Cox] Rule 19 Motion
13 to Dismiss is *Moot*" and acknowledged the Trial Court's Ruling of June 14, 2013, "with Plaintiffs
14 declared the ultimate winner."
15

16 4. Issues to be raised on appeal:

17 (a) Whether the Trial Court abused its discretion or otherwise erred by
18 prematurely granting summary judgment in favor of the Cundiff Plaintiffs and
19 Property Owner James Varilek, absent joinder of all property owners as
20 ordered by the Trial Court on or near March 10, 2008.

21 (b) Whether the Trial Court abused its discretion or otherwise erred in granting
22 summary judgment in favor of the Cundiff Plaintiffs and Property Owner
23 James Varilek on the basis that there were no questions of fact in dispute
24 concerning the Coxes' defense of abandonment and/or waiver of the
25

26
27 ² Both entitled "Ruling."
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Declaration in light of the law of the case wherein the Trial Court on April 4, 2005 "finds that there is a material fact issue regarding whether the restrictions in this case have been so thoroughly disregarded as to result in a change in the area that destroys the effectiveness of the restrictions, defeats the purposes for which they were imposed and amounts to an abandonment of the entire Declaration," and the Cundiff Plaintiffs had undertaken no additional discovery between April 4, 2005 and December 28, 2012, when the Cundiff Plaintiffs filed their Motion for Summary Judgment.

(c) Whether the Trial Court abused its discretion or otherwise erred in denying Defendants' Cox Motion for New Trial filed January 3, 2014.

(d) Whether the Trial Court abused its discretion or otherwise erred awarding attorneys' fees in the amount of \$90,608.00 to Property Owner James Varilek in its May 5, 2015 Judgment.

5. Do you believe this appeal would be appropriate for an accelerated appeal under Rule 29, ARCAP?

___ Yes X No

6. Do you believe this appeal would be appropriate for inclusion in the appellate settlement program?

___ Yes X No

7. Does this case involve an assertion or allegation that a state statute, ordinance, franchise or rule is facially unconstitutional, or that a municipal ordinance or franchise is facially invalid?

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Yes No

If yes, has A.R.S. § 12-1841 been complied with? N/A

Yes No

If no, please list the specific steps that appellant plans to take to comply with A.R.S. § 12-1841 before this appeal is submitted for decision:

N/A

D. PENDING AND PRIOR PROCEEDINGS IN THIS COURT AND THE ARIZONA SUPREME COURT.

Has any other notice of appeal, petition for special action or petition for review been filed from the same or consolidated superior court action? Yes No. If yes, give the case number of that appeal, special action or petition for review.

E. RELATED APPEALS.

Are there any other appeals pending in this court involving the same parties, events or transactions giving rise to this appeal? Yes No. If yes, give the case number of that appeal.

F. PROCEEDINGS IN OTHER COURTS.

Has any bankruptcy court petition been filed or has any other proceeding been commenced in another court which reflects this court's jurisdiction over this appeal? Yes No. If yes, please identify that proceeding.

G. SIMILAR ISSUES.

Are you aware of any pending appeals in this court raising the same or closely related issues? Yes No. If yes, give the case name and number, if known.

1 **H. PERSON FILING DOCKETING STATEMENT.**

2 Name of Attorney: Mark W. Drutz
3 Sharon M. Flack
4 Musgrove Drutz Kack & Flack, PC

5 Address: 1135 W. Iron Springs Road, P.O. Box 2720, Prescott, AZ 86302-2720

6 Telephone: (928) 445-5935

7 Check one: Attorney Party Unrepresented by Counsel

8 Check one: Appellant Appellees

9 Name of Parties: Donald and Catherine Cox

10 If this is a joint statement by multiple appellants, add the names and addresses of other counsel
11 on an additional sheet accompanied by certification that they concur in the filing of this statement.
12
13 N/A.

14 **I. OPPOSING COUNSEL ON APPEAL.**

15 (A)

16 Name of Attorney: David K. Wilhelmsen, Esq.

17 Address: Favour & Wilhelmsen, PLLC
18 P.O. Box 1391
19 Prescott, AZ 86302-1391

20 Telephone: (928) 445-2444

21 Check one: Attorney Party Unrepresented by Counsel

22 Check one: Appellant Appellee

23 Name of Party: Property Owner James Varilek

24 (B)

25 Name of Attorney: J. Jeffrey Coughlin, Esq.
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Address: J. Jeffrey Coughlin PLLC
1570 Plaza West Drive
Prescott, AZ 86303

Telephone: (928) 445-0122

Check one: Attorney Party Unrepresented by Counsel

Check one: Appellant Appellee

Name of Party: John B. Cundiff and Barbara C. Cundiff; Elizabeth Nash; and Kenneth

Page and Katheryn Page as Trustee.

RESPECTFULLY SUBMITTED this 20th day of May, 2015.

MUSGROVE DRUTZ KACK & FLACK, PC

By: 

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

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VERIFICATION

I certify that the information provided in this docketing statement is true and complete. In the event there is any change with respect to any entry on this statement, I understand that appellant shall have a continuing obligation to file an amended statement on the prescribed form.

Defendants Donald and Catherine Cox
Appellants

Mark W. Drutz, Esq.
Sharon M. Flack, Esq.
Counsel for Appellants

May 20, 2015
Date


Signature of Counsel of Record

CERTIFICATION OF SERVICE

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I certify that on the 20th day of May, 2015, I served copies of the above Docketing

Statement on all counsel of record by depositing a true copy thereof in the United States mail
addressed as follows:

J. Jeffrey Coughlin, Esq.
J. Jeffrey Coughlin PLLC
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Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

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I further certify that on the 20th day of May, 2015, I served copies of the above

Docketing Statement on all parties by depositing a true copy thereof in the United States mail
addressed as follows:

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3 Ann Trust utd March 13, 2007
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Melissa Caraker

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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

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2015 MAY -6 PM 3:58 ✓

DONNA MOBILITY, CLERK

✓ GRESHAM

BY: _____

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:

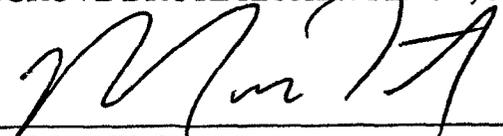
1. Ruling dated May 4, 2015, and entered as a Judgment in this action on May 5, 2015,
in favor of James Varilek;

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

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

13 DATED this 6th day of May, 2015.

14 MUSGROVE DRUTZ KACK & FLACK, PC

15 By: 

16 Mark W. Drutz

17 Sharon M. Flack

18 Jeffrey D. Gautreaux

19 Attorneys for Defendants Donald and
20 Catherine Cox

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

23 Honorable Jeffrey Paupore
24 Yavapai County Superior Court
25 120 South Cortez Street
26 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

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9 The Adams Law Firm, PLLC
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12 Prescott, AZ 86302
13 Attorneys for Defendants

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15 Favour & Wilhelmsen, PLLC
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18 Attorneys for Property Owner James Varilek

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20 Noel J. Hebets, PLC
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23 Attorney for William M. Grace

24 Robert E. Schmitt, Esq.
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28 Attorneys for Robert H. Taylor and Terri A. Thomson-Taylor

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Prescott Valley, AZ 86315
pro se

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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

25

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

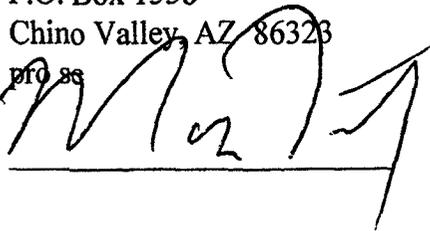
10 Jack and Dolores Richardson
11 505 Oppenheimer Drive, #4
12 Los Alamos, NM 87544
13 pro se

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 

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 SEP 29 PM 4:35

JEANNE HICKS, CLERK
B. Chamberlain ✓

BY: _____

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 114 S. Pleasant Street
4 Prescott, Arizona 86303
5 Telephone: (928) 445-7137
6 Facsimile: (866) 890-8989
7 j.coughlin@azbar.org
8 Attorney for Plaintiffs

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; ELIZABETH
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 vs.

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

21 Defendants.

CASE NO. P1300CV20030399

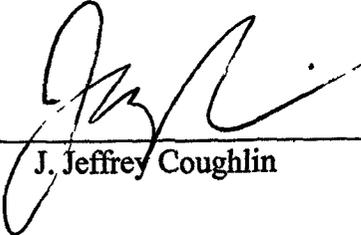
**PLAINTIFFS' NOTICE OF
FILING REVISED PROPERTY
OWNERS LIST**

22 Plaintiffs, John B. Cundiff and Barbara C. Cundiff, Rebecca Nash, Kenneth Page and
23 Katheryn Page, by and through the undersigned counsel and pursuant to this Court's May 6,
24 2010 Under Advisement Ruling, hereby provide notice to the Court and the parties of the filing
25 of the revised Coyote Springs, Phase I, Property Owners List in both paper and electronic form,
attached. Further research with the Yavapai County Assessors office has yielded additional
information regarding split parcels and owners of the same. The additional parcels and their
property owners have been highlighted on the paper form.

///

1 DATED this 29th day of September, 2010.

2 J. JEFFREY COUGHLIN PLLC

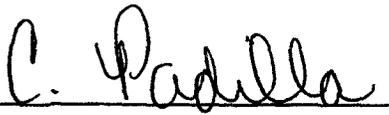
3
4 By: 
5 J. Jeffrey Coughlin

6 COPY of the foregoing
7 mailed this 29th day of
8 September, 2010 to:

9 Jeffrey R. Adams
10 ADAMS & MULL, PLLC
11 211 East Sheldon Street
12 Prescott, AZ 86301
13 Attorneys for Defendants

14 William "Bill" Jensen
15 2428 West Coronado Ave.
16 Flagstaff, AZ 86001
17 Pro Per

18 Hans Clugston
19 HANS CLUGSTON, PLLC
20 1042 Willow Creek Road
21 Suite A101-PMB 502
22 Prescott, AZ 86301
23 Attorney for Margaret Kizlowski and Northern
24 Arizona Fiduciaries, Inc.
25

By: 

CUNDIFF ET AL. V. COX
 YAVAPAI COUNTY CASE NO. P1300CV20030399
 COYOTE SPRINGS, PHASE I
 PROPERTY OWNERS LIST

PARCEL NO.

OWNER INFORMATION

10301002F	Wm. Fred and Theresa Hyder 7301 N. 16th Street #103 Phoenix, AZ 85020
10301002K	William and Catherine Grace P. O. Box 1549 Cave Creek, AZ 85327
10301055B	Joyce Hattab Trust 3449 Lorliou Ln. #D Las Vegas, NV 89121
10301056B	Michael and Diane Glennon 9185 Coyote Springs Road Prescott Valley, AZ 86314
10301056D	Martha Lillian Caudill and Sandra Godinez P. O. Box 25784 Prescott Valley, AZ 86312
10301056F	Leon H. and Noreen Vaughan 9235 N. Coyote Springs Rd. Prescott Valley, AZ 86315
10301056G	McCarthy Living Trust Lawrence & Heide McCarthy 9085 N. Coyote Springs Rd. Prescott Valley, AZ 86315
10301057E	Gordon and Becki Nash 7901 N. Coyote Springs Rd. Prescott Valley, AZ 86315
10301057F	Jimmy and Nancy Hoffman P. O. Box 639 Dewey, AZ 86327
10301057G	Kenneth and Kathryn Page Family Trust 14810 N. 18th Pl. Phoenix, AZ 85022
10301057H	Rodney and Victoria Page 8920 E. Smity's Pl. Prescott Valley, AZ 86314
10301058A	Deborah Ann Curtis 6070 Little Papoose Dr. Prescott Valley AZ 86314
10301058C	Eric and Coleen Davis P. O. Box 27947 Prescott Valley, AZ 86312
10301058D	Deborah Ann Curtis 6070 Little Papoose Dr. Prescott Valley AZ 86314
10301058E	Jeffrey and Renita Donaldson 2175 N. Concord Dr. #A Dewey, AZ 86327
10301058F	Jeffrey and Renita Donaldson 2175 N. Concord Dr. #A Dewey, AZ 86327
10301058G	Corea Family Trust Nicholas and Patricia Corea 4 Denia Laguna Niguel, CA 92677
10301058H	Charles and Kelly Markley 8999 E. Pronghorn Ln Prescott Valley, AZ 86315
10301059E	Thomas & Yuen Murillo 1800 Preston on the Lake #162 Little Elm TX 75068
10301059F	Jerry L Emerson P. O. Box 27254 Prescott Valley, AZ 86312
10301059H	Ireneo Jr. and Marietta Barcelona 1448 San Clemente Cir. Corona CA, 92882
10301060B	Kirk and Joy Smith 8650 E. Marrow Rd Prescott Valley, AZ 86315
10301060F	Kenneth and Elizabeth Yarbrough 8560 E. Easy Street Prescott Valley, AZ 86315
10301060H	Logan and Theresa Franks 4146 W. Banff Ln Phoenix, AZ 85053
10301060K	Humberto and Ana Pimentel 8419 E. Tracy Drive Prescott Valley, AZ 86314
10301061G	Rhonda Folsom 9305 N. Coyote Springs Rd., Prescott Valley, Arizona 86315
10301061D	Jeffrey Carlson 1451 W. Irving Pk Rd. #317 Itasca, IL 60143
10301061E	Albert L. Ramirez 8805 E. Marrow Road Prescott Valley, AZ 86314
10301061F	Franklin and Laura Lamberson 8920 Easy Street Prescott Valley, AZ 86315
10301062	Stanley and Sharon Gonzales 8820 Slash Arrow Drive Prescott Valley, AZ 86315
10301062C	Bernard and Mary Milligan 29835 N. 56th Street Cave Creek, AZ 85331
10301062E	Aulery Family Trust 8175 N. Coyote Springs Road Prescott Valley, AZ 86315
10301062F	Patrick and Vickie Dinieri 35807 N. 3rd Street Prescott Valley, AZ 85086
10301063	Donald and Nancy Hufaker 8625 E. Mountain View Road Prescott Valley, AZ 86314

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PARCEL NO.

OWNER INFORMATION

10301063C	Steven and Lolli McAllister 8620 E. Sash Arrow Dr. Prescott Valley, AZ 86315
10301063F	Jack and Delores Richardson 505 Oppenheimer Drive #412 Los Alamos, NIM 87544
10301063G	Paul J. and Mary E. Temple 535 Metropolitan Avenue Brooklyn, NY 11211
10301065C	Christine L. Bowra 10350 N. Hawthorne Lane Prescott Valley, AZ 86315
10301065F	Michael White P. O. Box 25546 Prescott Valley, AZ 86312
10301065G	James Barstad 10501 N. Coyote Springs Road Prescott Valley, AZ 86315
10301065H	David Ungerer 13229 W. Doty Ave #4A Hawthorne, CA 90250
10301066	Peter J. Trevillian P. O. Box 27011 Prescott Valley, AZ 86312
10301066F	Sallie Jackson 8680 E. Turtle Rock Road Prescott Valley, AZ 86314
10301067C	Bonnie Rosson 8950 E. Plum Creek Way Prescott Valley, AZ 86315
10301067D	Marty and Sharon Mason 28020 N. 28th Avenue Phoenix, AZ 85085
10301067E	Evelyn M. Sadler Trust 10575 N. Coyote Springs Road Prescott Valley, AZ 86315
10301067F	Grant and Pamela Griffiths 8815 E. Spurr Lane Prescott Valley, AZ 86315
10301068	No Owner of Record with Yavapai County Assessor's Office (no history)
10301068B	Klien Family Trust 8400 Easy Street Prescott Valley, AZ 86315
10301068C	Ronald and Kellene Litchfield 8415 E. Marrow Road Prescott Valley, AZ 86315
10301068D	Stanley D. Hall and Anne Womack-Hall 8450 Morning Star Ranch Road Prescott Valley, AZ 86315
10301069D	Watkins Family Trust 7455 Coyote Springs Road Prescott Valley, AZ 86315
10301069G	High C'S LLC 6750 N Viewpoint Drive Prescott Valley, AZ 86314
10301069H	Wendy L. Changose 7375 Coyote Springs Road Prescott Valley, AZ 86315
10301070	Loren James and Tracy Lee Peterson P. O. Box 25977, Prescott Valley, AZ 86315
10301070G	Gunther Family Living Trust, Richard H. and Lois M. Gunther 8615 Kelly Road, Prescott Valley, AZ 86314
10301070J	Smith Olive L. Revocable Trust 16339 27th St. Lawrence, KS 66044
10301070K	Central Baptist Church of Prescott 8049 E. Ashley Dr Prescott Valley, Arizona 86314
10301072A	Robert Mancini 7425 N. Gueneviers Pl., Prescott Valley, AZ 86315
10301072C	Robert Laquerre, Laquerre Family Living Trust 8594 E. Kelly Rd, Prescott Valley, AZ 86314
10301072H	John B. and Barbara C. Cundiff 7460 N. Coyote Springs Rd Prescott, AZ 86314
10301072J	Daniel L. and Charlotte E. Sanders P. O. Box 2542 Prescott, AZ 86302
10301073B	Margaret Sue Pennington Pennington MS Living Trust 5655 N. Camino Del Conde Tucson, AZ 85718
10301073D	Michael A. Kelley Family Trust P. O. Box 26232 Prescott Valley, AZ 86312
10301073E	Kenneth Paloutzian 8200 Long Mesa Drive Prescott Valley, AZ 86315
10301073F	Living Faith Inc. P. O. Box 12991 Prescott, AZ 86304
10301074F	John D. and Sheila K. Fox 1520 Scenic Loop, Fairbanks, AK 99701
10301074G	Rosario Carrillo 8989 N. Coyote Springs Rd, Prescott Valley AZ 86314

GUNDIFF ET AL. V. COX
YAVAPAI COUNTY CASE NO. P1300CV20030399
COYOTE SPRINGS, PHASE I
PROPERTY OWNERS LIST

PARCEL NO.

OWNER INFORMATION

10301074H	Jose and Rosario Carrillo 8989 N. Coyote Springs Rd, Prescott Valley AZ 86314
10301074J	Michael and Judy Strong 4415 N. 9th Avenue, Phoenix, AZ 85013
10301074K	Cong Van Tong/Phi Thi Nguyen 8775 N. Coyote Springs Rd, Prescott Valley AZ 86314
10301075D	Nadia Y. Clark 8595 E. Turtle Rock Rd #111 Prescott AZ 86315
10301075E	Ottis R. Dolores F. Clark 10150 Coyote Springs Rd, Prescott Valley AZ 86315
10301077B	James Wilson Holmes 8615 Windmill Acres RD Prescott Valley, AZ 86314
10301077C	Thomas P. and Kimberly L. Marty 8610 E. Marrow Rd Prescott Valley, AZ 86315
10301077E	James Wilson and Carla S. Holmes 8615 Windmill Acres RD Prescott Valley, AZ 86314
10301077G	Gregory A. and Patricia M. Johnson 8700 Morrow Way Prescott Valley, AZ 86315
10301078B	David E. and Elsie E. Helman 2716 Wawona Ct Santa Rosa, CA 95405
10301078C	Daniel and Ana M. Zepeda 8490 E. Spurr Prescott Valley, AZ 86314
10301078D	Neil B. Vince 8450 E. Spurr Ln Prescott Valley, AZ 86315
10301078E	Gary W. and Dianna R. Cordes 8370 E. Spurr Ln Prescott Valley, AZ 86315
10301079A	Terry L. and Grace M. Jones 10492 E. Old Black Canyon Dewey, AZ 86327
10301079B	Kevin S. and Pamela K. Eikleberry 8255 Turtle Rock Rd Prescott, AZ 86315
10301079C	Kevin S. and Pamela K. Eikleberry 5416 E. Seven Palm Dr Cave Creek, AZ 85331
10301080D	Guaranty Mortgage Trust LLC 120 White Cedar Dr Sedona, AZ 86351
10301080E	Dana E. and Sherrilyn G. Tapp 8595 E. Easy St Prescott Valley, AZ 86315
10301080H	Craig C. and Bronie J. Casperson 8301 E. Spouse Dr Prescott, AZ 86314
10301080K	Kenneth R. and Elizabeth A. Yarbrough 8560 E. Easy St Prescott Valley, AZ 86315
10301081D	Henry and Iris Napier 1135 Mohawk Trl Prescott, AZ 86303
10301081H	Richard A. and Patricia A. Pinney 43945 W. Kramer Ln Maricopa, AZ 85238
10301081K	Clark Eise 2005 Revocable Trust 10800 Coyote Springs Rd Prescott Valley 86315
10301081L	Cardella Leonara UI Soanto & Rosa Fricano 12404 N. 33rd St Phoenix Arizona 85032
10301082B	Catherine Annette Filippinetti 1332 Sierr Peaks Dr Prescott, AZ 86305
10301082C	Larry Michael and Debra Ann Kirby 8801 Lonesome Valley Rd Prescott Valley, AZ 86315
10301082D	Larry Michael and Debra Ann Kirby/Kirby Family Trust 8801 Lonesome Valley Rd Prescott Valley, AZ 86315
10301083A	Christopher Lefebvre 8250 E. Sparrow Hawk Rd Prescott Valley, AZ 86314
10301083D	Karen L. Thompson 8100 E. Sparrow Hawk Rd Prescott Valley, AZ 86315
10301083E	Weldon Family Trust P. O. Box 9208 Rancho Santa Fe, CA 92067
10301083F	Sejio Martinez and Susana Navarro 10150 N Lawrence Ln Prescott Valley, AZ 86315
10301085C	Bernardo D. and Diana M. Anderson 7601 N Gueneviers Pl Prescott Valley, AZ 86315
10301085D	Steve and Deborah D. Wilson 7302 N. Clearwater Pkwy Paradise Valley, AZ 85253
10301085E	Jeffrey S. and Rose Mary James/Donald James Life Estate P. O. Box 2312 Eureka, MT 59917

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PARCEL NO.

OWNER INFORMATION

10301085F	Steve M. and Deborah D. Wilson 7680 N Coyote Springs Rd Prescott Valley, AZ 86314
10301086J	Santo and Rosa Fricano 5902 W. Cortez Glendale Arizona 85304
10301086K	William E. Brumbill Trust 8910 Morrow Drive, Prescott Valley, Arizona 86314
10301090G	Kevin Paul Sasse 9125 E. Dog Ranch Rd Prescott Valley, AZ 86315
10301090H	Jesus O. Rosa M Manjarrez 105 Paseo Sarta #C Green Valley, AZ 85614
10301095D	Rackley Family Living Trust 8565 Dog Ranch Road Prescott Valley, AZ 86315
10301095J	Jayne Salazar 11826 Coyote Springs Road Prescott Valley, AZ 86315
10301095K	Anglin Living Trust 11950 Coyote Springs Road Prescott Valley, AZ 86314
10301109B	Renee Meeks 8975 N. Lawrence Lane Prescott Valley, Arizona 86315
10301109F	Ken and Fay Lawrence P.O. Box 25905 Prescott Valley Arizona 86312
10301109H	Ken and Fay Lawrence P.O. Box 25905 Prescott Valley Arizona 86312
10301109J	Ken and Fay Lawrence Trust P.O. Box 25905 Prescott Valley Arizona 86312
10301112	Michael S. and Kristi A. Burginger 8225 Far Away Pl Prescott Valley, AZ 86315
10301112C	Gary L. and Suzanne J. Spurr 8240 E. Spurr Ln Prescott Valley, AZ 86314
10301112D	Gary L. and Suzanne J. Spurr 8240 E. Spurr Ln Prescott Valley, AZ 86314
10301112E	Gary L. and Suzanne J. Spurr 8240 E. Spurr Ln Prescott Valley, AZ 86314
10301113A	Steve and Deborah D. Wilson 7302 N Clearwater Pkwy Paradise Valley, AZ 85253
10301113J	Charles A. and Sherry S Marx 7950 N. Coyote Springs Rd Prescott Valley, AZ 86315
10301113K	Robert Veres P. O. Box 26524 Prescott Valley, AZ 86312
10301113M	Robert Veres P. O. Box 26524 Prescott Valley, AZ 86312
10301113P	Robert Veres P. O. Box 26524 Prescott Valley, AZ 86312
10301113Q	Robert Veres P. O. Box 26524 Prescott Valley, AZ 86312
10301114M	Ollinger Family Revocable Trust 14202 N. 68th Pl Scottsdale, AZ 85254
10301114D	Joshua F. and Anita D. Ollinger/Ollinger Family Revocable Trust 14202 N. 68th Pl Scottsdale, AZ 85254
10301114E	Lisa Soronow/Ginomal Living 2004 Trust 3530 Wilshire Blvd #1600 Los Angeles, CA 90010
10301115	Fritz and Janet Doerstling Revocable Trust 8610 Mountain View Rd Prescott Valley, AZ 86314
10301115C	Ernest and Judy Rojas/Rojas Family Living Trust 8310 N. Coyote Springs Rd Prescott Valley, Arizona 86314
10301116	Anthony B Lee 8496 Coyote Springs Rd Prescott Valley, AZ 86315
10301120	Thomas K. and Gwendolyn D. Anderson 8922 E. Windmill Acres Prescott Valley, AZ 86315
10301120B	Thomas K. and Gwendolyn D. Anderson 8922 E. Windmill Acres Prescott Valley, AZ 86315
10301122A	Nguyen Nghia Huu and Le Dung Ngoc 3616 W Country Gables Dr Phoenix, AZ 85023
10301123H	No owner of record with Yavapai County Assessor's Office (changed to 10301123K)
10301123J	Donald G. and Deborah T. Southworth 7595 Coyote Springs Rd Prescott Valley, AZ 86314
10301123K	Janis Revocable Trust 7685 N. Coyote Springs Rd Prescott Valley, AZ 86315

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PARCEL NO.

OWNER INFORMATION

10301125	Christiene R. Andrews 13014 Papago Dr Poway, CA 92064
10301126E	James B. and Lorraine Darrin/Family Trust 13818 N. 30th St Phoenix, AZ 85032
10301126F	Joy D. Basset 8725 E. Spurr Ln Prescott Valley, AZ 86314
10301127	Valentino and Hildegard Muraca/Muraca Trust 10895 E. Manzenita Tri Dewey, AZ 86327
10301128	Nguyen Nghia Huu and Le Dung Ngoc 3616 W. Country Gables Dr Phoenix, AZ 85023
10301129A	Francis M. Moyer 6 Meadow Green Ct Johnson City, TN 37601
10301129B	James W. and Corrine A. Stueve/Stueve Living Trust 10025 N. Coyote Springs Rd Prescott Valley, AZ 86315
10301130D	Thanh Huu and Dung L. Nguyen/Nguyen Family Trust 12601 N. 29th Ave Phoenix, AZ 85029
10301130E	Robert and Therese Taylor/Thomason-Taylor Restated Trust 1987 Havens End Prescott, AZ 86305
10301132	Curtis D. Kincheloe 8950 E. Mummy View Prescott Valley, AZ 86314
10301132G	Edward C. and Christine Woodworth 8915 E. Saddle Horn Tr Prescott Valley, AZ 86315
10301133C	William and Joanne Friend/Friend Family Trust 17661 Mariposa Yorba Linda, CA 92886
10301133E	Art and Debra G. Gustafson 9975 N. Coyote Springs Rd Prescott Valley, AZ 86315
10301138H	John P. and Karen R. Hough 8590 E. Windmill Acres Rd Prescott Valley, AZ 86315
10301138J	Darrell R. and Jennifer K. Fiedler 515 E. Carefree Hwy Phoenix, AZ 85085
10301138K	Martha E. Bichon 7555 Santa Maria Vista Prescott, AZ 86305
10301138L	Howard P. Roberts 9936 Coyote Springs Rd Prescott, AZ 86315
10301138E	No owner of record with Yavapai County Assessor's Office (changed to 10301138L)
10301142A	Mainland Water Investments LLC P. O. Box 2945 Prescott, AZ 86302
10301142B	Paul and Amella Stegall 8275 E. Spurr Lane Prescott Valley, AZ 86315
10301142C	Robert and Starr Ladehoff 50 Rim Shadows Dr Sedona AZ 86336
10301145C	Opal L. Belland/Opal L. Belland Trust 10936 Caloden St Oakland, CA 94605
10301145D	Opal L. Belland/Opal L. Belland Trust 10936 Caloden St Oakland, CA 94605
10301145E	Kennard L. Easter 10350 N. Lawrence Ln Prescott Valley, AZ 86315
10301145F	Kennard L. Easter 10350 N. Lawrence Ln Prescott Valley, AZ 86315
10301147A	Jerry and Learn Carver Family Trust 8940 E. Spurr Ln Prescott Valley, AZ 86315
10301147B	PNC Mortgage 3232 Newmark Drive, Miamisburg, OH 45342
10301147C	Terrí A. Carver 27886 Via Ventana Way, Los Altos CA 94022
10301150B	Margaret Kozlowski/ Margaret Kozlowski Living Trust 101 E. Gurley St Prescott, AZ 86301
10301150C	Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Trust 10375 Lawrence Ln Prescott Valley, AZ 86315
10301150D	Kathy A. Ware and Patricia Pursell/Ware Family Living Trust 695 Eastwood Dr Prescott, AZ 86303
10301150E	Jeff Unruh P. O. Box 27363 Prescott Valley, AZ 86312
10301193B	Richard and Darlene Mauler 9655 N. Coyote Springs Road Prescott Valley, AZ 86315
10301139J	Daniel and Louella Bauman 8875 E. Windmill Acres Rd, Prescott Valley, AZ 86315

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 PROPERTY OWNERS LIST

PARCEL NO.

OWNER INFORMATION

40101005F	Susan L. Hesse 4729 N Sauter Dr Prescott Valley, AZ 86314
40101005G	Terry Lee Pettigrew 6721 W. Villa St #12 Phoenix, AZ 85043
40101005J	Glen E. and Dorothy Casada P.O. Box 475 Aguanga, CA 92302
40101005Q	James D. Borel MD LTD Restated PRFT Plan P.O. Box 9870 Phoenix, AZ 85068
40101005T	West and Catherine Rivers P.O. Box 25416 Prescott Valley, AZ 86312
40101005U	West and Catherine Rivers P.O. Box 25416 Prescott Valley, AZ 86312
40101005V	Masumi Gavinski P.O. Box 27377 Prescott Valley, AZ 86314
40101005X	Jesus and Inez Valdez, Trustees 2410 E. Whitton Phoenix, AZ 85016
40101005Z	Wiley and Kathleen Williams 9575 E. Turtle Rock Prescott Valley, AZ 86315
40101011	Glenn and Gina Higa 9350 E. Mountain View Rd. Prescott Valley, AZ 86315
40101011F	Charles Richard Coakley Trust 7060 Roundup #A Prescott Valley, AZ 86314
40101011M	Glistrap Family Trust 9300 E. Mountain View Road Prescott Valley, AZ 86315
40101011N	Richard and Beverly Strissel 9350 E. Slash Arrow Dr. Prescott Valley, AZ 86314
40101011P	Michael and Julie Davis 9147 E. Morning Star Ranch Road Prescott Valley, AZ 86315
40101011R	Edward R. and Anna E. Fleetwood Family Trust 4838 E. Calle Redonda Phoenix, AZ 85018
40101011U	John and Paula Warren 9180 E. Pronghorn Lane Prescott Valley, AZ 86315
40101011V	1999 Winter Family Trust 9225 E. Lonesome Valley Road Prescott Valley, AZ 86315
40101011Y	Steven and Becky Ducharme 9410 Slash Arrow Prescott Valley, AZ 86314
40101012E	Charles and Billie Hutchison 5737 N. 40th Lane Phoenix, AZ 85019
40101012F	No owner of record with Yavapai County Assessor's Office
40101012G	Gerald and Laurel Osher 9015 E. Mummy View Dr. Prescott Valley, AZ 86314
40101012H	Wiechens Living Trust 2501 S. Avenue 44E Roll, AZ 85347
40101012L	Grass Family Trust 1640 W. Acoma Drive Phoenix, AZ 85023
40101012N	Bolen Trust 9525 Mummy View Prescott Valley, AZ 86314
40101012P	Linda J. Hahn Revocable Living Trust 10367 W. Mohawk Lane Peoria, AZ 85382
40101012U	William R. and Judith K. Stegeman Trust 9200 W. Far Away Place Prescott Valley, AZ 86315
40101012Z	Travis Clinton Black 9148 E. Mummy View Drive Prescott Valley, AZ 86315
40101013	Marilyn M. Conlin Living Trust 2526 E. Huntington Drive Tempe, AZ 85282
40101013A	Marilyn M. Conlin Living Trust 2526 E. Huntington Drive Tempe, AZ 85282
40101014	DINARO Family Trust 111 S. Mount Vernon Ave. Prescott, AZ 86303
40101015B	Bradley T. Copper Revocable Living Trust 1401 E. Westcott Phoenix, AZ 85024
40101015C	Robert Taylor 10555 N. Orion Way Prescott Valley, AZ 86315
40101015D	Robert and Heather Gardiner 9690 Plum Creek Way Prescott Valley, AZ 86315
40101016	Eric Cleveland Trust 9605 E. Disway Prescott Valley, AZ 86315

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 YAVAPAI COUNTY CASE NO. P1300CV20030399
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PARCEL NO.

OWNER INFORMATION

40101018A	Tracy L. Greenlee 11555 N. Orion Way Prescott Valley, AZ 86315
40101018B	Donald D. Chase 3125 Duke Drive Prescott, AZ 86301
40101019	Estanislao Monroy Medina and Guadalupe Ramos Sanchez 9613 E. Mummy View Dr. Prescott Valley, AZ 86314
40101020K	David and Michelle Krause Revocable Trust 3624 Topoka Dr Gelndale, AZ 85308
40101020B	Madelein C. Alston Trust 9270 E. Turtle Rock Road Prescott Valley, AZ 86315
40101020D	Leo and Marilyn Murphy 9366 E. Turtlerock Road Prescott Valley, AZ 86315
40101020E	Ross and Kara Rozendaal 9336 E. Turtle Rock Road Prescott Valley, AZ 86315
40101021	James and Kathryn McCormack P.O. Box 2106 Lakeside, CA 92040
40101022B	Leslie J. Laird 11795 North Hawthorne Lane Prescott Valley, AZ 86315
40101023	Koller Family Revocable Trust P.O. Bo 27191 Prescott Valley, AZ 86312
40101024A	Ervin E. III and Linda D. Roberts 9550 Far Away Place Prescott Valley, AZ 86314
40101024B	1981 Bolin Trust 9525 E. Mummy View Drive Prescott Valley, AZ 86314
40101025	Mantione Family Living Trust 7761 E. Day Break Circle Prescott Valley, AZ 86314
40101026B	Francis H. Jr. and Patricia A. Smith 11605 N. Hawthorne Lane Prescott Valley, AZ 86315
40101026C	Kenneth and Kathryn Page 14810 N. 18th Place Phoenix, AZ 85022
40101026D	Robert and Gladys Tarr 11550 N. Dusty Road, Prescott Valley, AZ 86314
40101027	Wayne and Jeanette Doerksen 10610 N. Wiis End Prescott Valley, AZ 86315
40101028A	Knickerbocker Family Trust 14153 Grand Island Road Walnut Grove, CA 95690
40101028C	Jerry and Paulette Getz P.O. Box 25667 Prescott Valley, AZ 86312
40101028D	James and Leslie Richie 9800 E. Plum Creek Way Prescott Valley, AZ 86315
40101029	Holly Lucero, aka Holly Denise Bowers 1426 S. Rita Lane Tempe, AZ 85281
40101030A	Harold and Diana Muckelroy 6650 E. Sunset Lane Prescott Valley, AZ 86314
40101030B	Harold and Diana Muckelroy 6650 E. Sunset Lane Prescott Valley, AZ 86314
40101031	James and Doris Strom 5011 N. Cattlemen Drive Prescott Valley, AZ 86314
40101031A	James and Doris Strom 5011 N. Cattlemen Drive Prescott Valley, AZ 86314
40101032	HVS LLC 2564 S. Four Peaks Way Chandler, AZ 85286
40101032A	Roberta Baldwin 9245 E. Turtle Rock Road Prescott Valley, AZ 86315
40101033B	John Mitchell and Troy Stoll 128 Hamilton Avenue Fort Bridger, WY 82933
40101033C	Michael Zager and Susan Bette 9397 Mountain View Road Prescott Valley, AZ 86315
40101033D	Karen Messenlehner 3650 N. Zircon Drive Prescott Valley, AZ 86314
40101034A	Robert Veres P.O. Box 26524 Prescott Valley, AZ 86312
40101034C	Robert Veres P.O. Box 26524 Prescott Valley, AZ 86312
40101034E	Robert Veres P.O. Box 26524 Prescott Valley, AZ 86312
40101034G	Robert Veres P.O. Box 26524 Prescott Valley, AZ 86312

CUNDIFF ET AL. V. COX
 YAVAPAI COUNTY CASE NO. P1300CV20030399
 COYOTE SPRINGS, PHASE I
 PROPERTY OWNERS LIST

PARCEL NO.

OWNER INFORMATION

40101035A	Deborah Dawn and James John Jaeger 9990 E. Turtle Rock Road Prescott Valley, AZ 86315
40101035B	Aaron and Kathleen Cormier 9860 E. Turtle Rock Road Prescott Valley, AZ 86315
40101036	Dennis J. Booth 9425 E. Mummy View Drive Prescott Valley, AZ 86315
40101036A	William E. Probst 9440 E. Far Away Place Prescott Valley, AZ 86315
40101036B	James and Shirley Stephenson 9325 E. Mummy View Drive, Prescott Valley, AZ
40101036C	Kathryn M. Pyles 7404 Elmwood Drive Falls Church, VA 22042
40101037B	Timothy and Virginia Kilduff 9315 E. Spurr Lane Prescott Valley, AZ 86315
40101037C	Kenneth Laton and Sharon Petrone 3267 WW Avenue Wellman, IA 52356
40101037D	John D. Rutledge 9425 E. Spurr Lane Prescott Valley, AZ 86315
40101037E	John and Dusti Audsley 10500 N. Orion Way Prescott Valley, AZ 86315
40101038	Gary V. Wanzek and Vincent and Dorothy Wanzek 9100 E. Lonesome Valley Road, Prescott Valley, AZ 86314
40101038A	Michael and Julie Davis 9147 E. Morning Star Ranch Road Prescott Valley, AZ 86315
40101039A	Ann and Noel Fidel 1010 W. Monte Vista Road Phoenix, AZ 85007
40101039B	Mark and Soma Williams Trust P. O. Box 28056 Prescott Valley, AZ 86312
40101039C	Dick Living Trust 9955 E. Disway Prescott Valley, AZ 86315
40101040	Linda Nason 9180 E. Spurr Lane Prescott Valley, AZ 86315
40101040A	Cindi Labash 9225 E. Far Away Place Prescott Valley, AZ 86314
40101040D	Gary and Sabra Fedderma 9601 Far Away Place Prescott Valley, AZ 86315
40101040H	David and Lori Rentschler Revocable Living Trust 9251 E. Far Away Place Prescott Valley, AZ
40101041	Madelein C. Alston Trust 9270 E. Turtle Rock Road Prescott Valley, AZ 86314
40101041B	Angel and Lillian Aguilera 9220 E. Turtle Rock Road Prescott Valley, AZ 86315
40101041C	Joyce E. Ridgway 4060 Salt Creek Road Templeton, CA 93456
40101042	Robert L. Weaver P. O. Box 25717 Prescott Valley, AZ 86312
40101042B	James and Jennifer Woods 4554 N. Grafton Drive Prescott Valley, AZ 86314
40101042D	George and Romala Heady 705 W. Happy Valley Road, Phoenix, AZ 85027
40101042E	Warren Don Oster 3401 W. Mauna Loa Lane Phoenix, AZ 85053
40101043	Todd and Barbara Bloomfield 9010 E. Plum Creek Way Prescott Valley, AZ 86315
40101043A	Launders Family Trust 9295 E. Spurr Lane Prescott Valley, AZ 86315
40101044B	Martha A. Maya 8668 E. Tracy Drive Prescott Valley, AZ 86314
40101044C	Dave Slate 9910 E. Spurr Lane Prescott Valley, AZ 86315
40101044D	Donn and Valerie Jahnke 9950 E. Spurr Lane Prescott Valley, AZ 86315
40101044E	Howard and Christine Wells Family Revocable Living Trust 16225 N. 162nd Lane Surprise, AZ 85374
40101078A	Robert and Constance Reordan 9185 E. Morning Star Ranch Road Prescott Valley, AZ 86315
40101078B	Reordan Revocable Trust 9185 E. Morning Star Ranch Road Prescott Valley, AZ 86315

CUNDIFF ET AL. V. COX
 YAVAPAI COUNTY CASE NO. P1300CV20030399
 COYOTE SPRINGS, PHASE I
 PROPERTY OWNERS LIST

PARCEL NO.

OWNER INFORMATION

40101090B	James L. Varilek Revocable Trust P. O. Box 25965 Prescott Valley, AZ 86312
40101090C	Brit Char Trust 11550 N. Orion Way Prescott Valley, AZ 86315
40101092	Gary and Sabra Feddema 9601 E. Far Away Place Prescott Valley, AZ 86315
40101092B	William and Shaunla Heckethorn 9715 E. Far Away Place Prescott Valley, AZ 86315
40101092D	Rynda and Jimmy Hoffman 9650 E. Spurr Lane Prescott Valley, AZ 86315
40101092E	John and Rebecca Feddema 9550 E. Spurr Lane Prescott Valley, AZ 86315
40101097	Daniel and Cynthia Warta 9125 E. Pronghorn Lane Prescott Valley, AZ 86315
40101107A	Kenneth and Jacquelyn Kimsey 537 N. Hassayampa Drive Prescott, AZ 86303
40101107B	James R. Griset 444 Old Newport Blvd. #A Newport Beach, CA 92263
40101126A	Michael and Karen Wargo 9200 E. Spurr Lane Prescott Valley, AZ 86314
40101126B	Michael and Karen Wargo 9200 E. Spurr Lane Prescott Valley, AZ 86314
40101167F	Ollinger Family Revocable Trust 14202 N. 68th Pl Scottsdale, AZ 85254
40101181D	Debra A. Krakower 13941 E. Vista Verde Drive Chandler, AZ 85249

NON-IMAGEABLE ATTACHMENT

Case # P1300CV20030399

Case Name: CUNDIFF ET AL VS COX

Description of Item Not Imaged: CUNDIFF ET AL V. COX
P1300CV20030399 (CD)

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When recorded, return to:
Robert D. Conlin
2233 North 7th Street Phoenix, Az 85006

STATE OF ARIZONA, County of Yavapai—ss. 17-161
I do hereby certify that the within instrument was filed and recorded at the request of Tom Lynch
on June 13 A.D. 1974 at 1:35 o'clock P.M. Book 916 Official Records
Page 680-681-682 Records of Yavapai County, Arizona.

WITNESS my hand and official seal the day and year first above written.

PATSY C. JENNEY, County Recorder
By Mary E. Hampton Deputy 200

COYOTE SPRINGS RANCH

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That Robert D. Conlin and Margaret Dell Conlin, his wife, and David A. Conlin, Jr., husband of Anne Conlin, dealing with his sole and separate property, being the owners of all the following described premises, situated in the County of Yavapai, State of Arizona, to-wit:

GOVERNMENT LOTS One (1) and Two (1) and the South half of the Northeast quarter and the Southeast quarter of Section One (1); all of Section Twelve (12); the East half and the East half of the East half of the Southwest quarter and the East half of the East half of the Northwest quarter and the Northwest quarter of the Northeast quarter of the Northwest quarter of Section Thirteen (13); the East half of Section Twenty-four (24); the East half of Section Twenty-five (25), all in Township Fifteen (15) North, Range One (1) West of the Gila and Salt River Base and Meridian; and

All of Section Six (6); all of Section Seven (7), GOVERNMENT LOTS One (1), Two (2), Three (3), and Four (4), and the Southeast quarter of the Southwest quarter and the South half of the Northeast quarter of the Southwest quarter of Section Nineteen (19), all in Township Fifteen (15) North, Range One (1) East of the Gila and Salt River Base and Meridian.

and desiring to establish the nature of the use and enjoyment of the premises hereinabove described, sometimes hereinafter referred to as property or premises, does hereby declare said premises subject to the following express covenants and stipulations as to the use and enjoyment thereof, all of which are to be construed as restrictive covenants running with the title to said premises and each and every part and parcel thereof and with each and every conveyance thereof hereafter made to-wit:

1. Each and every parcel of the above-described premises shall be known and described as residential parcels; that is to say, mobile, modular or permanent dwellings may be erected and maintained upon said premises, subject to limitations with respect thereto as hereinbelow set forth.

2. No trade, business, profession or any other type of commercial or industrial activity shall be initiated or maintained within said property or any portion thereof.

3. Said property or any portions thereof shall not be conveyed or subdivided into lots, parcels or tracts containing less than nine (9) gross acres, nor shall improvements be erected or maintained in or upon any lot, parcel or tract containing less than such nine (9) gross acres.

4. No structure or improvement of any kind or nature whatsoever shall be erected, permitted or maintained upon, over or across the easements or reservations for utilities or drainage, if any.

5. Residence buildings must be completed within twelve (12) months from commencement of construction. No garage, carport or other building shall be commenced or erected upon any portion of said property until the main dwelling building complying with this Declaration is under construction or has been moved onto the premises. Commencement of construction, for the purposes of this Declaration, shall be deemed to be the date material, raw or otherwise, shall have been placed or stored upon the premises.

6. All residence buildings to be erected, constructed, maintained or moved upon the premises or any portion thereof, as the case may be, shall be of new construction. Residence buildings shall have concrete foundations and hardwood or concrete floorings.

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7. (a) All single family residences other than mobile homes shall require 1,000 square feet of ground floor area including storage but exclusive of any portion thereof used for open porches, pergolas, patios, carports or garages, whether or not they are attached to, or adjacent to said residence.

(b) Mobile homes shall (1) contain not less than 720 square feet of ground floor area devoted to living purposes; (2) be not less than 12 feet in width; (3) be placed so that the floor thereof is not more than 8 inches above the ground level;

(c) Travel Trailers or campers may occupy homesites during vacation periods, not to exceed three (3) weeks in any one season, or during the period of residence construction.

(d) No prefabricated or pre-erected dwelling having less than the above applicable square foot requirements, exclusive of open porches, pergolas or attached garage, if any, shall be erected, permitted or maintained on any portion of said property.

(e) No structure whatever other than one single family dwelling or mobile home, as herein provided, together with a private garage for not more than three (3) cars, a guest house, service quarters and necessary out buildings shall be erected, placed or permitted to remain on any portion of said property.

8. No 'Real Estate' or 'For Sale' sign or signs exceeding 24" by 24" may be erected or maintained on said premises. No general advertising signs, billboards, unsightly objects or public or private nuisances shall be erected, placed or permitted to remain on any portion of said premises.

9. No abandoned auto or auto parts or used machinery or other salvage or junk shall be placed or permitted to remain on any portion of said premises.

10. No swine shall be raised, bred or kept upon said premises. Said premises shall not be used in any way or for any purpose that may emit foul or noxious odors.

11. No mobile home shall be used or permitted to remain upon any lot unless such mobile home shall have two hundred (200) square feet of permanent roof, exclusive of mobile home roofing, and two hundred (200) square feet of concrete flooring, including cabanas, porches, storage, carports and garages, but exclusive of any portion thereof used as flooring or base for said mobile home.

12. All structures on said lots shall be of new construction, not exceeding 35 feet in height, and no buildings shall be moved from any other location onto any of said lots with the exception of prefabricated or pre-erected dwellings where the use thereof is permitted.

13. No temporary building may be moved onto or constructed on said premises, with the exception of temporary shop or office structures erected by contractors, or buildings during the actual bonafide construction or a permitted structure upon the premises, provided the contractor or builder agrees to remove such temporary shop or office structure within five (5) days after the actual final completion date of his construction activities of the premises.

14. No construction shed, basement, garage, tent, shack or other temporary structure shall at any time be used as a residence either temporarily or permanently.

15. No residence or dwelling shall be occupied or used prior to installations therein of water flush toilets and sanitary conveniences or facilities and shall be maintained in a sanitary manner and in conformity with all applicable local, county or state laws, as the case may be. No outside toilet or other sanitary conveniences or facilities shall be erected or maintained upon said premises.

16. All garbage or trash containers, oil tanks, bottled gas tanks and other such facilities must be underground or placed in an enclosed area so as to not be visible from the adjoining properties.

17. The foregoing restrictions and covenants run with the land and shall be binding upon all parties and all persons claiming through them until June 1, 1994, at which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years, or so long thereafter as may be now or hereafter permitted by law.

18. Invalidation of any of the restrictions, covenants or conditions above by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

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19. If there shall be a violation or threatened or attempted violation of any of said covenants, conditions, stipulations or restrictions, it shall be lawful for any person or persons owning said premises or any portion thereof to prosecute proceedings at law or in equity against all persons violating or attempting to, or threatening to violate any such covenants, restrictions, conditions or stipulations, and either prevent them or him from so doing or to recover damages or other dues for such violations. No failure of any other person or party to enforce any of the restrictions, rights, reservations, limitations, covenants and conditions contained herein shall, in any event, be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation thereof. The violation of these restrictive covenants, conditions or stipulations or any one or more of them shall not affect the lien of any mortgage now of record, or which hereafter may be placed of record, upon said premises or any part thereof.

IN WITNESS WHEREOF, the above named parties have executed the within Declaration of Restrictions this 12th day of June, A.D., 1974.

[Signature]
Robert D. Conlin

[Signature]
Margaret Dell Conlin

[Signature]
David A. Conlin, Jr.

STATE OF ARIZONA)
County of Maricopa) ss.

On this, the 12th day of June, 1974, personally appeared Robert D. Conlin and Margaret Dell Conlin, his wife.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: 2-26-77

[Signature]
Notary Public

STATE OF ARIZONA)
County of Maricopa) ss.

On this, the 12th day of June, 1974, personally appeared David A. Conlin, Jr.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: 2-26-77

[Signature]
Notary Public