

FILED

3:30 O'Clock, P M

JUL 11 1990

By Ethel Bouton Clerk

Deputy

1 L. Richard Mabery, Esq.
2 L. RICHARD MABERY, P.C.
3 101 E. Gurley, Suite 203
4 Prescott, Arizona 86301
5 (602) 778-1116
6 State Bar I.D. No. 005188

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF YAVAPAI

10 GEORGE W. HANCE, et al.)
11)
12 Plaintiff,)
13)
14 vs.)
15)
16 WALES ARNOLD, et ux., et al.)
17)
18 Defendant.)

No. 4772
Division 2
NOTICE OF LODGING

19 NOTICE is hereby given that the original of the attached
20 Order is being lodged with the Court on this 11 day of July,
21 1990.

22 DATED this 11 day of July, 1990.

23
24
25 L. Richard Mabery
26 101 E. Gurley, Suite 203
27 Prescott, Arizona 86301
28 Counsel for Petitioner,
VERDE DITCH COMPANY

29 COPY of the foregoing Notice
30 of Lodging mailed this 11th
31 day of July, 1990, to:

32 Richard Walraven, Esq.
33 239 South Cortez Street
34 Prescott, Arizona 86303
35 Counsel for Respondents, HIETTS

36
37 Melissa Orr
38 MJO/3.3

LAW OFFICES OF
L. RICHARD MABERY, P.C.
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Judgment Lodged
7-13-90

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

GEORGE W. HANCE, et al.)
) No. 4772
Plaintiff,)
) Division 2
vs.)
) ORDER
WALES ARNOLD, et ux., et al.)
)
Defendant.)

This matter having come for hearing on the Order to Show Cause in Re Contempt as to Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, on June 18, 1990. Petitioners, GLEN W. EVERETT, VINCE V. HIGGINBOTHAM and HOWARD "DOC" FERGUSON, appearing in person and through counsel, L. Richard Mabery, and Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, appearing through counsel, Richard Walraven. The court having been fully advised and finding that the Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, are in violation of the court's Order dated February 6, 1989.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, shall not restrict the Commissioners of the Verde Ditch, their employees or agents access to the Verde Ditch as it crosses HIETTS' property in Camp Verde, Arizona.

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2. That Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, shall, within ten (10) days from June 18, 1990, deliver to the Petitioners the Soil Conservation plans and proposals for installing leak-proof headgates on the Verde Ditch to their property along with the other documentation and procedures previously ordered.

3. That Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, shall install the leak-proof headgates as approved by the Verde Ditch Commissioners within ten (10) days of June 18, 1990.

4. That Petitioners are awarded the amount of \$616.00 as and for sanctions to cover the costs incurred by the Verde Ditch Company for labor and equipment rental. Petitioners are further awarded attorney's fees in the amount of \$250.00 and \$50.00 as and for court costs.

5. It is further ordered that in the event Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, fail to comply with the February 6, 1989 order of the court or the orders of the court as set forth herein, the court shall impose a further sanction and penalty in the amount of \$100.00 per day for each and every day that the Respondents, A.L. HIETT and HAZELDELL HIETT, husband and wife, are in violation of this court's orders.

DONE IN OPEN COURT this _____ day of _____, 1990.

JUDGE OF THE SUPERIOR COURT