

L. Richard Mabery
L. RICHARD MABERY, P.C.
234 N. Montezuma Street
Prescott, Arizona 86301
(928) 778-1116

State Bar I.D. No. 005188

Attorney for The Verde Ditch Company

RECEIVED
MAR 23 11 42
J. P. BOAL
J. P. Boal

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

GEORGE W. HANCE, et al.,)
)
Plaintiffs,)

vs.)

WALES ARNOLD, et us., et al.,)
)
Defendants,)

No. 4772

Division 1 ✓

**MOTION FOR ORDER
TO SHOW CAUSE**

THE VERDE DITCH COMPANY,)
)
Petitioner,)

(OSC Hearing Requested)

v.)

MARK A. KEITZ,)
)
Respondent.)

The Verde Ditch Company, through undersigned counsel, respectfully requests that the Court enter an Order to Show Cause as to why **MARK A. KEITZ**, should not be ordered to appear and show cause why judgment should not be entered against him for his failure to comply with the Court's Order Promulgating New Rules and Regulations for the Operation of the Verde Ditch

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DIV. 1
MAR 30 2005

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dated August 8, 1989. **MARK A. KEITZ** has failed and refused to pay his Verde Ditch assessments.

There are currently the following amounts due:

	Amount	Interest	Penalty
A. 2003 Assessments	65.00	19.50	10.00
B. 2004 Assessments	65.00	26.00	13.00
C. 2005 Assessments	65.00	19.50	19.50

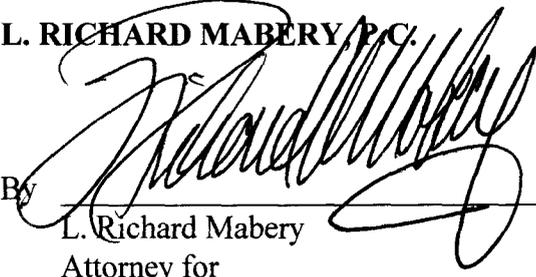
The total amount of delinquent assessments is \$195.00, plus interest of 65.00 and late payment penalties in the amount of \$42.50, plus reasonable attorney's fees of not less than \$500.00 if uncontested or such reasonable amount as the Court may deem appropriate if contested and all costs incurred herein. Repeated attempts have been made to collect these past due assessments by the Verde Ditch to no avail.

The Verde Ditch Company further requests that **MARK KEITZ** be ordered to appear and show cause by judgment shall not be entered against **MARK KEITZ** for the total amount due, including penalties, interest, reasonable attorney's fees and costs incurred herein, pursuant to Paragraph 6 of the Rules and Regulations for the Operation of the Verde Ditch, dated August 8, 1989.

RESPECTFULLY SUBMITTED this 20th day of October, 2005.

L. RICHARD MABERY, P.C.

By


L. Richard Mabery
Attorney for
The Verde Ditch Company

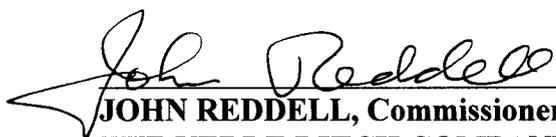
/rs

VERIFICATION

STATE OF ARIZONA)
) ss.
County of Yavapai)

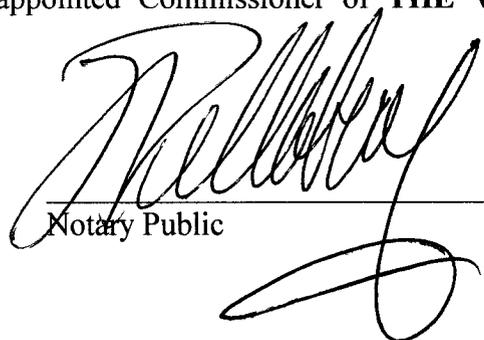
JOHN REDDELL, as a duly Court-appointed Commissioner of **THE VERDE DITCH COMPANY**, first being duly sworn upon his oath, deposes and states:

1. I am a duly Court-appointed Commissioner of **THE VERDE DITCH COMPANY** and the Petitioner in the above-entitled action.
2. I have read the foregoing Motion for Order to Show Cause and know the contents thereof;
3. That the same is true, in substance and in fact, except as to those matters stated upon information and belief, and as to such, I believe them to be true.



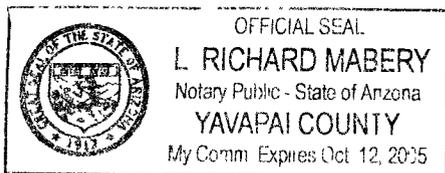
JOHN REDDELL, Commissioner
THE VERDE DITCH COMPANY

SUBSCRIBED AND SWORN to before me this 2nd day of March, 2005, by **JOHN REDDELL**, a duly Court-appointed Commissioner of **THE VERDE DITCH COMPANY**, on behalf of the company.



Notary Public

My Commission Expires:



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Prescott, Arizona 86301-3008
(928) 778-1116

**VERDE DITCH COMPANY
P.O. BOX 2345
CAMP VERDE, AZ 86322
928-567-4212**

*1st letter
NO Response*

September 21, 2004

Dear Mark A Keitz:

The Yavapai County Tax records show you are the owner of parcel #404-01-046
Your property has water rights on it with the Verde Ditch, our records show no payments
have been made since December 2002. Per the attached bill you currently owe \$130.00
A payment arrangement or payment in full needs to be made with the ditch office by
October 5, 2004. If we do not hear from you we will be forced to turn this matter over to
our attorney.

Sincerely,
Verde Ditch Commissioners

**VERDE DITCH COMPANY
P.O. BOX 2345
CAMP VERDE, AZ 86322
928-567-4212**

2nd letter

December 3, 2004

Dear Mark A. Keitz:

Please accept this as written notice that your account will be turned over to our attorney on January 3, 2005. His fees and interest will be added to the amount that is now due. Payment in full of \$130.00 must be received in our office by December 30, 2004 to avoid collection.

Sincerely,

John Reddell
Verde Ditch Commissioner

7003 3110 0003 3834 2356

U.S. Postal Service CERTIFIED MAIL™ <i>(Domestic Mail Only; No Insurance)</i>		SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
For delivery information visit our web OFFICIAL CAMP VERDE, AZ 86322		<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
Postage	\$ 0.37	1. Article Addressed to: Mark Keitz P.O. Box 2345 Camp Verde AZ 86322		B. Received by (Printed Name) C. Date of Delivery	
Certified Fee	2.30			D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Return Receipt Fee (Endorsement Required)	1.75			3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Restricted Delivery Fee (Endorsement Required)				4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Total Postage & Fees	\$ 4.42			DEC 6 2004 CAMP VERDE AZ	
Sent To	<i>Keitz</i>	2. Article Number (Transfer from service label)		7003 3110 0003 3834 2356	
Street, Apt. No., or PO Box No.					
City, State, ZIP+4					

PS Form 3800, June 2002

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-154

Law Offices Of

L. Richard Maberry, P.C.

234 North Montezuma Street
Prescott, Arizona 86301
(928) 778-1116
Fax (928) 778-7605

— Or —

549 South Main Street
Cottonwood, Arizona 86326
(928) 634-5722

Toll-Free From The Verde Valley
(928) 634-8683

REPLY TO PRESCOTT OFFICE

January 7, 2005

Mr. Mark A. Keitz
P.O. Box 2778
Cottonwood, AZ 86322

Re: Past Due Assessments

Dear Mr. Keitz:

Please be advised that this office represents the Verde Ditch Company, who has forwarded to us a copy of your delinquent assessments.

According to the records of the Verde Ditch Company, there is currently due and owing the amount of \$195.00, plus interest and penalties from 2003 and 2004 to the current date.

Pursuant to Rule 6 of the Rules and Regulations adopted by the Yavapai County Superior Court, the Verde Ditch Company is entitled to seek recovery of its attorney's fees and court costs in the event it has to pursue formal action for collection of these delinquent balances. If you have any questions as to the assessment amounts or need to discuss payment terms, please contact the Verde Ditch office at (928) 567-4212 or my office as noted above.

Should you require verification of this amount or dispute the amount owing, in writing, withing thirty (30) days, copies will be provided of relevant documents.

**THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.**

LAW OFFICES OF L. RICHARD MABERY, P.C.

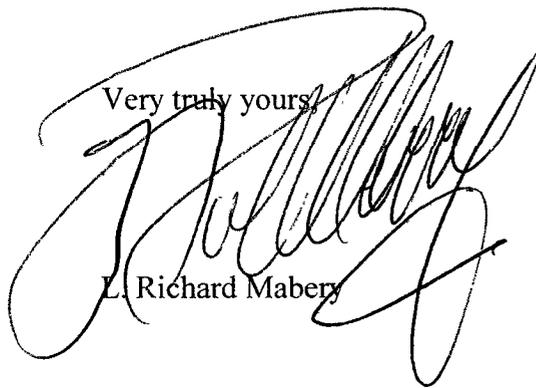
Mr. Mark A. Keitz

January 7, 2005

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Be advised that the Verde Ditch Company has determined that, as to those shareholders who do not pay the assessment, an action will be brought to seek a judgment for the full amount of the assessments, penalties, interest, attorney's fees and court costs. We sincerely hope that will not be necessary and prompt arrangements will be made for payment.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'L. Richard Mabery', is written over the typed name below.

L. Richard Mabery

LRM/er
cc

Verde Ditch Company

**THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.**