

L. Richard Mabery
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State Bar I.D. No. 005188

Attorney for The Verde Ditch Company

2005 MAR 23 PM 4:44 ✓
J. Board

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,)
 _____)
)
 THE VERDE DITCH COMPANY,)
)
 Petitioner,)
)
 v.)
)
 FRANCIS DRAKE AND LEANNE DRAKE,)
 husband and wife,)
)
 Respondents.)
 _____)

No. 4772

Division 1 ✓

MOTION FOR ORDER
TO SHOW CAUSE

(OSC Hearing Requested)

The Verde Ditch Company, through undersigned counsel, respectfully requests that the Court enter an Order to Show Cause as to why FRANCIS DRAKE and LEANNE DRAKE, should not be ordered to appear and show cause why judgment should not be entered against them

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for their failure to comply with the Court's Order Promulgating New Rules and Regulations for the Operation of the Verde Ditch dated August 8, 1989. **FRANCIS DRAKE and LEANNE DRAKE** have failed and refused to pay their Verde Ditch assessments.

There are currently the following amounts due:

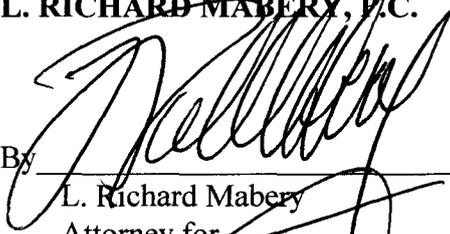
	Amount	Interest	Penalty
A. 2001 Assessments	65.00	32.50	10.00
B. 2002 Assessments	65.00	52.00	13.00
C. 2003 Assessments	65.00	58.50	19.50
D. 2004 Assessments	65.00	52.00	26.00
E. 2005 Assessments	<u>65.00</u>	<u>32.50</u>	<u>32.50</u>

The total amount of delinquent assessments is \$325.00 plus interest of \$227.50 and late payment penalties in the amount of \$101.00, plus reasonable attorney's fees of not less than \$500.00 if uncontested or such reasonable amount the Court may deem appropriate if contested and all cost incurred herein. Repeated attempts have been made to collect these past due assessments by the Verde Ditch to no avail.

The Verde Ditch Company respectfully requests that **FRANCIS DRAKE and LEANNE DRAKE** be ordered to appear and show cause why judgment shall not be entered against **FRANCIS DRAKE and LEANNE DRAKE**, jointly and severally 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 March, 2005.

L. RICHARD MABERY, P.C.

By 
L. Richard Mabery
Attorney for
The Verde Ditch Company

/rs

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VERIFICATION

STATE OF ARIZONA)
) ss.
County of Yavapai)

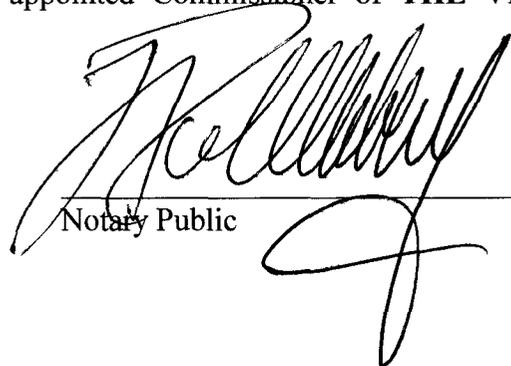
JOHN REDDELL, as a duly Court-appointed Commissioner of **THE VERDE DITCH COMPANY**, first being duly sworn upon his oath, deposes and states:

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.



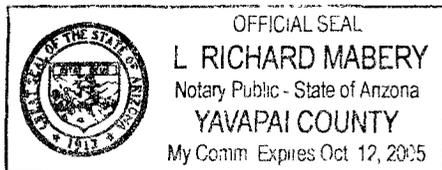
JOHN REDDELL, Commissioner
THE VERDE DITCH COMPANY

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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