

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

FILED
MAR 25 11 4: 1/1 ✓
J. Poole

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.)

BERNADINE A. LIPPINCOTT, Trustee)
under the BERNADINE A. LIPPINCOTT)
LIVING TRUST, dated November 16, 1984,)

Respondent.)

The Verde Ditch Company, through undersigned counsel, respectfully requests that the Court enter an Order to Show Cause as to why **BERNADINE A. LIPPINCOTT**, Trustee under the **BERNADINE A. LIPPINCOTT LIVING TRUST, dated November 16, 1984**, should not be ordered to appear and show cause why judgment should not be entered against her, for her

Law Offices of
L. Richard Mabery, P.C.
234 North Montezuma Street
Prescott, Arizona 86301-3008
(928) 778-1116

DIV. 1
MAR 30 2005

Law Offices of
L. Richard Mabery, P.C.
234 North Montezuma Street
Prescott, Arizona 86301-3008
(928) 778-1116

failure to comply with the Court's Order Promulgating New Rules and Regulations for the Operation of the Verde Ditch dated August 8, 1989. **BERNADINE A. LIPPINCOTT** has failed and refused to pay her Verde Ditch assessments.

There are currently the following amounts due:

	Amount	Interest	Penalty
A. 2004 Assessments	263.25	52.65	26.32
B. 2005 Assessments	263.25	52.65	52.65

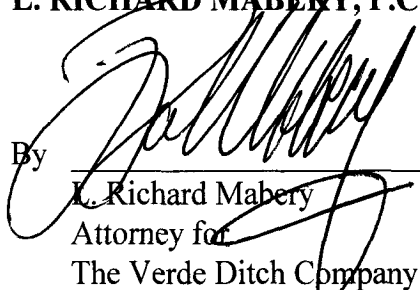
The total amount of delinquent assessments is \$526.50, plus interest of \$105.30 and late payment penalty in the amount of \$78.97, plus reasonable attorney's fees of not less than \$500.00 if uncontested or such reasonable amount as the Court may deem appropriate if contested and all Court costs incurred 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 **BERNADINE A. LIPPINCOTT** be ordered to appear and show cause why judgment shall not be entered against **BERNADINE A. LIPPINCOTT** 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 28th day of March, 2005.

L. RICHARD MABERY, P.C.

By


L. Richard Mabery
Attorney for
The Verde Ditch Company

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

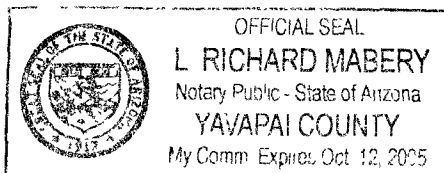
JOHN REDDELL, Commissioner
THE VERDE DITCH COMPANY

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.

L. Richard Mabery

Notary Public

My Commission Expires:



Law Offices of
L. Richard Mabery, P.C.
234 North Montezuma Street
Prescott, Arizona 86301-3008
(928) 778-1116