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SUPERIOR COURT
COUNTY OF YAVAPAI
2011 JAN -3 PM 4:33 ✓
CLERK
BY: Ivy Rios

State Bar I.D. No. 005188

Attorney for The Verde Ditch Company

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

GEORGE W. HANCE, et al.,)

No. P1300CV 4772

Plaintiffs,)

Division 1

vs.)

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

Defendants,)

APPLICATION FOR ORDER
TO SHOW CAUSE

THE VERDE DITCH COMPANY,)

Petitioner,)

(OSC Hearing Requested)

v.)

DONALD KULOW and CATHERINE A.
KULOW, husband and wife,)

Respondents.)

The Verde Ditch Company, through undersigned counsel, respectfully requests that the Court enter an Order to Show Cause as to why Donald Kulow and Catherine A. Kulow, husband

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and wife, should not be ordered to appear and show cause why judgment should not be entered against them 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, and recorded on October 17, 1989 at Book 2192, Page 24, Official Records of Yavapai County, and with Paragraph (4) of the Order for Authorization and Approval of a Special Assessment filed with the Court on September 27, 2005. Mr. and Mrs. Kulow have failed and refused to pay the regular and special Verde Ditch assessments. This Application is supported by the following Memorandum of Points and Authorities and the Affidavit of a Verde Ditch Commissioner, filed herewith and incorporated herein by reference.

There are currently the following amounts due:

		<u>Amount</u>	<u>Interest</u>	<u>Penalty</u>
A.	2005 Special Assessment	\$50.00	\$26.11	
B.	2006 Assessments	65.00	32.30	\$6.50
C.	2006 Special Assessment	50.00	21.11	
D.	2007 Assessments	65.00	25.80	13.00
E.	2008 Assessments	85.00	25.24	21.50
F.	2009 Assessments	85.00	16.72	30.00
G.	2009 Special Assessment	25.00	3.05	
H.	2010 Assessments	85.00	8.22	<u>38.50</u>
I.	2010 Special Assessment	<u>25.00</u>	<u>1.60</u>	
		\$535.00	\$160.15	\$109.50

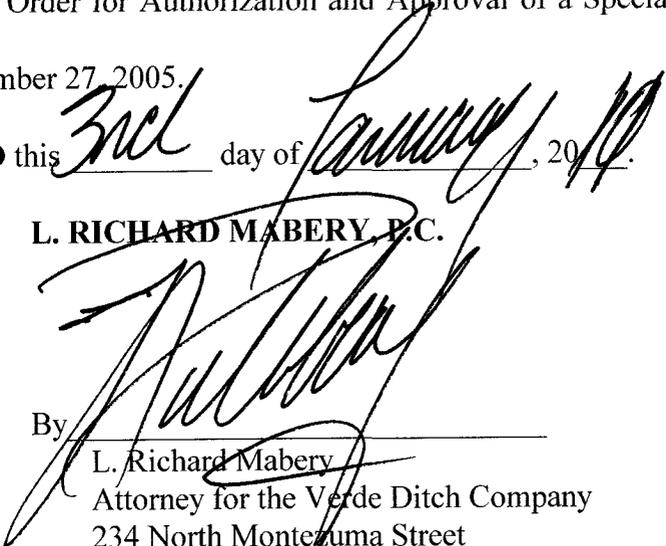
The total amount of delinquent assessments is \$535.00; plus interest of \$160.15, late payment penalties in the amount of \$109.50, and reasonable attorney's fees and costs of not less than \$500.00 if uncontested, or such reasonable amount as the Court may deem appropriate if contested. Repeated attempts have been made to collect these past due assessments by the Verde Ditch, to no avail.

The Verde Ditch Company further requests that Donald Kulow and Catherine A. Kulow be ordered to appear and show cause why judgment shall not be entered against them 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, and Paragraph (4) of the Order for Authorization and Approval of a Special Assessment, filed with the Court on September 27, 2005.

RESPECTFULLY SUBMITTED this 3rd day of January, 2010.

L. RICHARD MABERY, P.C.

By


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/ckw

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