

w/o

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

FILED
DATE: 2-23-11
1:50 O'Clock P.M.
JEANNE HICKS, CLERK
BY: Rhondi HAGEN
Deputy

DIVISION 1

JEANNE HICKS, CLERK

HON. DAVID L. MACKEY

BY: R. Hagen, Deputy Clerk

CASE NO. P1300CV4772

DATE: February 23, 2011

TITLE:

GREGORY W. HANCE, et al.
(Plaintiffs)

COUNSEL:

V

WALES ARNOLD, et us., et al., (In the matter of
VERDE DITCH COMPANY),
(Defendants)

THE VERDE DITCH COMPANY,

(Petitioner)

L. Richard Mabery, Esq.
L. RICHARD MABERY, P.C.
(Electronically Mailed)

V

EILEEN ROBERSON, an unmarried woman;
CLINT JACKSON and JENNIFER JACKSON,
husband and wife; DONALD KULOW and
CATHERINE A. KULOW, husband and wife; and
JONORA D. MEJIA, an unmarried woman,
(Respondents)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

ORDER TO SHOW CAUSE RE: ROBERSON, JACKSON, KULOW, and
MEJIA

Lisa Chaney

START TIME. 1:44 p.m.

APPEARANCES: Richard Mabery, Counsel for Petitioner Verde Ditch Company
Al Dupuy, Commissioner
Vernon Hilvers, Commissioner

Donald and Catherine A. Kulow

No parties appear on behalf of Respondents Kulow.

Counsel for Verde Ditch moves the Court to enter Judgment. The Court is provided a form of Judgment, Affidavit of Attorneys' Fees and a Statement of Costs.

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HANCE v ARNOLD
February 23, 2011

The Court notes that the Personal Representative for Donald and Catherine Kulow was served.

The Court **finds** that based upon the Affidavit in the file the amount requested is for a sum certain, that based upon the Respondents' failure to appear and contest the matter, it is appropriate to enter Judgment in favor of Verde Ditch and against Donald and Catherine Kulow in the amounts set forth in the Judgment signed this date, specifically \$535 for Past Due Assessment, \$169.53 in Interest, \$109.50 in Penalties, \$74.00 taxable costs and \$500 for attorneys' fees.

Jonora D. Mejia

Respondent does not appear.

The Court notes that Respondent was served personally.

Counsel for Petitioner moves the Court to enter judgment. The Court is provided with a form of Judgment, Affidavit of Attorneys' Fees and a Statement of Costs.

The Court **finds** that service was accomplished, that the amount requested is for a sum certain and that Verde Ditch is entitled to Judgment against the Respondent in the amount set forth in the Judgment, specifically \$462 in Past Due Assessments, \$125.29 for Interest, \$84.70 in Penalties, \$50 for taxable costs and \$500 for attorneys' fees.

Clint Jackson and Jennifer Jackson

A Motion to Vacate was previously filed. Counsel for Petitioner advises the Court of service attempts. Counsel is advised that the Court would be open to an application for alternative service.

IT IS ORDERED vacating this hearing to be reset upon request of Verde Ditch Company. ✓

Eileen Roberson

A Motion to Vacate was previously filed. Ms. Roberson is deceased and Counsel is attempting to locate a Personal Representative. Counsel is advised that the Court would be open to an application for alternative service.

IT IS ORDERED vacating this hearing to be reset upon the request of Verde Ditch Company. ✓

Roscoe M. Owsley

Counsel is advised that this Judge will need to recuse himself from hearing any contested issues in this matter. The Court advises Counsel that any communication from Verde Ditch Company could suggest that Judge Mackey has suggested that the parties make further efforts to resolve this matter.

Counsel for Verde served Mr. Owsley with a letter but has not received a response.

The Court advises that any contested hearing on the Owsley matter will need to be heard by a Judge other than Judge Mackey.

END TIME. 1: 56 p.m.