

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2015 OCT 20 PM 4:32 ✓

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Verde Ditch Shareholder  
1185 S. Canal Circle, Camp Verde, AZ 86322

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

GEORGE W. HANCE, et. Al., )  
 )  
 Plaintiffs, )  
 )  
 Vs. )  
 )  
 WALES ARNOLD. Et ux., et al., )  
 )  
 Defendants, )  
 )  
 )  
 In the matter of the VERDE DITCH )  
 COMPANY )  
 )  
 )  
 ----- )

No. P1300CV4772

Division 1

REQUEST FOR REVIEW OF THE MOU  
PARAGRAPH 17 AS ORDERED  
ON PAGE 4, 2(D) OF THE  
NATURE OF PROCEEDINGS FOR THE  
HEARING ON AUGUST 21<sup>ST</sup> 2015  
AND FILED AUGUST 26<sup>TH</sup> 2015.

To the Honorable Judge David L. Mackey,

I would like to request a review of the testimony during the August 21<sup>st</sup> 2015 hearing as  
it pertained to paragraph 17 of the Memorandum of Understanding dated June 15<sup>th</sup> 2015.

Although I do not have a copy of the transcript to refer to, I recall all parties agreed to change paragraph 17 of the MOU. There was a discussion or substituting the word "may" for "shall". That discussion was determined to be not appropriate. In the final agreement over paragraph 17, I believe through recollection that both parties, (SRP and VDC) agreed to use the ARS #12-341.01 as the substitute for the current paragraph 17 of the June 15<sup>th</sup> 2015 MOU agreement.

ARS 12-341.01 states:

A. In any contested action arising out of a contract, express or implied, the court may award the successful party reasonable attorney fees. Etcetera.

I believe ARS 12-341.01 has a different legal meaning than current paragraph 17 of the MOU date June 15, 2015.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of October 2015.

PETER J. MOLLICK

By:  \_\_\_\_\_

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Original Hand Delivered for filing this 20<sup>th</sup> day of October, 2015, to:

Clerk of the Court  
Yavapai County – Division 1  
2840 Commonwealth Drive  
Camp Verde, AZ 86322

AND COPY sent by U.S. mail this 20<sup>th</sup> day of October, 2015, to:

Hon. David L. Mackey  
Judge of the Superior Court  
Yavapai County Courthouse  
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