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Attorneys for Plaintiff Varilek

SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY

9 JOHN B. CUNDIFF and BARBARA C.)
10 CUNDIFF, husband and wife; ELIZABETH)
11 NASH, a married woman dealing with her)
12 separate properly; KENNETH PAGE and)
13 KATHRYN PAGE, as Trustee of the Kenneth)
14 Page and Catherine Page Trust,)

Plaintiffs,

v.

15 DONALD COX and CATHERINE COX,)
16 husband and wife, et al., et ux.,)
17 Defendants.)

18 JAMES L. VARILEK, Trustee, James L.)
19 Varilek Revocable Trust Dated November 16,)
20 1994,)

Plaintiff,

v.

23 ROBERT D. VERES, an unmarried man,)
24 Defendant.)

Case No. P1300CV20030399
and
Case No. P1300CV20090822
(Consolidated)
Division 4
(Assigned to Hon. Kenton Jones)

**STIPULATION TO DISMISS
WITHOUT PREJUDICE**

26 Plaintiff James Varilek and Defendant Robert D. Veres, by and through their respective
27 counsel, stipulate to the entry of an order dismissing Yavapai County Case No.
28 P1300CV20090822, of the above-encaptioned consolidated cases, without prejudice and with each

1 party bearing their respective attorney's fees and costs. The parties further stipulate that in the
2 event plaintiff in Yavapai County Case No. P1300CV20090822 elects to re-file this action that the
3 filing of any such action shall relate back to the date of the filing of the Complaint herein for
4 purposes of any statute of limitations, laches or other time-barring defense.

5 RESPECTFULLY SUBMITTED February 28, 2013.

6 MUSGROVE, DRUTZ & KACK, P.C.

FAVOUR & WILHELMSSEN, PLLC

7
8 By: 

Mark W. Drutz
Attorney for Defendant Veres

By: 

David K. Wilhelmsen
Attorney for Plaintiff Varilek

9
10 Original and one copy of the foregoing
11 Stipulation to Dismiss without Prejudice
12 was hand-delivered on the 28th day of
February, 2013 to

13 Clerk of the Yavapai County
14 Superior Court
15 120 S. Cortez Street
Prescott, AZ 86303

16 Copy of the foregoing Stipulation to
17 Dismiss without Prejudice was
18 hand-delivered on the 28th day of
February, 2013 to:

19 The Honorable Kenton Jones
20 Yavapai County Superior Court
21 120 S. Cortez Street
Prescott, AZ 86303

22 Copy of the foregoing Stipulation to
23 Dismiss without Prejudice was mailed
24 on the 28th day of February, 2013 to:

25 Jeffrey R. Adams, Esq.
26 THE ADAMS LAW FIRM PLLC
27 125 Grove Avenue
28 P.O. Box 2522
Prescott, AZ 86302
Attorney for Defendants listed in Answer

1 to First Amended Complaint by Joined
Property Owner Defendants Dated October 5, 2010

2 Mark W. Drutz, Esq.
3 Sharon Sargent-Flack, Esq.
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By 
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