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BY Aimee Brown

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6 Attorneys for Defendants

7 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF YAVAPAI**

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

16 Plaintiffs,

17 v.

18 DONALD COX and CATHERINE)  
19 COX, husband and wife,

20 Defendants.

CASE NO. CV 2003-0399

DIVISION 1 ✓

**STIPULATION**

21 The parties, through undersigned counsel, hereby stipulate and agree that Defendants Donald  
22 and Catherine Cox ("Defendants") will not expand and/or increase their use of the subject property  
23 located at 7325 North Coyote Springs Road, Prescott Valley, Arizona beyond their current use until  
24 this matter is resolved by this Court. In the event Defendants violate this Stipulation pending final  
25 judgment of the Court in this matter, Plaintiffs may immediately apply for a preliminary injunction,  
26 without necessity of re-filing their motion in support of the application for preliminary injunction filed  
27 on April 30, 2004, but referring to that supporting motion as though fully set forth in a subsequent  
28 application.

The parties further stipulate and agree that the Verified Application for Preliminary Injunction  
is withdrawn and request that the Court vacate the Order to Show Cause Hearing and Pretrial

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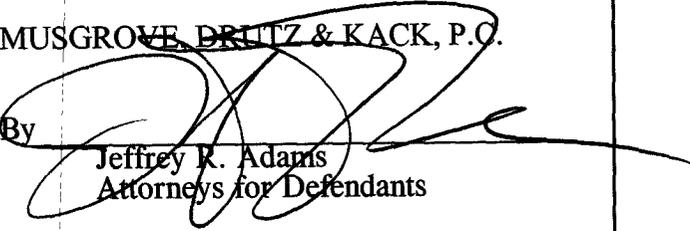
1 Conference presently scheduled for July 12, 2004 at 3:00 p.m. and reschedule the Pretrial Conference  
2 at the convenience of the Court.

3 DATED this 4<sup>th</sup> day of June, 2004.

5 FAVOUR, MOORE & WILHELMSSEN, P.A.

MUSGROVE, DRUTZ & KACK, P.C.

6 By   
7 David K. Wilhelmsen  
8 Marguerite A. Kirk  
9 Attorneys for Plaintiffs

By   
Jeffrey R. Adams  
Attorneys for Defendants

10 A copy of the foregoing  
11 was hand-delivered this  
12 4<sup>th</sup> day of June, 2004 to:

13 Honorable David L. Mackey  
14 Yavapai County Superior Court  
15 Division 1  
16 Yavapai County Courthouse  
17 Prescott, Arizona 86301

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