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JUL 1 2004

JEANNE HICKS, Clerk  
CV *Elizabeth Nash*  
Deputy

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5 Attorneys for Plaintiffs

6 IN THE SUPERIOR COURT OF ARIZONA  
7 COUNTY OF YAVAPAI

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

12 Plaintiffs, )

13 vs. )

14 DONALD COX and CATHERINE COX, )  
15 husband and wife, )

16 Defendants. )  
17

No. CV 2003-0399 DW 1 -

Division 3

Plaintiffs' Motion to Amend Caption

18  
19 Plaintiffs, by and through undersigned counsel, pursuant to Rule 10(a), Ariz.R.Civ.Proc.,  
20 hereby move this Court for leave to amend the caption in this case.

21 Arizona Rules of Civil Procedure, Rule 10(a) provides, in relevant part, that in the complaint  
22 the title of the action shall include the names of all the parties. Plaintiff Elizabeth Nash's name should  
23 appear as Becky J. Nash.

24 Therefore, based upon the foregoing, Plaintiffs respectfully request that this Court grant them  
25 leave to amend the caption.  
26

DIV. 1

JUL - 6 2004

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1 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of July, 2004.

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3 FAVOUR, MOORE & WILHELMSSEN, P.A.

4  
5 By Marguerite Kirk  
6 David K. Wilhelmsen  
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10 Attorneys for Plaintiffs

11 ORIGINAL filed this 1<sup>st</sup> day  
12 of July, 2004 with the:

13 Clerk of the Superior Court  
14 Yavapai County Courthouse  
15 Prescott, Arizona 86301

16 A copy hand-delivered this  
17 1<sup>st</sup> day of July, 2004 to:

18 Honorable David L. Mackey  
19 Division One  
20 Superior Court of Arizona  
21 Yavapai County  
22 Prescott, Arizona 86301

23 and a copy hand-delivered this  
24 1<sup>st</sup> day of July, 2004 to:

25 Jeffrey Adams  
26 MUSGROVE, DRUTZ & KACK, P.C.  
PO BOX 2720  
Prescott, Arizona 86302

By Marguerite Kirk  
Marguerite Kirk