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AUG 16 2004

BY JEANNE WICKS  
Deputy

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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

**REQUEST FOR ORAL  
ARGUMENTS ON PLAINTIFFS'  
REQUEST FOR THE COURT'S  
ON-SITE INSPECTION OF  
SUBJECT REAL PROPERTY  
SUBDIVISION**

21 Defendants, Donald Cox and Catherine Cox, by and through undersigned counsel hereby  
22 request oral argument on Plaintiffs' Request for the Court's On-Site Inspection of Subject Real  
23 Property Subdivision. This request is made because in Plaintiffs' Reply to Defendants' Response to  
24 Request for On-Site Inspection, Plaintiffs contend that this case erroneously relates only to the  
25 Defendants' use of their property and their alleged violation of the Declaration of Restrictions and  
26 would have this Court restrict the scope of its site visit. However, as the abandonment of the  
27 Declaration of Restrictions is directly at issue as is the use of properties throughout the Coyote Springs  
28 Ranch subdivision by Coyote Springs Ranch property owners and tenants, it is incumbent upon this  
Court to conduct a thorough and comprehensive inspection as doing so is necessary when considering  
Defendants' defenses.

Defendants therefore request oral argument on Plaintiffs' motion.

**DIV. 1**  
**AUG 16 2004**

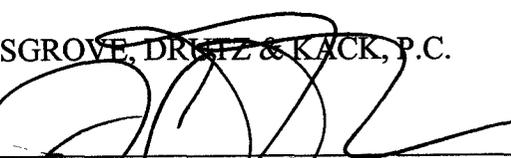
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Respectfully submitted this 16 day of August, 2004.

MUSGROVE, DRISIZ & KACK, P.C.

By



Jeffrey R. Adams, Esq.  
Attorneys for Defendant

A copy of the foregoing  
was hand-delivered this  
16<sup>th</sup> day of August, 2004 to:

Honorable David L. Mackey  
Yavapai County Superior Court  
Division 1  
Yavapai County Courthouse  
Prescott, Arizona 86301

and a copy was hand-delivered this  
16<sup>th</sup> day of August, 2004 to:

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