

FILED

O'Clock

OCT 15 2004

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

JEANNE HICKS, Clerk
~~DANIEL MEYER~~
Deputy

DIVISION ONE

JEANNE HICKS, Clerk of the Court

HON. DAVID L. MACKEY

BY:

CASE NUMBER: CV2003-0399

DATE: October 15, 2004

TITLE:

COUNSEL:

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

David K. Wilhelmsen
Marquerite Kirk
Favour, Moore & Wilhelmsen
P.O. Box 1391
Prescott, AZ 86302-1391

Plaintiff

(for Plaintiff)

-vs-

DONALD COX and CATHERINE COX, husband and wife,

Jeffrey R. Adams
Musgrove, Drutz & Kack
P.O. Box 2720
Prescott, AZ 86302-2720

Defendant.

(for Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Upon review of the file the Court notes the following pending motions with oral argument requested:

- 1) Plaintiffs' Request for the Court's On-Site Inspection of Subject Real Property Subdivision;
- 2) Plaintiffs' Motion for Summary Judgment Re: Waiver of Restrictive Covenant Prohibiting Business and Commercial Enterprises;
- 3) Plaintiffs' Motion to Compel;
- 4) Plaintiffs' Motion In Limine to Preclude Defendants' Introduction of Lay Witness Opinion Testimony.

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Based on the requests for Oral Argument on the above motions,

IT IS ORDERED vacating the Pretrial Conference set for Monday, October 18, 2004, at 11:30 a.m.

IT IS FURTHER ORDERED setting Pretrial Conference and Oral Argument on the above motions for **Monday, January 31, 2005, at 1:30 p.m.** in Division 1 with one (1) hour allotted.