

1 FAVOUR MOORE & WILHELMSSEN, P.A.
2 Post Office Box 1391
3 Prescott, AZ 86302
4 Phone: (928) 445-2444
5 Fax: (928) 771-0450
6 DAVID K. WILHELMSSEN, #007112
7 MARGUERITE KIRK, #018054
8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

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

18 Plaintiffs,

19 vs.

20 **DONALD COX** and **CATHERINE COX**,
21 husband and wife,

22 Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

23 **THE STATE OF ARIZONA TO:**

ALAN COX

c/o Mr. Jeffrey Adams

MUSGROVE, DRUTZ & KACK, P.C.

1135 Iron Springs Road

Prescott, Arizona 86305

24 YOU ARE COMMANDED to appear and give testimony at the time and place specified

25 below:

26 BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

PLACE OF APPEARANCE Yavapai County Court Building
Division 1
120 S. Cortez
Prescott, Arizona 86301

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(i) does not provide a reasonable time for compliance;

(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of a court, **except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;**

(iii) requires the disclosure of privileged or protected information and no waiver or exception applies; or

(iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure.

If this subpoena:

(I) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

In the event this subpoena is for appearance before the court, please contact the court stated about to determine if the trial has been changed. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding. A.R.S. §§ 22-217, 12-2211; RCP 45(a) and (g), 53(e).

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“EXHIBIT A”

Your entire file regarding Prescott Valley Growers, including, but not limited to:

1. All documents relating to your interests in the partnership doing business as Prescott Valley Growers, including but not limited to, any financial statements, profit loss statements, asset statements or the like from 1998 to present.
2. Any and all documents evidencing the partnership doing business as Prescott Valley Growers.

As used herein, “document” refers to documents of any type, style or form, whether stored on paper, electronically or in any other media, including all drafts of any document.

As used herein, the term “document” includes, but is not limited to, letters, correspondence, email, memoranda, notes, field notes, handwritten notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, telephone messages, microfilm, statements, notices, reports, rules, regulations, interoffice communications, public reports, databases, ledgers, working papers, time sheets, invoices, spreadsheets, logs, tapes or visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computation (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form prepared by you or any other entity.

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Copy of the foregoing mailed this
21st day of July, 2005, to:

Jeff Adams
Musgrove, Drutz & Kack, P.C.
P.O. Box 2720
Prescott, Arizona 86302
Attorneys for Defendants

By Marguerite Kirk
Marguerite Kirk

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9 **IN THE SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

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13 **ELIZABETH NASH**, a married woman
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16 **PAGE**, as Trustee of the Kenneth Page and
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19 vs.

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No. CV 2003-0399

Division 3

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JAMES COX

c/o Jeffrey Adams

MUSGROVE, DRUTZ & KACK, P.C.

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Your Duties In Responding To This Subpoena

You have the duty to produce the documents described in "Exhibit A" as they are kept by you in the usual course of business, or you may organized the documents and label them to correspond with the categories set forth in this subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

If this subpoena asks you to produce and permit inspection and copying of the designated books, papers, documents, tangible things, or the inspection of premise, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

Your Right To Object

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breach. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party of attorney serving the subpoena. See Rule 43(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or an officer of a party, the court will issue a order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

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The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

In the event this subpoena is for appearance before the court, please contact the court stated about to determine if the trial has been changed. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding. A.R.S. §§ 22-217, 12-2211; RCP 45(a) and (g), 53(e).

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Your entire file regarding Prescott Valley Growers, including, but not limited to:

1. All documents relating to your interests in the partnership doing business as Prescott Valley Growers, including but not limited to, any financial statements, profit loss statements, asset statements or the like from 1998 to present.
2. Any and all documents evidencing the partnership doing business as Prescott Valley Growers.

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1 Copy of the foregoing mailed this
2 ~~21st~~ day of July, 2005, to:

3 Jeff Adams
4 Musgrove, Drutz & Kack, P.C.
5 P.O. Box 2720
6 Prescott, Arizona 86302
7 Attorneys for Defendants

8 By Marguerite Kirk
9 Marguerite Kirk
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8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

11 **JOHN B. CUNDIFF and BARBARA C.**
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13 **ELIZABETH NASH**, a married woman
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16 **PAGE**, as Trustee of the Kenneth Page and
17 Catherine Page Trust,

18 Plaintiffs,

19 vs.

20 **DONALD COX and CATHERINE COX**,
21 husband and wife,

22 Defendants.

23 No. CV 2003-0399

24 Division 3

25 **SUBPOENA**

26 **THE STATE OF ARIZONA TO:**

DONALD JAMES

7570 N. Coyote Springs

Prescott Valley, Arizona 86314

YOU ARE COMMANDED to appear and give testimony at the time and place specified

below:

BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

PLACE OF APPEARANCE

Yavapai County Court Building

Division 1

120 S. Cortez

Prescott, Arizona 86301

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this 21st day of July, 2005, to:

Jeff Adams
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P.O. Box 2720
Prescott, Arizona 86302
Attorneys for Defendants

By Marguerite Kirk
Marguerite Kirk

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14 **dealing with her separate property;**
15 **KENNETH PAGE and KATHRYN**
16 **PAGE, as Trustee of the Kenneth Page and**
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18 Plaintiffs,

19 vs.

20 **DONALD COX and CATHERINE COX,**
21 **husband and wife,**

22 Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

23 **THE STATE OF ARIZONA TO:**

DOUG REYNOLDS

Land Use Specialist

Yavapai County Land Use Development Services

500 S. Marina Street

Prescott, Arizona 86303

24 YOU ARE COMMANDED to appear and give testimony at the time and place specified

25 below:

26 BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

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Your Duties In Responding To This Subpoena

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“EXHIBIT A”

Your entire file regarding Donald and Catherine Cox and the property located at 7325 N. Coyote Springs Road, Prescott Valley, Arizona 86314, including, but not limited to:

1. Agricultural Land Use Application filed for property located at 7325 N. Coyote Springs Road, Prescott Valley, Arizona 86314, including but not limited to letters of intent, applications, correspondence to and from property owners, statements of general agricultural use, affidavits, plot plans, property access allowances, property descriptions, and zoning complaints.

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No. CV 2003-0399

Division 3

SUBPOENA

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DANIEL SANDERS

8650 Kelly Road

Prescott Valley, Arizona 86314

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4 Phone: (928) 445-2444
5 Fax: (928) 771-0450
6 DAVID K. WILHELMSSEN, #007112
7 MARGUERITE KIRK, #018054
8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

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

18 Plaintiffs,
19 vs.

20 **DONALD COX and CATHERINE COX,**
21 **husband and wife,**

22 Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

23 **THE STATE OF ARIZONA TO:**

24 **DAVID ("DUSTY") EIKER**
25 7325 N. Coyote Springs
26 Prescott Valley, Arizona 86314

YOU ARE COMMANDED to appear and give testimony at the time and place specified

below:

BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

PLACE OF APPEARANCE Yavapai County Court Building
Division 1
120 S. Cortez
Prescott, Arizona 86301

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(i) does not provide a reasonable time for compliance;

(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of a court, **except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;**

(iii) requires the disclosure of privileged or protected information and no waiver or exception applies; or

(iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure.

If this subpoena:

(I) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

In the event this subpoena is for appearance before the court, please contact the court stated about to determine if the trial has been changed. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding. A.R.S. §§ 22-217, 12-2211; RCP 45(a) and (g), 53(e).

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“EXHIBIT A”

You are requested to provide the following documents:

1. All form of W-2's issued to you from Prescott Valley Growers from 2000 to present.
2. Copies of your two most recent paystubs issued to you from Prescott Valley Growers.

As used herein, “document” refers to documents of any type, style or form, whether stored on paper, electronically or in any other media, including all drafts of any document.

As used herein, the term “document” includes, but is not limited to, letters, correspondence, email, memoranda, notes, field notes, handwritten notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, telephone messages, microfilm, statements, notices, reports, rules, regulations, interoffice communications, public reports, databases, ledgers, working papers, time sheets, invoices, spreadsheets, logs, tapes or visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computation (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form prepared by you or any other entity.

Any document utilized or relied upon by you in preparation of the subject report, but which is not in your possession shall be identified with a description of the document and its whereabouts.

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Copy of the foregoing mailed this
21st day of July, 2005, to:

Jeff Adams
Musgrove, Drutz & Kack, P.C.
P.O. Box 2720
Prescott, Arizona 86302
Attorneys for Defendants

By Marguerite Kirk
Marguerite Kirk

1 FAVOUR MOORE & WILHELMSSEN, P.A.
2 Post Office Box 1391
3 Prescott, AZ 86302
4 Phone: (928) 445-2444
5 Fax: (928) 771-0450
6 DAVID K. WILHELMSSEN, #007112
7 MARGUERITE KIRK, #018054
8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

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

18 Plaintiffs,

19 vs.

20 **DONALD COX and CATHERINE COX**,
21 husband and wife,

22 Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

23 **THE STATE OF ARIZONA TO:**

WANETTA S. OFFERMAN

Realty Executives

3510 E. Liese Drive

Prescott, Arizona 86303

24 YOU ARE COMMANDED to appear and give testimony at the time and place specified

25 below:

26 BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

PLACE OF APPEARANCE

Yavapai County Court Building

Division 1

120 S. Cortez

Prescott, Arizona 86301

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Your Duties In Responding To This Subpoena

You have the duty to produce the documents described in “**Exhibit A**” as they are kept by you in the usual course of business, or you may organized the documents and label them to correspond with the categories set forth in this subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

If this subpoena asks you to produce and permit inspection and copying of the designated books, papers, documents, tangible things, or the inspection of premise, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

Your Right To Object

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breach. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party of attorney serving the subpoena. See Rule 43(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or an officer of a party, the court will issue a order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

1 (i) does not provide a reasonable time for compliance;

2 (ii) requires a non-party or officer of a party to travel to a county different from the
3 county where the person resides or does business in person; or to travel to a county different
4 from where the subpoena was served; or to travel to a place farther than 40 miles from the place
5 of service; or to travel to a place different from any other convenient place fixed by an order of a
6 court, **except that a subpoena for you to appear and testify at trial can command you to
7 travel from any place within the state;**

8 (iii) requires the disclosure of privileged or protected information and no waiver or
9 exception applies; or

10 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of
11 Civil Procedure.

12 If this subpoena:

13 (I) requires disclosure of a trade secret or other confidential research, development,
14 or commercial trade information; or

15 (ii) requires disclosure of an unretained expert's opinion or information not
16 describing specific events or occurrences in dispute and resulting from the expert's study made
17 not at the request of any party; or

18 (iii) requires a person who is not a party or an officer of a party to incur substantial
19 travel expense;

20 The court may either quash or modify the subpoena, or the court may order you to appear
21 or produce documents only upon specified conditions, if the party who served the subpoena
22 shows a substantial need for the testimony or material that cannot be otherwise met without
23 undue hardship assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the
24 Arizona Rules of Civil Procedure.

25 **In the event this subpoena is for appearance before the court, please contact the
26 court stated about to determine if the trial has been changed. Requests for reasonable
accommodation for persons with disabilities must be made to the court by parties at least
three working days in advance of a scheduled court proceeding. A.R.S. §§ 22-217, 12-2211;
RCP 45(a) and (g), 53(e).**

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“Exhibit A”

Your entire file regarding Donald and Catherine Cox and the property located at 7325 N. Coyote Springs Road, Prescott Valley, Arizona 86314, including, but not limited to:

- (a) the transaction handled by Wanetta S. Offerman on or about, **April 1998**, concerning the transfer of the following described real property, known as parcel 103-01-069B, in Yavapai County, Arizona from **Ray C. Massner and Ilse M. Massner to Donald Cox and Catherine Cox**:

All that portion of Section 25, Township 15 North, Range 1. West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNIG at the East quarter corner of Section 25 marked with a GLO brass cap monument;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet along the

East line of Section 25 to a one half inch rebar and the TRUE POINT OF

BEGINNING;

Thence South 00 degrees, 04 minutes, 15 seconds East, 660.28 feet to a one half inch rebar;

Thence North 89 degrees, 59 minutes, 02 seconds West, 1321.37 feet;

Thence North 00 degrees, 03 minutes, 08 seconds West, 660.32 feet;

Thence South 89 degrees, 58 minutes, 54 seconds East, 1321.15 feet to the TRUE POINT OF BEGINNING.

EXCEPT all oil, gas, coal and minerals as set forth in instrument recorded in Book 192 of Deeds, Page 415

- (b) **your entire file related to any work performed in this matter.**

As used herein, “document” refers to documents of any type, style or form, whether stored on paper, electronically or in any other media, including all drafts of any document.

As used herein, the term “document” includes, but is not limited to, letters, correspondence, email, memoranda, notes, field notes, handwritten notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, telephone messages, microfilm, statements, notices, reports, rules, regulations, interoffice communications, public reports, databases, ledgers, working papers, time sheets, invoices, spreadsheets, logs, tapes or visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computation (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form prepared by you or any other

1 entity.

2 Any document utilized or relied upon by you in preparation of the subject report, but
3 which is not in your possession shall be identified with a description of the document and its
4 whereabouts.

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Copy of the foregoing mailed this
21st day of July, 2005, to:

Jeff Adams
Musgrove, Drutz & Kack, P.C.
P.O. Box 2720
Prescott, Arizona 86302
Attorneys for Defendants

By Marguerite Kirk
Marguerite Kirk

1 FAVOUR MOORE & WILHELMSSEN, P.A.
2 Post Office Box 1391
3 Prescott, AZ 86302
4 Phone: (928) 445-2444
5 Fax: (928) 771-0450
6 DAVID K. WILHELMSSEN, #007112
7 MARGUERITE KIRK, #018054
8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF ARIZONA**
10 **YAVAPAI COUNTY**

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

18 Plaintiffs,

19 vs.

20 **DONALD COX** and **CATHERINE COX**,
21 husband and wife,

22 Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

23 **THE STATE OF ARIZONA TO:**

STEVEN STEIN, CPA

1113 W. Mohawk Lane

Phoenix, Arizona 85027-3680

24 YOU ARE COMMANDED to appear and give testimony at the time and place specified

25 below:

26 BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

PLACE OF APPEARANCE

Yavapai County Court Building

Division 1

120 S. Cortez

Prescott, Arizona 86301

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Your Duties In Responding To This Subpoena

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You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party of attorney serving the subpoena. See Rule 43(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

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If you are not a party to the litigation, or an officer of a party, the court will issue a order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

1 (i) does not provide a reasonable time for compliance;

2 (ii) requires a non-party or officer of a party to travel to a county different from the
3 county where the person resides or does business in person; or to travel to a county different
4 from where the subpoena was served; or to travel to a place farther than 40 miles from the place
5 of service; or to travel to a place different from any other convenient place fixed by an order of a
6 court, **except that a subpoena for you to appear and testify at trial can command you to
7 travel from any place within the state;**

8 (iii) requires the disclosure of privileged or protected information and no waiver or
9 exception applies; or

10 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of
11 Civil Procedure.

12 If this subpoena:

13 (I) requires disclosure of a trade secret or other confidential research, development,
14 or commercial trade information; or

15 (ii) requires disclosure of an unretained expert's opinion or information not
16 describing specific events or occurrences in dispute and resulting from the expert's study made
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19 travel expense;

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21 or produce documents only upon specified conditions, if the party who served the subpoena
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24 Arizona Rules of Civil Procedure.

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26 court stated about to determine if the trial has been changed. Requests for reasonable
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“EXHIBIT A”

Your entire file relating to Donald and Catherine Cox and Prescott Valley Growers, including, but not limited to:

- 1. Partnership federal and state tax returns for Prescott Valley Growers for tax years 2000 through 2004, including but not limited to all documents used in preparation of the tax returns, and all correspondence of any type with defendants concerning the partnership returns.
- 2. Individual federal and state income tax returns for Donald and Catherine Cox for tax years 1999 through 2004, including but not limited to all documents used in preparation of the tax returns, and all correspondence of any type with defendants concerning the their individual returns.
- 3. Copies of any and all documents, agreements, and/or contracts, including, any and all written documents between or about the partnership of Prescott Valley Growers.

As used herein, “document” refers to documents of any type, style or form, whether stored on paper, electronically or in any other media, including all drafts of any document.

As used herein, the term “document” includes, but is not limited to, letters, correspondence, email, memoranda, notes, field notes, handwritten notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, telephone messages, microfilm, statements, notices, reports, rules, regulations, interoffice communications, public reports, databases, ledgers, working papers, time sheets, invoices, spreadsheets, logs, tapes or visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computation (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form prepared by you or any other entity.

Any document utilized or relied upon by you in preparation of the subject report, but which is not in your possession shall be identified with a description of the document and its whereabouts.

1 Copy of the foregoing mailed this
2 ~~21st~~ day of July, 2005, to:

3 Jeff Adams
4 Musgrove, Drutz & Kack, P.C.
5 P.O. Box 2720
6 Prescott, Arizona 86302
7 Attorneys for Defendants

8 By Marguerite Kirk
9 Marguerite Kirk
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1 FAVOUR MOORE & WILHELMSSEN, P.A.
Post Office Box 1391
2 Prescott, AZ 86302
Phone: (928) 445-2444
3 Fax: (928) 771-0450
4 DAVID K. WILHELMSSEN, #007112
MARGUERITE KIRK, #018054
5 Attorneys for Plaintiffs

6 **IN THE SUPERIOR COURT OF ARIZONA**

7 **YAVAPAI COUNTY**

8
9 **JOHN B. CUNDIFF** and **BARBARA C. CUNDIFF**, husband and wife;
10 **ELIZABETH NASH**, a married woman
dealing with her separate property;
11 **KENNETH PAGE** and **KATHRYN PAGE**, as Trustee of the Kenneth Page and
Catherine Page Trust,
12

13 Plaintiffs,

14 vs.

15 **DONALD COX** and **CATHERINE COX**,
husband and wife,
16

Defendants.

No. CV 2003-0399

Division 3

SUBPOENA

17 **THE STATE OF ARIZONA TO:**

ROBERT J. LAUNDERS

3100 N. Navajo Drive #B-3

Prescott Valley, AZ 86314

18
19 YOU ARE COMMANDED to appear and give testimony at the time and place specified

20 below:

21
22 BEFORE WHOM APPEARANCE TO BE MADE: Honorable David L. Mackey

23 DATE AND TIME OF APPEARANCE: August 2, 2005 at 9:00 a.m.

24 PLACE OF APPEARANCE Yavapai County Court Building
25 Division 1
120 S. Cortez
26 Prescott, Arizona 86301

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(i) does not provide a reasonable time for compliance;

(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of a court, **except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;**

(iii) requires the disclosure of privileged or protected information and no waiver or exception applies; or

(iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure.

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(I) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

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You have been subpoenaed by the Plaintiffs, whose attorney's name, address and telephone number are:

David K. Wilhelmsen
Marguerite Kirk
Favour Moore & Wilhelmsen, P.A.
1580 Plaza West Drive
P. O. Box 1391
Prescott, Arizona 86302-1391
(928) 445-2444

YOU ARE NOTIFIED HEREBY THAT ANY FAILURE TO OBEY THIS SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A CONTEMPT OF THIS COURT, AND A CIVIL ARREST WARRANT MAY BE ISSUED. A CIVIL ARREST WARRANT IS AN ORDER DIRECTING ANY POLICE OFFICER IN ARIZONA TO ARREST YOU AND BRING YOU BEFORE THIS COURT FOR FUTURE PROCEEDINGS.

SIGNED AND SEALED: JUL 21 2005

YAVAPAI COUNTY SUPERIOR COURT

JEANNE HICKS

BY *J. Britton*

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“EXHIBIT A”

Your entire file relating to:

1. Defendant Cox and their real property located at 7325 N. Coyote Springs Road, Prescott Valley, Arizona 86314.

As used herein, “document” refers to documents of any type, style or form, whether stored on paper, electronically or in any other media, including all drafts of any document.

As used herein, the term “document” includes, but is not limited to, letters, correspondence, email, memoranda, notes, field notes, handwritten notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, telephone messages, microfilm, statements, notices, reports, rules, regulations, interoffice communications, public reports, databases, ledgers, working papers, time sheets, invoices, spreadsheets, logs, tapes or visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computation (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form prepared by you or any other entity.

Any document utilized or relied upon by you in preparation of the subject report, but which is not in your possession shall be identified with a description of the document and its whereabouts.

1 Copy of the foregoing mailed this
2 21st day of July, 2005, to:

3 Jeff Adams
4 Musgrove, Drutz & Kack, P.C.
5 P.O. Box 2720
6 Prescott, Arizona 86302
7 Attorneys for Defendants

8 By Marguerite Kirk
9 Marguerite Kirk
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