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4 **MUSGROVE, DRUTZ & KACK, P.C.**
5 1135 Iron Springs Road
6 Prescott, Arizona 86305
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8 *Attorneys for Defendants*

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

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

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

17 **Plaintiffs,**

18 **v.**

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

21 **Defendants.**

Case No. CV 2003-0399

Division No. 1

DEFENDANTS' REQUESTED JURY
VOIR DIRE QUESTIONS

(Assigned to the
Honorable David L. Mackey)

22 Defendants Donald and Catherine Cox, by and through undersigned counsel, hereby requests
23 that the Court submit the following voir dire questions to the jury:

- 24 1. Are you related to or acquainted with any of the Parties?
25 2. Do you know the attorneys for the Plaintiffs?
26 3. Do you know anyone who lives in Coyote Springs Ranch located in Prescott Valley,
27 Arizona?

28

1 4. Have you ever had any dealings with Plaintiffs' attorneys or with the law firm of
2 Favour, Moore & Wilhemsen?

3 5. Have you ever had any dealings with or heard anything negative about either the
4 Plaintiffs or their attorneys?

5 6. Have you ever had any dealings with or heard anything negative about Defendants'
6 attorneys or with the law firm of Musgrove, Drutz & Kack, P.C.?

7 7. Have you ever had any dealings with, or heard anything negative about, Donald or
8 Catherine Cox or any member of their family?

9 8. Have you ever had any dealings with, or heard anything negative about, Prescott
10 Valley Nursery or Prescott Valley Growers, which are located in Prescott Valley, Arizona?

11 9. Do you or does any member of your family have any interest, financial or otherwise,
12 in the outcome of this case?

13 10. Have you ever served as a juror in any other case?

14 11. If you have served as a juror, was it a civil or criminal case?

15 12. Do any of you have any belief or feeling toward any of the Parties, attorneys, or
16 witnesses that might be regarded as a bias or prejudice for or against any of them?

17 13. Do any of you belong to a homeowners association or live in a planned community
18 or subdivision?

19 14. If you answered yes to question 12, have you ever had any problems with your
20 homeowners association?

21 15. Have you ever owned real property and, if so, was that real property governed by
22 restrictions or covenants, which are commonly referred to as "CC&Rs"?

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16. If you answered yes to question 13, have you ever had anyone attempt to enforce the "CC&Rs" against you or real property owned by you?

17. Have you ever tried to enforce "CC&Rs" against a real property owner?

18. Despite any negative feelings you may have, do you feel strongly that you can judge this case on the basis of the evidence and the law as you will be instructed by the Judge, as a fair and impartial juror, without being affected by any of your personal feelings or beliefs?

19. Have you or has any member of your family, to your knowledge, ever sued anyone or presented a claim against anyone in connection with real property?

20. If so, did the matter conclude satisfactorily so far as you are concerned?

21. Will this affect your ability to be a fair and impartial juror?


22. Do you know of any reason why you could not serve as a juror in this case and decide it with total impartiality?

23. Would you base your decision solely on the evidence presented in this case and on the law as the judge gives it to you?

24. Is there anything we should know about that you feel may affect your ability to be a fair and impartial juror?

DATED this 22 day of July, 2005.

MUSGROVE, DRETZ & KACK, P.C.

By 
Mark W. Drutz
Jeffrey R. Adams
Sharon Sargent-Flack
Attorneys for Defendants

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COPY of the foregoing mailed
this 22 day of July, 2005, to:

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

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