

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

<p>JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; BECKY NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>DONALD COX and CATHERINE COX, husband and wife,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. CV2003-0399</p> <p>UNDER ADVISEMENT RULING</p>	<p style="text-align: center;">FILED</p> <p>DATE: <u>11/11/06</u></p> <p><u>1</u> O'Clock <u>P</u>.M.</p> <p style="text-align: center;">JEANNE HICKS, CLERK SHEETAL PATEL</p> <p>BY: _____ Deputy</p>
---	---	---

<p>HONORABLE DAVID L. MACKEY</p> <p>DIVISION 1</p>	<p>BY: Cheryl Wagster Judicial Assistant</p> <p>DATE: January 10, 2006</p>
--	--

The Court took the Defendant's request for an award of attorney's fees under advisement after the hearing on November 23, 2005. The Court has now fully considered the matter.

The Court finds that pursuant to A.R.S. §12-341.01 the Defendants are entitled to an award of reasonable attorneys' fees against the Plaintiffs, jointly and severally, in the amount of \$60,560.75 that consists of an award of \$57,425.75 for attorneys' fees incurred with Musgrove, Drutz and Kack, P.C. and an award of \$3,135.00 for attorney's fees incurred with Michael A. Bourke.

IT IS ORDERED awarding the Defendants judgment against the Plaintiffs, jointly and severally, for attorneys' fees in the amount of \$60,560.75 and costs in the amount of \$4,235.74.

The Defendants shall lodge a form of Judgment consistent with this Ruling and the Court's instructions at the November 23, 2005 hearing.

cc: David K. Wilhelmsen/Marguerite Kirk – Favour Moore & Wilhelmsen, P.O. Box 1391,
Prescott, AZ 86302
Mark W. Drutz/Jeffrey Adams/Sharon Sargent-Flack – Musgrove, Drutz & Kack,
1135 Iron Springs Road, Prescott, AZ 86302

JAN 11 2006