



ANN A. SCOTT TIMMER
CHIEF JUDGE

PATRICK IRVINE
VICE CHIEF JUDGE

SHELDON H. WEISBERG
JON W. THOMPSON
PHILIP HALL
JOHN C. GEMMILL
DANIEL A. BARKER
LAWRENCE F. WINTHROP
MAURICE PORTLEY
DONN KESSLER
PATRICIA K. NORRIS
PATRICIA A. OROZCO
DIANE M. JOHNSEN
MICHAEL J. BROWN
MARGARET H. DOWNIE
PETER B. SWANN
JUDGES

Court of Appeals

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

PHILIP G. URRY
CLERK OF THE COURT

RUTH A. WILLINGHAM
CHIEF DEPUTY

(602) 542-4821

April 6, 2009

4:00 FILED O'Clock, P M

APR 09 2009

BY JEANNE HICKS, CLERK
Deputy

Jeanne Hicks, Clerk
Yavapai County Superior Court
Yavapai County Courthouse
120 S Cortez St No 300
Prescott AZ 86301-3868

Dear Ms. Hicks:

RE: 1 CA-SA 08-0241

CUNDIFF v. HON MACKEY/COX

Yavapai County Superior Court
CV 2003-0399

The following are enclosed in the above entitled and numbered cause:

Certified Copy of ORDER declining jurisdiction.

There are no records to be returned.

PHILIP G. URRY, CLERK

By 97
Deputy Clerk

Enclosures (as noted)

c:
David K Wilhelmsen
Marguerite A Kirk
Jeffrey R Adams
Hon David L Mackey, Judge

FILED

NOV 06 2008

PHILIP G. UBBY, CLERK
By

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

JOHN B. CUNDIFF and BARBARA C.)	No. 1 CA-SA 08-0241
CUNDIFF, husband and wife; BECKY)	
J. NASH, a married woman dealing)	DEPARTMENT A
with her separate property;)	
KENNETH PAGE and KATHRYN PAGE,)	Yavapai County
as Trustee of the Kenneth Page)	Superior Court
and Catherine Page Trust,)	No. CV 2003-0399
)	
Petitioners,)	O R D E R

v.

THE HONORABLE DAVID L. MACKEY,)
Judge of the SUPERIOR COURT OF)
THE STATE OF ARIZONA, in and for)
the County of YAVAPAI,)

Respondent Judge,


DONALD COX and CATHERINE COX,)
husband and wife,)

Real Parties in Interest.)

The court, Presiding Judge Michael J. Brown and Judges Daniel A. Barker and Margaret H. Downie, has considered the petition for special action filed by Petitioners John B. Cundiff, et al. After consideration,

IT IS ORDERED that the court declines to accept jurisdiction of the special action.

DATED this 5th day of November, 2008.


MICHAEL J. BROWN, Presiding Judge

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1 CA-SA 08-0241

Yavapai County Superior Court
CV 2003-0399

A true copy of the foregoing
was mailed November 6, 2008 to:

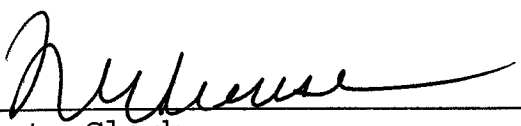
David K Wilhelmsen
Favour Moore & Wilhelmsen PA
1580 Plaza West
PO Box 1391
Prescott AZ 86302-1391

Marguerite A Kirk
Favour Moore & Wilhelmsen PA
1580 Plaza West
PO Box 1391
Prescott AZ 86302-1391
Attorneys for: Petitioners

Jeffrey R Adams
Adams & Mull PLLC
211 East Sheldon Street
Prescott AZ 86301
Attorney for: Real Parties in Interest

Hon David L Mackey
Judge, Civil Presiding Judge
Yavapai County Superior Court
Yavapai County Courthouse
120 S Cortez St No 300
Prescott AZ 86303 USA

Philip G Urry, Clerk
By


Deputy Clerk

The foregoing instrument is a full, true and correct copy of
the original on file in this office.

ATTEST 4-6-09
PHILIP G. URRY, C
Court of Appeals, State of Arizona
Division One
By 97