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BY: \_\_\_\_\_

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Attorney for the Verde Ditch Company

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

**IN AND FOR THE COUNTY OF YAVAPAI**

**GEORGE W. HANCE, et al.,**

**Plaintiffs,**

vs.

**WALES ARNOLD, et ux., et al.,**

**Defendants.**

) No. CV 4772

) Division 1

) PETITION REQUESTING COURT  
) APPROVAL OF COMMISSIONERS'  
) RECOMMENDATIONS TO AMEND  
) SPECIAL ASSESSMENT FOR 2009

) (Ex Parte)

**In the matter of THE VERDE DITCH  
COMPANY,**

John Teague, John Reddell, Dugan McDonald, Albert Dupuy, Jr. and Vernon Hilbers, the Verde Ditch Commissioners, through undersigned counsel, respectfully request that the Court adopt the Commissioners' recommendation that the Special Adjudication Assessment for calendar year 2009 be reduced to twenty five dollars (\$25.00) per share.

The Verde Ditch Commissioners further request that the Court direct that the reduced Special Assessment for 2009 shall be due May 1, 2009.

The Special Adjudication Assessment was collected for the first year and held in abeyance for the second year, pursuant to this Court's Order. Currently, there remains approximately

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\$40,000.00 of the previously collected Special Assessment remaining in the Special Assessment account. The current projections for continuing work by the Verde Ditch Company within the scope of the Adjudication indicate that the currently available funds may be expended by August or September, 2009, and that the Special Assessment would, therefore, require replenishment before the next annual meeting in October, 2009. Given the overall economic situation, the Commissioners believe that a reduced 2009 Special Assessment should be sufficient to provide for the continuing compilation of documents and supporting data. It is believed that the combined and compiled data will be ready to be presented to the shareholders around the end of 2009. The Commissioners further believe that collection of the 2009 Special Assessment can be delayed to May 1, 2009.

Before the October, 2009 annual shareholders meeting, the Commissioners will review all of the finances and prepare a report to the Court for consideration for future Special Assessments.

RESPECTFULLY SUBMITTED this  day of November, 2008.

**L. RICHARD MABERY, P.C.**

By 

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