

FILED
BY: nl
2018 JUN 18 AM 11:06
VELYN TINNELL
SUPERIOR COURT CLERK

1 Nancy Knight
2 1803 E. Lipan Cir.
3 Fort Mohave, AZ 86426
4 Telephone: (951) 837-1617
5 nancy@thebugle.com

6 Plaintiff Pro Per

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 NANCY KNIGHT,

10 Plaintiff,

11 and

12 GLEN LUDWIG and PEARL LUDWIG,
13 ~~Trustees of THE LUDWIG FAMILY TRUST;~~
14 FAIRWAY CONSTRUCTORS, INC.;;
15 MEHDI AZARMI; JAMES B. ROBERTS and
16 DONNA M. ROBERTS, husband and wife;
17 JOHN DOES 1-10; JANE DOES 1-10; ABC
18 CORPORATIONS 1-10; and XYZ
19 PARTNERSHIPS 1-10.

20 Defendants.

Case No.: CV 2018-04003

**PLAINTIFF'S MOTION TO COMPEL
ANSWER TO COMPLAINT FOR
TRACT 4076-B**

**Division II
Honorable Derek Carlisle**

21 Pursuant to Arizona Rules of Civil Procedure an Answer to the Plaintiff's
22 Complaint needs to be filed by the Defendants Ludwig et al.

23 Oral Arguments in a Summary Judgment were heard on April 2, 2018 and the
24 Court did not dismiss the Complaint for Tract 4076B where the Plaintiff owns property.

25 The Court also did not respond to the Plaintiff's question regarding an Answer and
26 Disclosures for Count 2 when the Court ruled that Count 2 was not dismissed and that the
27 Plaintiff did have standing for Tract 4076B.
28



1 In the absence of the Answer, Discovery and Disclosures, and a Joint Report the
2 Court has apparently surmised that the Plaintiff sought relief for other property owners
3 and not herself. This is not the case.
4

5 The Complaint cites violations of Desert Lakes CC&Rs (signage on unimproved
6 lots) and attempted violations for setback reductions. Both of which have occurred in
7 Tract 4076B where the Plaintiff owns two adjacent lots.
8

9 Had the Defendants filed an Answer after the Court ruling regarding the Plaintiff's
10 standing for Tract 4076B, the Plaintiff would have had the opportunity to submit her
11 Disclosures and her description of the case in a Joint Report. The Joint Report would
12 have specified the risk that the Defendant's actions had placed on the Plaintiff.
13

14 The Plaintiff, upon receipt of Mohave County packet in support of the Defendant's
15 efforts to reduce setbacks in her Tract 4076B, did analyze her lot and needs. Mohave
16 County Planner Holtry responded favorably on July 18, 2016 that if she were to opt-in for
17 the reduced setback there were options for a second detached RV garage or expansion of
18 her existing garage. On July 20, 2016 Mr. Holtry responded that if she did opt-in a sign
19 would be posted in her front yard. **Exhibit of email correspondence.**
20
21

22 While it was the opinion of the County Attorney that the County was not a party to
23 the CC&Rs therefore Development Services could do as they wished, taking advantage
24 of the offer would have put the Plaintiff at risk of a law suit for the CC&R violation of a
25 reduced setback and construction of an RV garage within that reduced setback. This was
26 potentially a very expensive risk that the Plaintiff could not take. The Plaintiff pointed
27 this out on page 11 of her original Complaint "plus the lack of full-disclosure of the legal
28

1 risk for property owners who unknowingly took advantage of the setback reduction”.

2 That legal risk included her own.

3
4 The Plaintiff, in her due diligence of the impact of taking advantage of the County
5 offer, brought the matter of the CC&Rs to the Board of Supervisors on October 3, 2016.
6 She cited that the offer for the reduced setbacks lacked full disclosure of the risk of law
7 suits for property owners who took advantage of the reduced setbacks and three
8 Honorable Supervisors agreed and voted to Deny the reduced setbacks.

9
10 This egregious act of the Defendants for their self-serving motive of a larger
11 building footprint, as a major developer in the Desert Lakes community, put the Plaintiff
12 at risk had she not been diligent in a full evaluation of the impact the Defendant’s
13 proposed and fought for BOS Resolutions had on her plans for an RV garage.

14
15 This Motion to Compel an Answer and move forward with this matter to resolve
16 the Complaint for All Counts, including Count 2, is supported by the Exhibit of emails
17 between Scott Holtry and Nancy Knight dated July 2016 and the language of the original
18 Complaint regarding **all counts** and not to be limited to injunctions.

19
20
21 Other exhibits that have already been submitted to the Court or are available for
22 viewing by the Court in videos of County proceedings include: William and Nancy
23 Knight as property owners receiving the County packet (as found in the Plaintiff’s
24 Exhibit of her sorted Excel spreadsheet). Nancy Knight’s presentation before the Board
25 of Supervisors as cited in the minutes of the BOS meeting on October 3, 2016. Mr.
26 Azarmi being identified as the proponent of the reduced setbacks by his fellow Planning
27 Commissioner Abbott in the online video of the Planning Commission meeting where the
28

1 vote was unanimous to approve Mr. Azarmi's fought for setback reductions. Mr. Azarmi
2 being identified by the Director of Development Services as the single proponent of the
3 reduced setbacks for which the County accommodated the request at a cost of \$12,500 in
4 taxpayer dollars. And more...

5
6
7 RESPECTFULLY SUBMITTED this 18th day of June, 2018

8
9 
10 Nancy Knight
11 Plaintiff Pro Per

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 The Court entered the following Order on the 11th day of June, 2018: The Plaintiff
14 has standing to prosecute this action as an owner of land in Tract 4163 which is a
15 subdivision of a parcel of land originally within Tract 4076B and therefore is an **owner**
16 **of land** in Tract 4076B, and pursuant to Tract 4076B's CC&Rs as an owner of person
17 owning property is authorized to bring an action to enforce the CC&Rs governing Tract
18 4076B as complained of in Count 2 of the Plaintiff's Complaint.
19
20

21 The original Complaint stands for **All Counts** as they relate to Tract 4076B. As
22 cited on page 3 paragraph 10 "For each count included in this Complaint, Plaintiff
23 incorporates all other allegations and averments contained in this Complaint as though
24 fully included and restated herein. **COUNT ONE - VIOLATIONS OF COVENANTS,**
25 **CONDITIONS AND RESTRICTIONS, COUNT TWO INJUNCTIVE RELIEF**
26
27
28

1 paragraph 1 - Plaintiff incorporates herein by reference all allegations of Count One of
2 this Complaint as though fully set forth herein.
3

4 The Court denied the Plaintiff's Amended Complaint which contained all aspects
5 of the original complaint with the exception of the removal of Mr. and Mrs. Roberts as
6 Defendants and the additional evidence of the taxpayer dollars expended for the benefit
7 of the Defendants Ludwig et al. For the Answer, Corrupt use of taxpayer dollars,
8 including her own, is accepted as not within the purview of the Plaintiff for the request of
9 the Court that the Defendants reimburse the General Fund for these monies. The Roberts
10 have been stricken as Defendants.
11

12 A hearing pursuant to ARCP 65(a) regarding the limited scope of injunctions
13 would not resolve the matter of the existing violations of signage on unimproved lots in
14 Tract 4076B, nor the attempted violations of setbacks that placed the Plaintiff at risk of
15 severe financial hardship, nor any continuing construction of new home(s) in violation of
16 the CC&Rs in Tract 4076B.
17

18 Thus, based on the foregoing, Plaintiff respectfully requests this Court to grant the
19 Plaintiff's Motion to Compel an Answer and subsequent proceedings to resolve the entire
20 matter set forth in the original Complaint within the Plaintiff's Tract 4076B.
21

22 RESPECTFULLY SUBMITTED this 18th day of June, 2018
23

24
25 
26 Nancy Knight
27 Plaintiff Pro Per
28

1 Copy of the foregoing was hand delivered
2 on June 18, 2018 to:

3 The Law Office of Daniel Oehler
4 2001 Highway 95, Suite 15
5 Bullhead City, Arizona 86442
6 Attorney for the Defendants
7 djolaw@frontiernet.net
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EXHIBIT (2 pages of emails)

nancyknight

From: "Scott Holtry" <Scott.Holtry@mohavecounty.us>
Date: Monday, July 18, 2016 8:23 AM
To: "Nancy Knight" <nancyknight@frontier.com>
Cc: "Christine Ballard" <Christine.Ballard@mohavecounty.us>
Subject: RE: Desert Lakes Setback Reduction

Nancy,

Looking at the aerial photo of your property it looks like there could possibly be space for a second detached garage on the southeast side of the property. The change in setbacks, if you decide to opt-in and if approved, would also give you more room for the second garage. Expanding the existing garage would also be an option. In both cases we would have to make sure that you stay within the approved setbacks and that you don't exceed 60% of lot coverage. Having a larger lot helps with staying under 60% of lot coverage. Going off the aerial photo it looks like you are at about 30% right now. Let me know if you have any further question.

Thanks

Scott Holtry

Planner II
Mohave County Development Services
Phone: 928-757-0903 Fax: 928-757-0936
1250 E Kino Ave, Kingman, AZ 86409
scott.holtry@mohavecounty.us

From: Nancy Knight [mailto:nancyknight@frontier.com]
Sent: Saturday, July 16, 2016 5:58 AM
To: Scott Holtry <Scott.Holtry@mohavecounty.us>
Subject: Desert Lakes Setback Reduction

Dear Mr. Holtry,
As a Planner, I hope you can answer my question.

I have analyzed my lot and needs and see that if I were to sign up for the proposed setback reduction then I would have space in the front yard for an second detached garage. I have an existing three car garage attached to my home. My question is - would I be able to add an additional detached two car garage, RV suitable in height and depth. I do have a double lot so that may come into consideration for a decision for an allowable second and detached garage permit.

My other possible option, if it were permitted, would be to increase the depth of my existing garage although the roofing would be more complicated.

I look forward to your reply as the Waiver, which I do not completely understand as to how any additional building on my property would diminish its value, is due soon.

Nancy Knight
1803 E. Lipan Circle
Fort Mohave, AZ

nancyknight

From: "Scott Holtry" <Scott.Holtry@mohavecounty.us>
Date: Wednesday, July 20, 2016 11:20 AM
To: "Nancy Knight" <nancyknight@frontier.com>
Subject: RE: Desert Lakes Golf Course and Estates Setbacks

The signs are 11in x 17in.

From: Nancy Knight [mailto:nancyknight@frontier.com]
Sent: Wednesday, July 20, 2016 10:28 AM
To: Scott Holtry <Scott.Holtry@mohavecounty.us>
Subject: Re: Desert Lakes Golf Course and Estates Setbacks

Sorry to trouble you again but How big is the sign?

From: Scott Holtry
Sent: Wednesday, July 20, 2016 8:24 AM
To: Nancy Knight
Cc: Nick Hont ; Christine Ballard
Subject: RE: Desert Lakes Golf Course and Estates Setbacks

Nancy,

Yes. Any property owner that chooses to opt-in has to have a Zoning Notice sign placed on the property and their parcel number will be included in the blurb that we send to the newspaper. Individual addresses will not be posted.

Thanks

Scott Holtry

Planner II
 Mohave County Development Services
 Phone: 928-757-0903 Fax: 928-757-0936
 3250 E Kino Ave, Kingman, AZ 86409
scott.holtry@mohavecounty.us

From: Nancy Knight [mailto:nancyknight@frontier.com]
Sent: Tuesday, July 19, 2016 8:31 PM
To: Scott Holtry <Scott.Holtry@mohavecounty.us>
Subject: Re: Desert Lakes Golf Course and Estates Setbacks

Thank you Scott for the additional info.

Do you mean you will put a sign in my yard to notice my neighbors and also publish my address in the newspaper?

Nancy

From: Scott Holtry
Sent: Tuesday, July 19, 2016 5:04 PM
To: Nancy Knight
Cc: Nick Hont ; Christine Ballard