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FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

BY: AT

IN AND FOR THE COUNTY OF MOHAVE

2019 NOV 22 PM 2:41

HONORABLE LEE F. JANTZEN
DIVISION 4
DATE: NOVEMBER 22, 2019

VIRLYNN TINNELL
SUPERIOR COURT CLERK DL

COURT ORDER/NOTICE/RULING

NANCY KNIGHT,
Plaintiff,

vs.

CV-2018-04003

GLEN LUDWIG, et al., et ux.,
Defendants.

The Court has received emails from the Plaintiff in this case. The Court cannot respond to emails.

The Court has also received a Motion for Clarification and Reconsideration filed November 12, 2019 by the Plaintiff and a Motion to Exceed Page Limitation filed November 12, 2019 by Counsel for the Defendants.

Although the Defendant does not have to reply to a Motion for Reconsideration unless directed by the Court, the Defendant does have the right to respond to a Motion for Clarification.

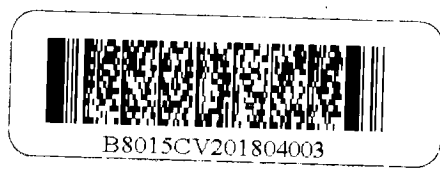
The Court is concerned with any errors made in the previous ruling and will address any errors and the Motion to Exceed Page Limitation when addressing the parties together during the hearing.

IT IS ORDERED affirming the **Status Conference set on Wednesday, December 4, 2019 at 3:30 p.m.** Parties may appear by phone by calling (928)753-0785 at the time of the hearing.

The Court takes no further action.

cc:

Nancy Knight
Plaintiff



Daniel J Oehler
Attorney for Defendants

Virlynn Tinnell
Clerk of Superior Court

Honorable Lee F Jantzen
Division 4

Lecher, Danielle

From: Lecher, Danielle
Sent: Tuesday, November 05, 2019 7:56 AM
To: nancyknight
Cc: Tinnell, Virlynn; djolaw@frontiernet.net
Subject: RE: KNIGHT V LUDWIG CV-2018-04003

Good morning Ms. Knight.

I have received your previous email. I will not be correcting any errors until the Judge says to do so. I have given him your email and the attached minute order.

Thank you.

*Danielle Lecher
Judicial Assistant for
The Honorable Lee F. Jantzen
Division 4
Mohave County Superior Court*

From: nancyknight <nancyknight@frontier.com>
Sent: Tuesday, November 05, 2019 7:27 AM
To: Lecher, Danielle <DLecher@courts.az.gov>
Cc: Tinnell, Virlynn <VTinnell@courts.az.gov>; djolaw@frontiernet.net
Subject: Fw: KNIGHT V LUDWIG CV-2018-04003

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danielle,
Please confirm that you received the following email that was sent to you and Mr. Oehler on Nov. 1, 2019. Ms. Tinnell was also copied.
If the Court needs another motion for clarification of logic used in denials, I can do that.
Thank you for at least correcting the errors ASAP. I have a consult with an attorney tomorrow.
Nancy

From: nancyknight
Sent: Friday, November 01, 2019 7:09 PM
To: Lecher, Danielle ; djolaw@frontiernet.net
Cc: VTinnell@courts.az.gov
Subject: Re: KNIGHT V LUDWIG CV-2018-04003

Dear Danielle,
There are some errors in the Court Order/Notice/Ruling (see attached).
Plaintiff has not filed five Motions to Amend the Complaint – she has filed only two.

Motions to Amend Complaints must have an attached Amended Complaint with strikeouts and underscores. Please correct the errors I have emboldened below:

My first Motion to Amend the Complaint was on October 22, 2018 with an attached proposed Amended Complaint in an effort to abide in the Court ruling for only prosecution rights to Tract 4076B.

First line of Notice/Ruling has two errors. This is not about the Plaintiff's **Fifth** Motion for Leave to Amend the Complaint. **Also the date cited is incorrect.** Plaintiff did not file an Amended Complaint on July 2, 2019. It appears someone took the words of Mr. Oehler on his July 2, 2019 objection to my June 19, 2019 filing. By the way, is the 10 day rule for filing responses to motions, ten calendar days regardless of holidays or weekends?

On June 19, 2019, I filed my second and last Leave to Amend the Complaint. The attached proposed Amended Complaint was for only Tract 4076B with strikeouts for any reference to Tract 4076A violations. On the upside, I thank the Court for denying this Amended Complaint because it was partly based on erroneous information from Mohave County Development Services that had sent me a Sharpie Pen outlined map of the Desert Lakes Tract 4076 boundary with inclusion of Fairway Estates inside the boundary. As a matter of law, and just as a reminder, the Arizona Constitution cites rulings are to be completed within 60 days. This one is a bit late.

For the record, in 2018, Mr. Oehler made a similar mistake when he filed an Objection to a non-existent Amended Complaint. Even the Court wrote that he didn't know why Mr. Oehler thought the June 20, 2018 filing was a Motion to Amend the Complaint. It was actually a Motion to Alter or Amend Court Orders 3 and 4.

Reconsideration of Dismissal of Count One based on new evidence is not a Motion to Amend the Complaint. The first was filed on April 26, 2019, additional evidence was filed on August 27, 2019, and the third was filed on October 18, 2019 based on the Court asking, during our Wednesday, October 16 Status Conference, for any additional evidence to be filed by Friday. This last one was only eleven (11) pages in length. Please differentiate the Motion of 11 pages from the exhibits of 54 pages.

Plaintiff respectfully seeks the court's findings of fact and for the Court to state conclusions on which his ruling was based on the above point. The same logic that existed in early 2018 does not conform to the preponderance of evidence that has been provided to the Court between April 2019 and October 18, 2019 that Desert Lakes Golf Course and Estates is indeed One Subdivision. The tracts, also known as Phases of development, are not separate subdivisions as the Hon. Judge Gordon assumed to be true based on his perception of the limited evidence he had before him over a year prior.

Reconsideration of a Declaratory Judgment was filed on September 27, 2019 based on real estate signage law with evidence from the Arizona Department of Real Estate (ADRE).

Plaintiff also seeks clarification on this denial. The issue of law cited by the Hon. Judge Gordon was in reference to statutes 33-1808, 33-440, 33-441, and 33-1261 regarding "for sale" signs. The Defendant's signs are not "for sale" signs therefore these statutes do not apply here. The ADRE confirmed these signs are business signs for "build to suit" development services. The same logic does not exist today as it did prior to the investigation by the ADRE. The ADRE provided the evidence of fact.

Thank you in advance for the corrections and any clarification that can be provided on the two Motions for Reconsideration denials.

Respectfully,
Nancy Knight

From: Lecher, Danielle

Sent: Wednesday, October 30, 2019 3:46 PM

To: nancyknight ; djolaw@frontiernet.net

Subject: KNIGHT V LUDWIG CV-2018-04003

Lecher, Danielle

From: nancyknight <nancyknight@frontier.com>
Sent: Friday, November 22, 2019 9:43 AM
To: Tinnell, Virlynn
Cc: Lecher, Danielle; djolaw@frontiernet.net
Subject: Corrections for Court Order Rulings dated October 30, 2019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Clerk of the Court,
You once intervened to make corrections on behalf of myself in another case regarding language in a Court Order regarding the issue of "no fraud" that needed to be stricken from the record as it was never raised during mediation by the Hon. Judge Gurtler. CV 2016-04026

I am hoping you can assist the Court with a few corrections that were perpetrated by Attorney Oehler that has even confused me in my correspondence for corrections sent to Daniel Lecher in which she replied "Good morning Ms. Knight. I have received your previous email. I will not be correcting any errors until the Judge says to do so. I have given him your email and the attached minute order. Thank you."

It has been a long time with no response from the Judge. I understand even I made a mistake in my correspondence at that time. I have pasted below copy from the Court Order with the Corrections that should be accurate upon another review of my filings. In my emboldened Correction requests, I have underscored and enclosed in quotes the language that is requested of consideration and may be approved by the current Court.

Nancy Knight

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

HONORABLE LEE F. JANTZEN

DIVISION 4

DATE: OCTOBER 30, 2019

***DL**

COURT ORDER/NOTICE/RULING

NANCY KNIGHT,

Plaintiff,

vs.

GLEN LUDWIG, et al., et ux.,

Defendants.

CV-2018-04003

This matter comes before the Court on Plaintiff's Fifth Motion for Leave to Amend the Complaint filed July 2, 2019.

Correction 1 for the Clerk of the Court's Consideration: Please expedite correction of the above error that should have read "This matter comes before the Court on Plaintiff's Motion for Leave to Amend the Complaint filed on June 19, 2019."

Note to the Court: Mr. Oehler, changed the title of his response to read as a "Fifth Motion for Leave to Amend the Complaint" that Mr. Oehler filed on July 2, 2019. Mr. Oehler appears to be deliberately misleading and confusing the Court and the Plaintiff with damaging language that is not accurate.

The Court has reviewed the motion, the Defendants' response in objection to the motion and the Plaintiff's reply to the objections.

The Court has also had to do a complete review of this file. As the parties know prior to being assigned to this Court, this file belonged to different judges in the Superior Court who had made multiple rulings. While this current ruling on the motion for leave to amend has been under advisement, the Plaintiff has filed two different Motions for Reconsideration (and one amended) of the previous rulings. This included a Motion for Reconsideration of Dismissal of Count One filed on August 27, 2019, a Motion for Reconsideration of Declaratory Judgment on Signage filed September 27, 2019, and, most recently, on October 18, 2019, a 65-page Amended Motion for Reconsideration of Count One.

Correction 2 for the Clerk of the Court's Consideration

If the Court please, Plaintiff requests the above language in the last sentence to read, "and, most recently as requested by the Court to submit any new evidence by Friday as stated by the Court during the October 16, 2019 Status Conference, Plaintiff filed an Amended Motion for Reconsideration of Dismissal of Count One on October 18, 2019 that included approximately 54 pages of new evidence with her 11 page motion."

The Court finds these pleadings are all intertwined, and the Court could not proceed with ruling on the original Fifth Motion for Leave to Amend the Complaint filed July 2, 2019 until reviewing all of the documents.

Correction 3 for the Clerk of the Court's Consideration regarding the above sentence: "The Court finds these pleadings are all intertwined, and the Court could not proceed with ruling on the Motion for Leave to Amend the Complaint filed June 19, 2019 until reviewing all of the documents."

The Court has reviewed those pleadings. The Court has reviewed all of the prior rulings in this matter. The Court has also reviewed the applicable case law, rules, statutes and argument of counsel.

Defense argues in the objection to the motion for leave to amend that it is simply an attempt to have the Court reconsider the Court's previous rulings. This Court agrees and finds the same logic applies to the current motion for leave to amend as applied to the previous motions for leave to amend and to the motions for reconsideration that have already been denied.

Correction 4 for the Clerk of the Court's Consideration regarding the above portion of the paragraph:

Defense argues in the objection to the motion for leave to amend that it is simply an attempt to have the Court reconsider the Court's previous rulings. "This Court disagrees as this Motion to Amend is for adjudicated rights to amend for Tract 4076-B only with new evidence regarding a separate subdivision "Fairway Estates" and is the Plaintiff's second attempt to Amend for Tract 4076-B only" and finds the same logic applies to the current motion for leave to amend as applied to the previous motion for leave to amend and to the motions for reconsideration that have already been denied."

IT IS ORDERED denying Plaintiff's second Motion for Leave to Amend the

Complaint.

The Court specifically finds the previous rulings in this case to be appropriate and on point with regard to the ability of the Plaintiff to enforce the CC&R's. Plaintiff has the right under the terms of the CC&R's to sue the homeowners in Tract 4076B and nothing more. The Plaintiff has the right to move forward with the lawsuit as it affects Tract 4076B. Attempting to include additional subdivisions is inappropriate, and nothing in the new pleadings changes the Court's opinion on the previous rulings..

The Court declines to order attorney's fees at this time.

Furthermore, based on the same logic above and considering all of the new arguments and allegations in Plaintiff's pleadings,

IT IS ORDERED denying Plaintiff's Motion for Reconsideration of Dismissal of Count One filed on August 27, 2019 and Plaintiff's Amended Motion for Reconsideration of Count One filed on October 18, 2019.

IT IS FURTHER ORDERED denying Plaintiff's Motion for Reconsideration of Declaratory Judgment on Signage filed September 27, 2019. Nothing in Plaintiff's motion changes the logic of the original finding by Judge Gordon on June 13, 2019. These are a question of law and fact and should not and will not be ruled on in a Declaratory Judgment.

This case needs to move forward.

IT IS ORDERED setting this matter for **Status Conference to discuss scheduling a trial on Wednesday, December 4, 2019 at 3:30 p.m.** Parties may appear by phone by calling (928)753-0785 at the time of the hearing.

cc:

Nancy Knight*

Plaintiff

Daniel J Oehler*

Attorney for Defendants

Honorable Lee F Jantzen

Division 4