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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

9 NANCY KNIGHT, NO.: CV-2018-04003 10 Plaintiff, RESPONSE TO MOTION FOR CLARIFICATION 11 VS. GLEN LUDWIG and PEARL LUDWIG, Trustees 12 of THE LUDWIG FAMILY TRUST; FAIRWAY CONSTRUCTORS, INC.; MEHDI AZARMI; 13 JAMES B. ROBERTS and DONNA M. ROBERTS, husband and wife; JOHN DOES 1-10: 14 JANE DOES 1-10; ABC CORPORATIONS 1-10; and XYZ PARTNERSHIPS 1-10. 15 16 Defendants.

Defendants are in receipt of the following: (1) Plaintiff's filing under date of November 12, 2019; and (2) this Court's minute entry dated November 22, 2019, that addresses filing No. 1, above, and in light of the Court's entry on November 22, 2019, Defendants respond as hereinafter set forth.

The "clarification" that Plaintiff seems to seek at "best guess" of the undersigned is the legal reasoning of why all of the multiple motions and the 100s of document pages that Plaintiff has filed with the Court subsequent to the June 11, 2018, finding and ruling of the Carlisle Court have failed to overturn the Carlisle order. The existing court order found that Desert Lakes Golf Course and Estates subdivision Tract 4076-B is a separate and single subdivision and Plaintiff, not being an owner of a parcel or lot in Desert Lakes Golf Course and Estates Tract 4076-A has no standing to litigate in this action an alleged or multiple

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alleged covenant violations concerning any subdivisions where Plaintiff is not an owner other than Tract 4076-B and derivatives thereof such as Tract 4163 where Plaintiff resides.

It appears from Plaintiff's most recent motions including Plaintiff's "clarification/reconsideration" Motion of November 12, 2019, that Plaintiff continues to erroneously believe that the preparation (and therefore the mere existence) of a "preliminary plat" in the ordinary course of the development of a parcel of land, in and of itself, somehow becomes a legal subdivision. Plaintiff has submitted a "preliminary plat" of Tract 4076 to the Court and suggests that all lands therein included are a single final platted subdivision. How do you clarify a wrong/incorrect and misdirected premise and conclusion? The facts are clear, there is no subdivision known as Desert Lakes Golf Course and Estates Tract 4076 located in Mohave County, Arizona! (See Exhibit E, Mohave County Assessor Subdivision Maps Search Results for "Desert Lakes.") A preliminary plat is not a legal subdivision. A preliminary plat is not a recorded subdivision. A preliminary plat is simply a working tool of the landowner-developer and the city or county that has jurisdiction over land divisions. A preliminary plat is simply one of many preliminary steps in the process of preparing to subdivide. A preliminary plat is a design tool for planning – nothing more. Preliminary plats are regularly and systematically cut up into multiple separate and distinct individual stand alone or "phased" individual subdivisions. A preliminary plat is often times developed in a series of "phases" each of which are often times, as with Desert Lakes Golf Course and Estates, developed as multiple independent and complete stand alone subdivisions. A preliminary plat has no legal, official, recorded lot or parcel efficacy.

For clarification, it is helpful to provide definitions of the various terms that are used in Plaintiff's clarification Motion and this responsive memorandum. Hence, from the "Mohave County Land Division Regulations," Chapter 2, p. 12, as they exist today, the following are the definitions therein contained that are germane to Plaintiff's Motion and this the Defendants' Response. The subject definitions are presented generally in order of the sequence of the development progression of a typical subdivision in Mohave County where the land is under the jurisdiction of Mohave County, Arizona:

- 1. <u>Preliminary Plat</u>: A map design, including supporting data, drawn to show the development of six (6) or more lots or parcels to create a subdivision and as prepared in accordance with these regulations."
- 2. <u>Phase</u>: A portion of a subdivision process as a separate Final Plat from the rest of the subdivision. The portion is <u>independent of the rest of the subdivision and stands as a complete subdivision on its own, without being dependent on later development."</u>
- 3. <u>Phasing Plan</u>: A map layout and narrative describing a development progression for a proposed subdivision in <u>separate parts</u>, for <u>which each part will become an independent subdivision</u>, or will be combined with previous recorded phases."
- 4. <u>Final Plat</u>: A map of long-term reproducible material, <u>describing</u> the <u>subdivision development</u> of six (6) or more lots or parcels, prepared in accordance with these regulations and recorded in the office of the County Recorder, after approval by the Board of Supervisors. (Emphasis supplied.)

At the outset then and having clarified the primary terms at issue, we review the exhibits submitted with the Motion and appended thereto in support of Plaintiff's Motion:

- Exhibit 1: A. A copy of a "preliminary plat" of what appears to be one of the "preliminary plats" prepared for the land mass involved in the Desert Lakes Golf Course and Estates area (note: please see an enlargement of Plaintiff's preliminary map to readable size reflecting the clear stamp reading "Preliminary Map" in the lower right hand corner attached hereto and marked **Exhibit A-1 and A-2**).
- B. The "Final" recorded plat for the A Tract subdivision which is a small portion of the preliminary plat in paragraph A, above. The "Final Plat" includes the specific description of the part of the "Preliminary Plat" that is incorporated in the Final Plat and further specifically describes each and every lot, and each and every parcel. The Final Plat shows when it was recorded and where it is recorded in the records of the Mohave County Recorder, namely, at Fee No. 89-26061 (see enlargement attached hereto and marked **Exhibit B-1 and B-2**).
- C. Plaintiff's provided copy of the CC&Rs specifically stating "for Desert Lakes Golf Course and Estates Tract 4076-A" and further identifying this tract as being recorded at "Mohave County Recorder Fee No. 89-26061." This document does <u>not</u> refer therein to any non recorded "preliminary plat" nor any lands other than those in the

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designated Tract 4076-A (see enlargement attached hereto and marked **Exhibit C**).

Exhibit 2. Plaintiff's Exhibit 2 is for a fully irrelevant subdivision that is not the subject matter of Plaintiff's Complaint as originally filed nor as is now modified by the prior ruling of the Court and is not therefore discussed in this Response other than Plaintiff, once again, suggests that a "preliminary plat" has some sort of legal efficacy which it does not (see enlargement attached hereto as Exhibit D-1, D-2 and D-3).

Exhibit 3. Plaintiff's Exhibit 3 deals with a sign issue which for clarification purposes is briefly touched upon later in this memorandum.

With the above in mind, Defendant will attempt to walk the clouded line herein between "clarification" and the Plaintiff's repetitive requests for reconsideration.

Plaintiff captions Plaintiff's pleading as a "Motion for Clarification of Court Order/Notice/Ruling and Reconsideration of Ruling dated October 30, 2019."

As indicated by the Court on November 22, 2019, Defendants may file a response to a normal request that the Court clarify a prior ruling. The reality of the matter is that Plaintiff's Motion, although using the word "clarification" in the caption of the pleading, appears more like a motion asking the Court to tell the Plaintiff why Plaintiff's pleadings have been unsuccessful and denied by this the third Court that has been presented with Plaintiff's consistently denied requests.

Defendants are, as the Court mentioned on November 22, 2019, specifically prohibited from filing a response to this latest pleading under ARCP Rule 7.1(e) without receipt of specific court authorization. Plaintiff's Motion specifically states at its outset on page 1, lines 21 and 22, as follows: "In accordance with Rule 7.1(e) Motion for Reconsideration, ..."

However, given the Court's notice of November 22, 2019, regarding Plaintiff's use of the term "clarification" and the suggestion that Plaintiff's motion can be construed as two separate motions, the Defendants will attempt to briefly address the points in Plaintiff's November 12, 2019, pleading that refer to "clarification" or seem to point to "clarification."

Plaintiff uses the word "clarification" in four separate locations in Plaintiff's 11 page

Motion:

- a. p. 3, line 19.5. Here, Plaintiff states "Plaintiff sought legal counsel on November 6, 2019 who advised filing this motion for <u>clarification</u> of the Jantzen Court's ruling that denied reconsideration of dismissal of Count One based on the 'same logic' as prior courts."
- b. p. 3, line 23.5. In this instance, Plaintiff appears to be quoting Plaintiff's ghost legal advisor and uses the word "clarification" in the following sentence: "Legal counsel knows the judges involved in this case and he was of the opinion that all three, thus far assigned, have little to no real estate law experience. Attorneys need the Court's <u>clarification</u> of rulings."
- c. p. 5, line 17. Here, Plaintiff suggests that the Court should review yet additional exhibits appended to Plaintiff's Motion with which the Plaintiff might be able "to assist the Court with <u>clarification</u> of rulings and possible reconsideration of Plaintiff's rights to prosecution of the entire Tract 4076 Subdivision and with reversal of the dismissal of Count One." And, finally,
- d. p. 10, line 22. In this instance, Plaintiff uses the word to seek an opinion of the Court as to whether the Court "agrees or disagrees" with an investigator of the Arizona Department of Real Estate (ADRE) dealing with Plaintiff's complaint to ADRE about a real estate sign/owner-developer sign and ADRE's response that the sign is an issue to be decided by "the appropriate entity" namely, Mohave County, whether "the sign is a violation of county ordinance." (See Plaintiff's Exhibit 3, p. 14, with referenced exhibit attached at unnumbered p. 33.)

Defendants believe that Plaintiff's requests dealing with the word "clarification" in each of the first three instances, a, b and c, above, are requesting "clarification" for the Court's denial of Plaintiff's never ending attempts to have each successive judge that has dealt with this case reconsider Judge Carlisle's original order.

As to Plaintiff's fourth use of this term, Plaintiff is believed to simply be asking whether this Court "agrees or disagrees" with the investigator of ADRE that the sign issue

is an issue for Mohave County to determine through interpretation of Mohave County's sign ordinance. What an ADRE investigator may think is not before this Court. The Plaintiff's ability or inability to personally litigate the application or enforcement of the police powers of Mohave County, a body politic, that enacts and enforces ordinances is not before and never has been before this Court.

The sign issue before this Court is one of many CC&R provisions set forth in the CC&Rs covering Desert Lakes Golf Course and Estates Tract 4076-B where these covenants are challenged by the Defendants as being unenforceable as a result of an approximate 30 year abandonment of the covenants. The sign issue regarding the ADRE and Mohave County deals with an interpretation by Mohave County Code Enforcement as to whether any Mohave County sign ordinance is being violated. For "clarification," the ADRE position as presented in a letter to Plaintiff and attached to Plaintiff's November 12, 2019, filing is completely irrelevant to the issue of the enforceability of the 1989 CC&Rs.

Plaintiff's use of the term "clarification" in the above instances is intended in a much broader context to mean something like "clarification" as to why the court won't reconsider Judge Carlisle's ruling dated April 2, 2018, and formal findings and order dated June 11, 2018, then the answer is simple but more complex at the same time. The simple answer is that the Plaintiff is totally wrong on her apparent theory that all of the Desert Lakes Golf Course and Estates separate subdivisions separately developed over a 10-12 year period by multiple different owner/developers are really only one subdivision. The complexity deals with an attempt to clarify the process and steps in a subdividing process between a land use planner, a developer and the overseeing jurisdiction, in this case, Mohave County. It is much more of a fact procedural process than a statutory legal process where one can cite case law precedence. In this instance, we are dealing with Mohave County procedures that are substantially the same as most Arizona counties' procedures.

We must return in any event to the existing findings and orders in this case. In pertinent part, the Court's June 11, 2018, finding is:

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The Court further finds that the Plaintiff resides in 1 a subdivision known as Desert Lakes Golf Course & Estates Tract 4163 (Defendants' Motion to Dismiss Exhibit "A"); 2 3 That Tract 4163 is a resubdivision of Parcel VV and a part of abandoned Parcel KK of Desert Lakes Golf Course & Estates Tract 4076-B (Exhibit H, Defendants' Reply to 4 Response (p. 4); and Exhibits M and N to Defendant's Reply to 5 Response); That Plaintiff's ownership in Tract 4163 as an 6 original "parcel" within Tract 4076-B gives the Plaintiff ownership standing to enforce the CC&Rs for Tract 4076-B, the 7 same having been recorded in the Official Records of Mohave County in Book 1641 at Page 895, and the Tract 4076-B 8 wherein the CC&Rs authorize at paragraph 20 "any person or persons owning real property located within the subdivision" to 9 enforce the Tract 4076-B CC&Rs (Exhibit H, Defendants' Reply to Response (p. 4); and Exhibits M and N to Defendant's Reply to Response); ..." Findings and Order Dismissing Count 10 1 of Plaintiff's Complaint, 06/11/2018, p. 3. 11 12 And ruling: 13 The Plaintiff lacks standing to bring this action under Count 1 of Plaintiff's Complaint as Plaintiff is not a lot 14 owner nor does Plaintiff own any property within Tract 4076-A; That James A. Roberts and Donna M. Roberts are 15 owners of their home located in Tract 4076-A and are therefore dismissed with prejudice from this action; 16 17 That Plaintiff's claim against Defendants Glen Ludwig and Pearl Ludwig, Trustees of the Ludwig Family Trust, Mehdi Azarmi, Vice President of Fairway Constructors, Inc., 18 and Fairway Constructors, Inc., under Count 1 of Plaintiff's 19 Complaint are dismissed with prejudice; 20 That Plaintiff has standing to prosecute this action as an owner of land in Tract 4163 which is a resubdivision of a parcel of land originally within Tract 4076-B and therefore is an 21 'owner of land" in Tract 4076-B, and pursuant to Tract 4076-22 B's CC&Rs as an owner or person owning property is authorized to bring an action to enforce the CC&Rs governing Tract 4076-B as complained of in Count 2 of Plaintiff's Complaint." Findings and Order Dismissing Count 1 of 23 Plaintiff's Complaint, 06/11/2018, p. 3, 4. 24 25 Perhaps "clarification" is called for regarding the Plaintiff's possible erroneous idea that a "preliminary plat" is one and the same with a "final recorded plat" of a subdivided tract 26 27 of land. To that end, Defendants would submit herein a brief effort to further distinguish a

preliminary plat versus a final recorded subdivision plat.

Subsequent to June 11, 2018, Plaintiff has filed hundreds of pages of documents/exhibits from multiple sources, some of which are at least marginally relevant to issues before this Court and many of which are fully irrelevant to any issue before the Court. Not a single document presented by Plaintiff touches on the irrefutable, unarguable fact of the accuracy of Judge Carlisle's June 11, 2018, order that finds that Tract 4076-A of Desert Lakes Golf Course & Estates is a separate and distinct subdivision separate from and not inclusive of any of the land that involves Tract 4076-B. Each of these subdivisions have separately recorded plat maps that separately identify the lands located within each separate subdivision, each has a separate ADRE public subdivision report, each has separately recorded and identified lots and/or parcels referenced on their separate Final Plats, and each has separate and exclusive recorded CC&Rs or no CC&Rs (Tract 4163) recorded at the time of Final Plat recordation.

The Carlisle Court delivered to Plaintiff the right to litigate the CC&Rs for the subdivision known as Tract 4076-B despite the fact that Plaintiff resides in the subdivision platted and recorded as Tract 4163, although at least a portion thereof was an abandoned portion of subdivision Tract 4076-B. Plaintiff via order of the Court was found to have "standing" that includes both subdivision Tract 4163 and Tract 4076-B since the Court found that Tract 4163 was an original parcel of land within Tract 4076-B, hence derivative of Tract 4076-B and thereafter the Tract 4076-B CC&Rs "run with the land" and attach to Tract 4163.

Subsequently, Plaintiff has filed documents concerning multiple other properties including what are called "preliminary plats" for other irrelevant properties and lands in various stages of development. See also Plaintiff's Exhibit 2 where Plaintiff is, once again, making apparent efforts to now assert Plaintiff's standing regarding a neighboring subdivision formerly known as Lakeview Village to later become Fairway Estates. Note for clarification purposes, Plaintiff's November 12, 2019, filing may intend to concede that Fairway Estates is not relevant. See p. 2, lines 22-25.

Plaintiff in her November 12, 2019, pleading appends a "Preliminary Plat" of what the developer's proposed area of this or these future develop-able lands would or might look

like upon final platting. Preliminary plats are not subdivisions. Preliminary plats have <u>no</u> legal efficacy. Desert Lakes Golf Course & Estates Tract 4076 does not today nor has it ever existed as a recorded subdivision! Plaintiff has not and cannot, of course, produce for this Court nor any court a recorded subdivision in Mohave County, Arizona, named Desert Lakes Golf Course & Estates Tract 4076. Similarly, there is no subdivision in Mohave County, Arizona, known as Lakeview Estates Tract 4097, nor is there a Fairway Estates Tract 4097. These are merely large general tract reference numbers at the <u>planning</u> stage out of which "Final" platted subdivisions were ultimately created. (See attached enlarged copy of a portion of Plaintiff's Exhibits 1 and 2 of the November 12, 2019, pleadings.)

For the purpose of clarification, we once again go back to the distinction between a preliminary plat and a final plat of the recorded Desert Lakes Golf Course & Estates Tract 4076-A that has been attached by Plaintiff within Plaintiff's November 12, 2019, Motion as Exhibit 1 on page 12. (Note: the actual exhibits are located on unnumbered pages 15 and 16 reflecting a "preliminary plat" of Desert Lakes Golf Course & Estates. Exhibit 1 pages 17 and 18 of Plaintiff's Motion appends "final" recorded plat of Tract 4076-A, it includes the legal description of the lands within this subdivision, shows the lots and parcels involved, and from the greatly reduced images provided by Plaintiff regarding these exhibits it is still quite easy to determine that the subdivision known as Deserts Lakes Golf Course & Estates Tract 4076-A (p. 17) is only a small portion of the preliminary plat provided by Plaintiff reflected on pages 15 and 16. The CC&Rs Plaintiff has attached on unnumbered page 19 specifically and exclusively reference Desert Lakes Golf Course & Estates Tract 4076-A. There are no lots or parcels extracted from the "Preliminary Plat" other than those depicted on the "Final" Tract 4076-A recorded plat.

Plaintiff suggests that similarity between the CC&Rs recorded for Desert Lakes Golf Course and Estates Tract 4076-A and Tract 4076-B means that they are one and the same. This is another fully false premise and conclusion. The Tract 4076-A subdivision CC&Rs attached to this "clarification" Motion <u>exclusively</u> apply to the Tract 4076-A subdivision as stated in Plaintiff's Exhibit 1, page 19, where they refer to the Tract 4076-A Final Plat

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recorded at Mohave County Recorder Fee No. 89-26067 and refer specifically to Tract 4076-A lots and parcels. These CC&Rs do not refer to nor do they apply to any unsubdivided lands such as the unsubdivided property that later was re-subdivided and became known as Desert Lakes Golf Course and Estates Tract 4076-B, although they were depicted on the preliminary plat. The recorded Final Plat of Tract 4076-A identifies each and every lot and parcel in this subdivision with particularity (see, Plaintiff's Exhibit 1, p. 17).

CONCLUSION

Defendants' position on the law of the case, i.e., reasoning of the Court's steadfast and consistent position after reviewing all of the motions filed by Plaintiff, is that Plaintiff resides in a subdivision known as Desert Lakes Golf Course and Estates Tract 4163. Tract 4163 is a derivative subdivision having been created out of portions of two parcels originally created and designated as parcels in the final subdivision plat of Desert Lakes Golf Course and Estates Tract 4076-B. Tract 4076-B is a 1989 recorded stand alone subdivision with its separately recorded set of CC&Rs that apply singularly and exclusively to the lots and parcels in Tract 4076-B's recorded plat. The Court has found that the CC&Rs for Tract 4076-B "run with the land" and hence when Tract 4163 was subdivided some approximate 10 years after Tract 4076-B, the newly re-subdivided parcels carried with them the Tract 4076-B covenants. Therefore, the Court found that Plaintiff has standing to litigate the enforceability of the Tract 4076-B covenants. The Court further found that Plaintiff does not have standing to litigate the enforceability of CC&Rs in other subdivisions in which Plaintiff is not an owner such as Desert Lakes Golf Course and Estates Tract 4076-A.

Plaintiff has thereafter claimed that there exists a subdivision known as Desert Lakes Golf Course and Estates Tract 4076 that is some sort of master planned ±300 acre chunk of land that is one subdivision. Plaintiff claims that because all the Desert Lake Golf Course and Estates separate individual subdivisions are really only one subdivision, Plaintiff has standing to sue or litigate in and concerning "all of her Desert Lakes communities." No facts support Plaintiff's position. No facts exist to support Plaintiff's analysis. No documentation, despite its volume, submitted since June 2018 by the Plaintiff to the Court changes or

modifies in any manner the factual or legal basis of the original Carlisle ruling. 1 2 Defendants are entitled to an award of Defendants' attorney's fees and costs incurred 3 in regard to the preparation and filing of this Response pursuant to the provisions of A.R.S. §§12-341.01 and 12-349. Plaintiff's claims are alleged in contract. The contract allegation 4 5 provides Defendants the right, in addition to and supplements Defendants' Title 12 entitlement to an award of Defendants' attorney's fees and costs. 6 RESPECTFULLY SUBMITTED this _25 day of November, 2019. 7 LAW OFFICES OF DANIEL J. OEHLER 8 9 10 Attorney for Defendants 11 12 **COPY** of the foregoing emailed this 26th day of November, 2019, to: 13 Honorable Lee F. Jantzen 14 Mohave County Superior Court Division 4 15 401 E. Spring Street Kingman, Arizona 86401 16 (928) 753-0785 Danielle dlecher@courts.az.gov 17 Plaintiff Pro Per Nancy Knight 18 1803 E. Lipan Circle 19 Fort Mohave, Arizona 86426 (928) 768-1537 20 nancyknight@frontier.com 21 By: Patricia L. Emond, Legal Assistant 22 23 24 25

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Response to Motion for Clarification

EXHIBIT A

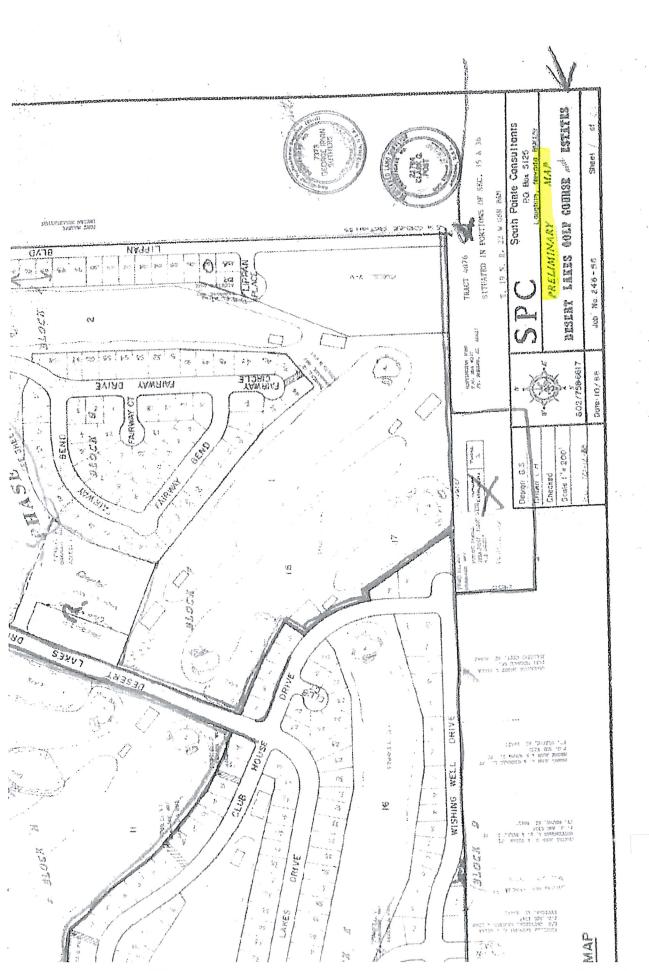


Exhibit A-1

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Response to Motion for Clarification

EXHIBIT B

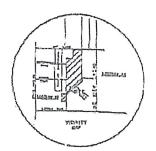
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SURVEYORS' CERTIFICATE

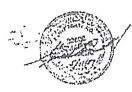
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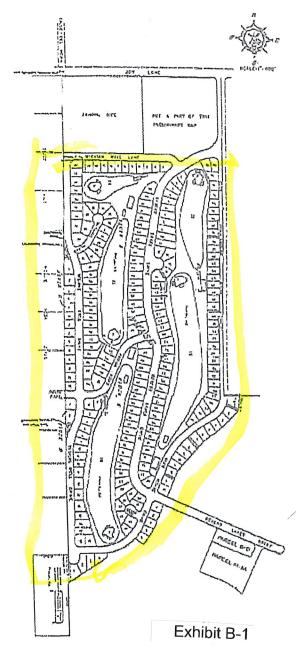
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COUNTY RECORDER

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COUNTY OF HORAVE)

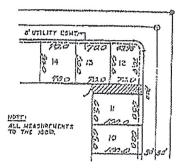
I hereby corelly that the within instrument was filled and recorded at the enquest of the filled and recorded at the enquest of the middle statement of the property of the pr

Virones my hand and official sual this day and year afernosis,

JOAN MCCALL

112 104 00

TYPICAL EASEMENT



NOTE: THIS PLAT IS WITHIN F.C.M.A. PLOOD FRONE AREA - 20NE A

Windsmith of fractions of partition for 189 pas 191-196 (8) Partitions of the 1854 paper 197-203 (6)89 Partitions of the 1854 paper 197-203 (6)89

Middiestone

Response to Motion for Clarification

EXHIBIT C

PROOFED

FEE A

RECORDED IN OFFICIAL RECORDS OF MOHAVE COUNTY, ARIZONA

> 2'89 % gg AM JUN

89-26062

Jam McCutt, County Recorder

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

DESERT LAKES GOLF COURSE & ESTATES 4076-A

MOHAVE COUNTY, ARIZONA

KNOW ALL MEN BY THESE PRESENTS!

THIS DECLARATION made and entered into this 15th day of New ,19 89, by LAWYERS TITLE AGENCY, INC., an Arizona corporation, as Trustee, under Trust No. 1033 hereinafter designated "The Declarant" which holds the Lands never neglecter referred to as the Trustee for the benefit of DESERT LAKES DEVELOPMENT L. P., a Delaware Limited Partnership.

WHEREAS, the Declarant 18 the owner OF DESERT LAKES GOLF COURSE & ESTATES, TRACT 4076-A, County of Mohave, State of . Arizona, as per plat, thereof redorded on the S

WHEREAS, the Declarant intends to sell, dispose of or convey from time to time all or a portion thereof the lots in said Tract, 4076-A and desires to subject the same to certain protective reservations, covenants, conditions and restrictions between it and the acquirers and/or users of the lots in said tract.

NOW, THEREFORE, KNOW ADL MEN BY THESE PRESENTS that the Declarant hereby certifies and declares that it has established and does hereby establish a general plan for the protection, maintenance, development and improvement of said tract, and that this declaration is designed tor the mutual benefit of the lots in said tract and beclarant has fixed and does hereby fix the protective conditions upon and subject to which all lots, parcels and portions of said tract and all interest therein shall be held, leased or sold and/or conveyed by the owners or users thereof, each and all of which is and are for the mutual benefit of the lots in said tract and of each owner thereof, and shall run with the land, and shall inure to and pass with each lot and parcel of land in wald tract, and shall apply to and bind the respective/successors in interest thereof, and further are and each thateof is imposed upon each and every lot, parcel or individual portion of said tract as a mutual equitable servitude in havor of each and every other lot, parcel or individual portion of land therein as the dominant tenement.

Every conveyance of any of said property or portion thereof in Fract 4076-A, shall be and is subject to the said Covenants, Conditions and Restrictions as follows:

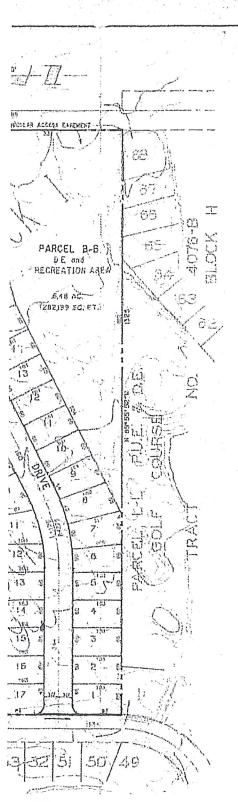
Exhibit C

ARTICLE I

Response to Motion for Clarification

EXHIBIT D

Ma Fairwy Estates



PRELIMINARY MAP

TRACT NO. 4097

BEING A GUNDIVISION OF THE EAST 1/2 OF THE MORTHEAST 1/4 OF SECTION 35, T.198.. R.22V.. G. & S.R.B. & M.

LUDYIG ENGINEERING

CCTQBER 25, 1989

OWNER

F)RGI ADERICAN TITLE INSURANCE TRUTES TRUST \$2059 P.S. BOX 4000 RINGWALL ARIZNIA 95042

DEVELOPER

OCEN L. & PÉARLE *. LUCVIG 109 E. THIRD ST. SAN RERMARDING, CA SEAIG 714/003-0217

ENGINEER

LICATO ELATINEERINO 1001E. TRIRO OT. SAM BERMARITAD. CA 52410 714/204-5217

ASSESSOR'S PARCEL NOS.

BOOM SIG. HAP 48. PARCEL 39

ZONING & LAND USE

PRÉSENT R-M'104 VACAIN PROPONED IN

SERVICES

SEVER SOREMON UTILITY OD., 10C. 4570 PATHUS DATYE, 676. 49 NEWFORT BEALT, 64 URSEO

FIRE PROTECTION _____ FORT MAKEN FIRE DEPARTMENT *1 FIG. BOX 19486 FORT MOREYE, AT 85/27

SOLID WASTE . CONTRACT UTTO FAVORE COMPANY
TO USE CURCOSO SOAD LANGFILL

CABLE T.V. DIRECTION CASLS GENTIONS OF THE STATE OF THE S

AREAS

TOTAL ASSEAUS 90.00 AGREE TOTAL PARSENED LOTS 279 LIVIN LOTS FER AGRE 3.48 LJ.A HINDRYN LOT SIZE 6.000 S.F. HAZIPUN LOT SIZE 18.00 AGREE

NOTES

- BEHEHMARI. RAIL ROAD BURK SET FLUIH ADJACENT TO EAST OF CORREC Exhibit D-1

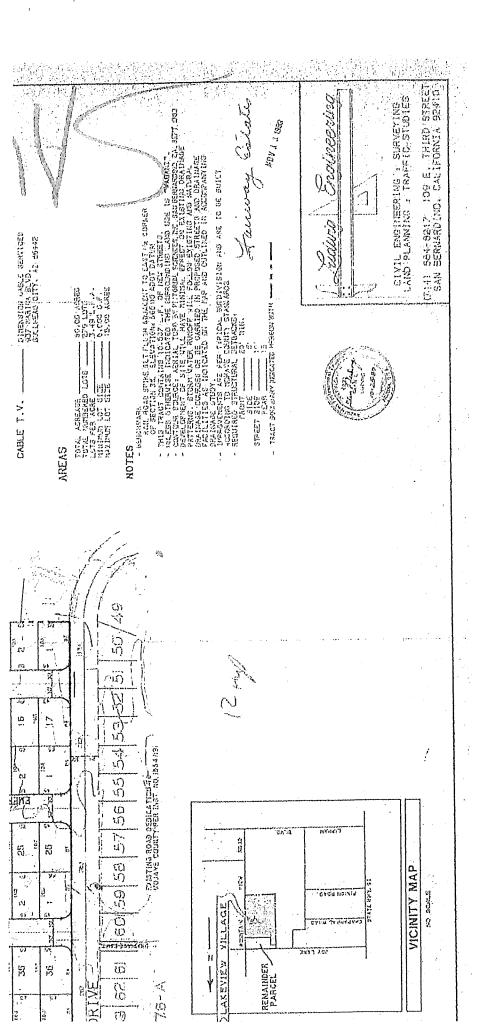
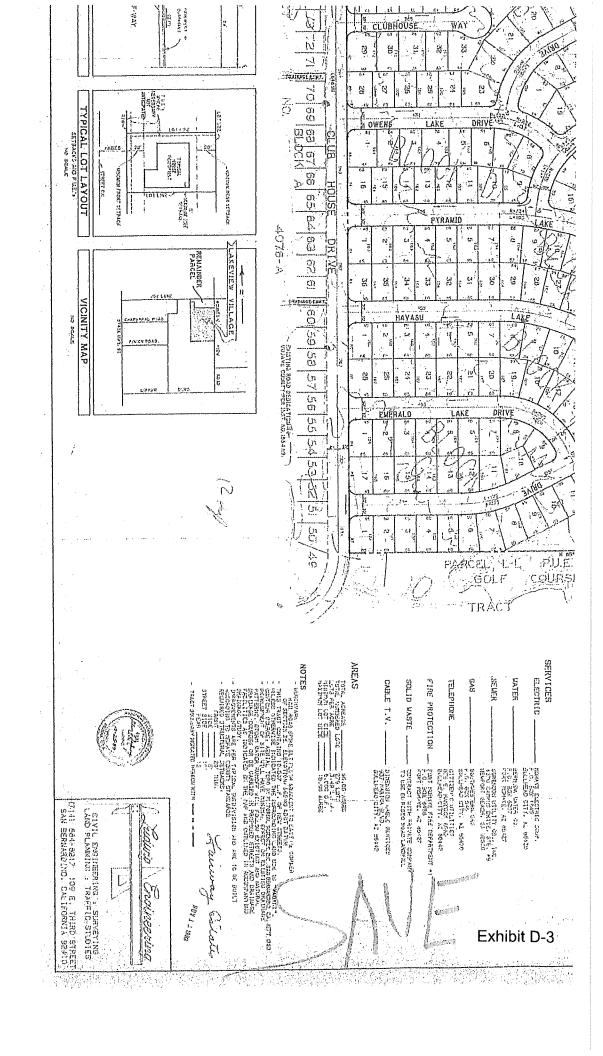


Exhibit D-2



Response to Motion for Clarification

EXHIBIT E

SUBDIVISION MAPS MOHAVE COUNTY ASSESSOR SEARCH RESULTS FOR "DESERT LAKES"

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DESERT LAKES EST TR 4152A 1883
DESERT LAKES EST TR 4152B AMEN 2195
DESERT LAKES EST TR 4152B 2101
DESERT LAKES EST TR 4152C 2382-2382A
DESERT LAKES EST TR 4152C 2382A
DESERT LAKES EST TR 4152D 2702-2702A
DESERT LAKES EST TR 4152D 2702A
DESERT LAKES GOLF COURSE & EST UNIT H TR 4159 2164
DESERT LAKES GOLF COURSE AND EST ALTA SURVEY 1739-1739D
DESERT LAKES GOLF COURSE AND EST ALTA SURVEY 1739A
DESERT LAKES GOLF COURSE AND EST ALTA SURVEY 1739B
DESERT LAKES GOLF COURSE AND EST ALTA SURVEY 1739C
DESERT LAKES GOLF COURSE AND EST ALTA SURVEY 1739D
DESERT LAKES GOLF COURSE AND EST PH 1 TR 4076A 1537-1537D
DESERT LAKES GOLF COURSE AND EST PH 1 TR 4076A 1537A
DESERT LAKES GOLF COURSE AND EST PH 1 TR 4076A 1537B
DESERT LAKES GOLF COURSE AND EST PH 1 TR 4076A 1537C
DESERT LAKES GOLF COURSE AND EST PH 1 TR 4076A 1537D
DESERT LAKES GOLF COURSE AND EST TR 4076B 1566-1566B
DESERT LAKES GOLF COURSE AND EST TR 4076B 1566A
DESERT LAKES GOLF COURSE AND EST TR 4076B 1566B
DESERT LAKES GOLF COURSE AND EST TR 4076C 1595-1595A
DESERT LAKES GOLF COURSE AND EST TR 4076C 1595A
DESERT LAKES GOLF COURSE AND EST TR 4076D 1619
DESERT LAKES GOLF COURSE AND EST UNIT E TR 4163 2270-2270A
DESERT LAKES GOLF COURSE AND EST UNIT E TR 4163 2270A
DESERT LAKES GOLF COURSE AND EST UNIT F TR 4132 1990
DESERT LAKES GOLF COURSE AND EST UNIT H TR 4159 2164
DESERT LAKES GOLF COURSE AND EST UNIT E TRACT 4163 LTS 8 & 9 3069.TIF
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