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FILED
BY: *DJ*
2018 APR 4 AM 9:26
VIRLYNN TINNELL
SUPERIOR COURT CLERK

4 Plaintiff Pro Per

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
6 **IN AND FOR THE COUNTY OF MOHAVE**

7 NANCY KNIGHT,
8
9 Plaintiff,
10
11 and
12 GLEN LUDWIG and PEARL LUDWIG,
Trustees of THE LUDWIG FAMILY TRUST;
13 FAIRWAY CONSTRUCTORS, INC.;
MEHDI AZARMI; JAMES B. ROBERTS and
14 DONNA M. ROBERTS, husband and wife;
JOHN DOES 1-10; JANE DOES 1-10; ABC
15 CORPORATIONS 1-10; and XYZ
PARTNERSHIPS 1-10.
16
17 Defendants.

Case No.: CV 2018-04003

**MOTION FOR STAY OF EXECUTION
OF SUMMARY JUDGMENT FOR
DISMISSAL OF COUNT 1**

**Division II
Honorable Derek Carlisle**

19 Plaintiff Pro Per, NANCY KNIGHT, pursuant Rule 62 (b) of Civil Procedure move
20 this Court for an order staying all actions in the Motion for Summary Judgment to
21 Dismiss Count One of Plaintiff's Complaint for a breach of contract concerning violations and
22 attempted violations of Covenants, Conditions, and Restrictions. This motion is supported by the
following Memorandum of Points and Authorities.

23 RESPECTFULLY SUBMITTED this 4th day of April, 2018

24 NANCY KNIGHT
25
26 *Nancy Knight*
27 _____
Plaintiff Pro Per



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Plaintiff brings this motion pursuant to Ariz. R. Civ. P. 62 (b), which places
3 within the sound discretion of the court the authority to grant a stay of execution of judgment –
4 or any proceedings to enforce it -- for a variety of motions or “when justice so requires in other
5 instances until such time as the court may fix.”
6

7 2. Plaintiff at all times, prior to April 2, 2018, believed that the intent of Desert
8 Lakes Development, L.P. (hereinafter “Developer”) was to provide all property owners with
9 enforcement rights concerning violations, or attempted or threatened violations of the Covenants,
10 Conditions, and Restrictions (hereinafter “CC&Rs”) within the Developer’s entire Master
11 Planned project. Plaintiff at all times believed the Law on Property, as was cited in her oral
12 arguments before the court on April 2, 2018, gave her unconditional rights to enforcement of
13 restrictions throughout the Desert Lakes Golf Course and Estates Master Planned Community.
14 Further, Plaintiff at all times believed paragraph 22 in her recorded CC&Rs was the disclaimer
15 included by the Developer for any necessary grammatical changes required to make the
16 provisions of the CC&Rs apply in all cases as though fully expressed. This grammatical change
17 language is found in all five versions of the CC&Rs for the five Tracts that were subdivided by
18 the Developer. Plaintiff at all times believed and still believes that the intent of the Developer
19 was to protect his 300 acre golf course investment from blight that may arise from home
20 properties that were built in violation of his CC&Rs and therefore included the grammatical
21 change paragraph into all Tract versions of his CC&Rs in order to ensure that any necessary
22 grammatical change that was required to protect his interests shall in all cases be assumed as
23 though in each case to be fully expressed. However, contrary to the Plaintiff’s beliefs, it was the
24 determination of the Court on April 2, 2018, that at this time Plaintiff only has enforcement
25
26
27
28

1 rights to any CC&R violations where she owns a lot and therefore her rights to enforcement is
2 limited, at this time, to only those lots in Tract 4076B.

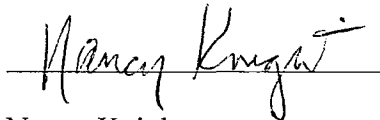
3 **3.** There exists two issues concerning the need for a Stay of Dismissal of Count One.

4 a. Plaintiff needs time to Amend the Complaint to assure the entire
5 language included in Count One for the “attempted violation” of setback
6 reductions is not dismissed.

7 b. In the interest of justice, the Plaintiff requests the court to provide time
8 for the plaintiff to purchase property within Tract 4076A in order to
9 assure her standing for enforcement of the direct violation of the setbacks
10 of the home that was built in Tract 4076A.

11 **4.** Plaintiff requests a stay of 90-days or until such time as the court may fix.

12
13 **RESPECTFULLY SUBMITTED** this 4th day of April, 2018

14
15
16
17 

18 Nancy Knight
19 Plaintiff Pro Per

20
21
22 Copy of the foregoing was hand delivered
23 on April 4, 2018 to:

24 The Law Office of Daniel Oehler
25 2001 Highway 95, Suite 15
26 Bullhead City, Arizona 86442