

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 jjcpllc@gmail.com

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

10 **NANCY KNIGHT,**

11 **Plaintiff,**

Case No. B8015CV2018 04003

12 **vs.**

13 **GLEN LUDWIG and PEARL LUDWIG,**
14 **Trustees of THE LUDWIG FAMILY**
15 **TRUST; FAIRWAY CONSTRUCTORS,**
16 **INC.;**
17 **MEHDI AZARMI; JAMES B. ROBERTS**
18 **and DONNA M. ROBERTS, husband and**
19 **wife; JOHN DOES 1-10; JANE DOES 1-**
20 **10; ABC CORPORATIONS 1-10; AND**
21 **XYZ PARTNERSHIPS 1-10.**

22 **Defendants.**

PROPOSED ORDER

23 **IT IS ORDERED** the caption of this case shall not be amended until
24 after service is substantially accomplished and the Court can determine
25 whether to join a landowner who files a responsive pleading as a Plaintiff or
Defendant.

IT IS ORDERED at the time Plaintiff requests the Clerk of the Court
to issue Summons to [the Plaintiff shall provide and input all necessary data](#)

1 and information for the issuance by the Court system of the Summonses that
2 will be served upon each of the additional parties. The Plaintiff shall
3 simultaneously file with the Clerk of the Court and serve on the existing
4 Defendants an Excel spreadsheet in electronic form that lists the Assessor's
5 Parcel Number in numerical order in column A, the specific lot and tract number
6 in column B, as well as name(s) and mailing address of the current owner of
7 each parcel in column C, in the row number corresponding to the Assessor's
8 Parcel Number, in accordance with the current Mohave County Assessor's
9 office information on file, reflecting the owners' respective mailing address
10 and/or addresses. The spreadsheet shall specifically include those lots that are
11 located in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D
12 and Tract 4163.

15 **IT IS ORDERED** Plaintiff shall cause to be served in compliance with
16 Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), each and every
17 owner identified in accord with the provisions of the immediately preceding
18 paragraph.

20 **IT IS ORDERED** Plaintiff shall cause to be served upon each these
21 necessary and indispensable party a set of documents hereinafter referred to as the
22 "Service Packet" that shall include: ~~parties with a~~ (1) their/its personal summons,
23 (2) a copy of the Plaintiff's Complaint filed with this Court on January 22, 2018,
24 (3) a copy of the Declaration of Covenants, Conditions and Restrictions For Desert
25 Lakes Golf Course and Estates Tract 4076-B (recorded in Official Records of

1 Mohave County on December 18, 1989 at Book 1641, Pages 895-901), (4) a copy
2 of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes
3 Golf Course and Estates Tract 4076-D (recorded in Official Records of Mohave
4 County on October 19, 1990 at Book 1808, Pages 509-514), (5) Waiver of Service
5 and Acceptance of Service forms, and (6) a Notice approved and finally prepared
6 by the Court.
7

8 **IT IS ORDERED** the Plaintiff may accomplish service in the following
9 manner:

10 1. The Plaintiff ~~first~~ may attempt to obtain an Acceptance of
11 Service from all property owners. Plaintiff shall comply fully with the
12 provisions of Rule 4.1 and/or Rule 4.2, *Ariz.R.Civ.P.*, regarding transmittal of a
13 proposed "Acceptance of Service" and the legal effects of "waiving service" per
14 Rule 84, Forms 1-2, *Ariz.R.Civ.P.*, and "accepting service" per Rule
15 12(a)(1)(A)(ii), *Ariz.R.Civ.P.* The Service Packet including the "Acceptance of
16 Service" documentation shall be sent via United States Postal Service (USPS)
17 first class mail to the parties. Only the Court approved documentation shall be
18 transmitted.
19

20
21 2. For those property owners who ~~will~~ do not sign an
22 Acceptance of Service, the Court authorizes alternative service by mail as
23 provided in Rule 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are
24 located within Arizona or outside the State.
25

1 3. For those lot owners who ~~have~~**do** not signed a return receipt, the
2 Plaintiff shall cause to be completed, in ~~conjunction~~**full accord** with ARCP Rules
3 4, 4.1 and 4.2, personal service upon the subject lot owner/s.
4

5 4. For those property owners who are not served in the ways set
6 forth above, the Court ~~will~~**may** consider Plaintiff's request for other forms of
7 alternative service.

8 **IT IS ORDERED** by January 31, 2023, or at the time of filing an initial
9 pleading or motion with the Court, whichever is sooner, all parties and
10 attorneys appearing in this case shall designate and maintain an e-mail address
11 with the Clerk of the Court and the other parties. The e-mail address will be
12 used to electronically distribute any document, including minute entries and
13 other orders, rulings, and notices described in Rule 125, *Rules of the Supreme*
14 *Court* by e-mail or electronic link in lieu of distribution of paper versions by
15 regular mail. The e-mail address shall be designated on each document filed.
16 In the event that a party's e-mail address changes, that change shall
17 immediately be brought to the attention of the Clerk of Superior Court and
18 included on subsequent filings and pleadings.
19

20
21 **IT IS ORDERED** that the Clerk of the Superior Court ~~is authorized to~~
22 **shall** electronically distribute all pleadings and documents, including minute
23 entries and other orders, rulings, and notices described in Rule 125, *Rules of*
24 *the Supreme Court* by e-mail or electronic link in lieu of distribution of paper
25 versions by regular mail.

1 **IT IS ORDERED**, after initial service of the ~~Summons, Notice and~~
2 ~~Plaintiff's Complaint~~ "**Service Packet**" and with the exception that originals of
3 all documents must be filed with the Clerk of the Court in electronic format, all
4 parties are authorized to transmit documents to all other parties in electronic
5 format and shall attach to the original document filed with Clerk of Court a
6 notice that the document was transmitted electronically to the other parties
7 along with a list of the names of the parties and e-mail addresses to which
8 electronic transmission was sent.

9
10 **IT IS ORDERED** any party who declines to provide the Clerk of the
11 Court and the other parties with an e-mail address shall be assessed the actual
12 cost of mailing.

13
14 **IT IS ORDERED** the Clerk of Court of the Mohave County Superior
15 Court shall provide public access to all pleadings previously filed and to be filed
16 in this litigation through its "High Profile Cases" link on its website.

17 **IT IS ORDERED** Plaintiff shall have no direct nor indirect personal
18 or written contact with the to-be-joined indispensable or necessary parties.

19
20 **IT IS ORDERED** that in the event the Plaintiff does not take
21 substantial steps to **have fully complied with the specifics of this Order as set**
22 **forth herein to** join all necessary and indispensable parties within the next **one**
23 **hundred fifty (150) days**, this matter ~~will~~**shall** be dismissed.

24 The Notice approved and finally prepared by the Court to be included in
25 the "**Service Packet**" shall state, at a minimum, the following:

1 1. The Declaration of Covenants, Conditions and Restrictions for
2 Desert Lakes Golf Course & Estates Tract 4076-B and Tract 4076-D that
3 overlays the full set of the Declaration of Covenants, Conditions and
4 Restrictions for Tract 4076-B.

5
6 2. Tract 4163 has no separate Declaration of Covenants,
7 Conditions and Restrictions other than the imposed restrictions in for Tract
8 4076-B that included the lands constituting Tract 4163.

9 3. The legal effects of “waiving service” per Rule 84, Forms 1-2,
10 *Ariz.R.Civ.P.*, and “accepting service” per Rule 12(a)(1)(A)(ii), *Ariz.R.Civ.P.*

11
12 The Court has prepared and attaches to this Ruling a draft of a the
13 Notice to be included in the “Service Packet” and served upon all landowners.
14 ~~together with a Summons and Plaintiff’s Complaint~~

15 **IT IS ORDERED** counsel shall be given an opportunity for input into
16 the form of Notice as follows: for a period of twenty (20) days after the
17 Court’s proposed form is electronically delivered to Plaintiff’s and
18 Defendant’s counsel.

19
20 DONE IN OPEN COURT this ____ day of _____, 2022.

21
22 _____
23 Judge of the Superior Court
24
25