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

NANCY KNIGHT,

Plaintiff,

Case No. B8015CV2018 04003

vs.

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

Defendants.

PROPOSED ORDER

IT IS ORDERED that in the event the Plaintiff does not take
substantial steps to join all necessary and indispensable parties within the next
one hundred fifty (150) days, this matter will be dismissed.

IT IS ORDERED the caption of this case shall not be amended until
after service is substantially accomplished and the Court can determine

1 whether to join a landowner who files a responsive pleading as a Plaintiff or
2 Defendant.

3 **IT IS ORDERED** at the time Plaintiff requests the Clerk of the Court
4 to issue Summons to be served upon the additional parties, the Plaintiff **shall**
5 file an Excel spreadsheet in electronic form that lists the Assessor's Parcel
6 Number in numerical order in column A, **the specific lot number in column B**, as
7 well as name(s) and mailing address of the current owner of each parcel in
8 column **C**, in the row number corresponding to the Assessor's Parcel Number,
9 **in accordance with the current Mohave County Assessor's office information**
10 **on file, reflecting the owners' respective mailing address and/or addresses.**

11 **The spreadsheet shall specifically include those lots that are located in Desert**
12 **Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract 4163.**

13 **Further, the Court shall require Plaintiff to include a full set of the**
14 **Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf**
15 **Course & Estates Tract 4076-D that overlays the full set of the Declaration of**
16 **Covenants, Conditions and Restrictions for Tract 4076-B. The Notice must**
17 **also include a statement that Tract 4163 has no separate Declaration of**
18 **Covenants, Conditions and Restrictions other than the imposed restrictions in**
19 **Tract 4076-B that included the lands constituting Tract 4163.**

20 **IT IS ORDERED** Plaintiff shall cause to be served in compliance with
21 **Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), each and every**
22

1 owner identified in accord with the provisions of the immediately preceding
2 paragraph.

3 **IT IS ORDERED** Plaintiff serve those necessary and indispensable
4 parties with a summons, a copy of the Complaint filed with this Court on
5 January 22, 2018, a copy of the Declaration of Covenants, Conditions and
6 Restrictions For Desert Lakes Golf Course and Estates Tract 4076-B
7 (recorded in Official Records of Mohave County on December 18, 1989 at
8 Book 1641, Page 895) and a Notice approved by the court.
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11 The Notice shall be approved by the Court in the manner set forth
12 below.

13
14 **IT IS ORDERED** the Plaintiff may accomplish service in the following
15 manner:

16 1. The Plaintiff first may attempt to obtain an Acceptance of
17 Service from all property owners.

18
19 2. For those property owners who will not sign an Acceptance
20 of Service, the Court authorizes alternative service by mail as provided in Rule
21 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are located within Arizona
22 or outside the State.

23 3. For those lot owners who have not signed a return receipt, the
24 Plaintiff shall cause to be completed in conjunction with ARCP Rules 4, 4.1 and
25 4.2 personal service upon the subject lot owner/s.

1 4. For those property owners who are not served in the ways set
2 forth above, the Court will consider Plaintiffs' request for other forms of
3 alternative service.

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

15 **IT IS ORDERED** that the Clerk of the Superior Court is authorized to
16 electronically distribute **all pleadings and documents**, including minute entries
17 and other orders, rulings, and notices described in Rule 125, *Rules of the*
18 *Supreme Court* by e-mail or electronic link in lieu of distribution of paper
19 versions by regular mail.

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

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

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

15 The Court has prepared and attached to this Ruling a draft of a Notice to
16 be served upon all landowners together with a Summons and Plaintiff's
17 Complaint. Counsel shall be given an opportunity for input into the form of
18 Notice as follows.

20 **IT IS ORDERED** counsel for both sides shall have until September 30,
21 2022 to file objections and proposals for the Notice.