

TB

FILED 2022 SEP 23 4:00 PM BY [illegible]

1 Nancy Knight
2 1803 E. Lipan Cir.
3 Fort Mohave, AZ 86426
4 Telephone: (928) 768-1537
5 nancyknight@frontier.com

6 Plaintiff Pro Per

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

9 NANCY KNIGHT,
10 Plaintiff,

11 vs.

12 GLED LUDWIG, et. al.,
13 Defendants.

Case No.: CV 2018 04003

**PLAINTIFF'S OBJECTIONS FOR
THE NOTICE TO INDISPENSABLE
PARTIES AND PROPOSED ORDER**

Hon. Judge Jantzen

14
15
16 COMES NOW Plaintiff Nancy Knight, in the capacity of a pro per litigant in the
17 above matter, objecting to some of the language in the Notice that was tucked away as an
18 Exhibit in a document with a Caption regarding Plaintiff's Objection to Dismissal of the
19 case as motioned by the Defendants for Plaintiff's urgent correspondence with members
20 subject to the Tract 4076- B CC&Rs. The Objections and Proposals are due by
21 September 30, 2022.

22 Proposed changes are underscored and may be stricken unless cumbersome:
23 **IT IS ORDERED** that in the event the Plaintiff does not take
24 substantial steps to join all necessary and indispensable parties within the next
25 one hundred fifty (150) days, this matter will be dismissed. Substantial being a
26
27
28



1 minimum portion of 100 Summons Packets by mail and affordability for the
2 balance within an additional sixty (60) days.

3
4 **IT IS ORDERED** the caption of this case shall not be amended until
5 after service is substantially accomplished and the Court can determine
6 whether to join a landowner who files a responsive pleading as a Plaintiff or
7 Defendant. Substantial being 85% of the said property owners had been served
8 by either, the first or second mailing, process service or service by publication.

9
10 **IT IS ORDERED** at the time Plaintiff requests the Clerk of the Court
11 to issue Summons to be served upon the additional parties, the Plaintiff shall
12 file an Excel spreadsheet in electronic form that lists the Assessor's Parcel
13 Number in numerical order in column A, the specific lot number in column B (also
14 known as the Property Description by the Assessor), the Plaintiff's best guess of the
15 name(s) of the current owners in column C based on either the information from
16 the Mohave County Assessor's Website or from the Mohave County Recorder's
17 online search for the most recent sale of the said APN, the number and street
18 name of the mailing address of the current owner of each parcel in column D,
19 the City in column E, the State in column F, and the Zip Code in column G.
20

21
22 The spreadsheet shall specifically include those lots that are located in
23 Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract
24 4163.
25

26
27 Further, the Court shall require Plaintiff to include a full set of the
28 Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf

1 Course & Estates Tract 4076-B (7 pages) and Tract 4076-D (6 pages) as
2 separate documents. ~~that overlays the full set of the Declaration of Covenants,~~
3
4 ~~Conditions and Restrictions for Tract 4076-B.~~

5 The Notice must also include a statement that Tract 4163 has no
6 separate Declaration of Covenants, Conditions and Restrictions other than the
7 imposed restrictions in Tract 4076-B that runs with the land depicted as Parcel
8 VV on the 1988 Preliminary Plat that created Subdivision Tract 4076. ~~that~~
9 ~~included the lands constituting Tract 4163.~~

11 **IT IS ORDERED** Plaintiff shall cause to be served by first class mail
12 addressed to each and every person listed as an owner of the APN and in
13 compliance with Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), the
14 specified contents of the Summons packet with two Waiver of Service forms
15 for each of the said residential property owners and one self-addressed
16 stamped envelope included for return of each signed Waiver of Service form.
17 For example, if the APN is held in joint tenancy with two owners, the mail
18 will be addressed to both names, and the Summons packet will include two 2
19 page Summons (one for each property owner), one copy of the Complaint (17
20 pages not including the notarized Verification page and to be shared by the
21 property owners), one of each Declaration of CC&Rs (B and D for a total of
22 13 pages to be shared), one Notice to be shared, and two Waivers of Service
23 for the each of the two owners (one for the property owner to keep and one to
24 return to the Plaintiff) plus two self-addressed stamped envelopes for return of

1 the Waiver of Service forms to the Plaintiff by each of the property owners (4
2 pages plus two envelopes).

3
4 Trial land and water company APNs excluded.

5 The Notice to individual recipients of the Summons packet will be
6 informed of their duty to avoid unnecessary expense and the penalty of costs
7 and interest for causing delay and the additional expense for service.
8

9
10 **IT IS ORDERED** pursuant to 4.1 (2) *Failure to Waive*. If a defendant fails
11 without good cause to sign and return a waiver requested by a plaintiff, the court must
12 impose on the defendant: (A) the expenses later incurred in making service including
13 copying costs and postage; and (B) the reasonable expenses, and attorney's fees, of any
14 motion required to collect those service expenses.
15

16 Upon Motion by the Plaintiff, the Court will immediately Order an award of costs
17 incurred by the Plaintiff with payment to be delivered to the Court for reimbursement to
18 the Plaintiff or any method suitable to the Clerk of the Court for reimbursement of the
19 Plaintiff's costs.
20

21 If Motion is made for payment of process service by the defendant, the Court will
22 Order an award of Plaintiff's process server costs prior to Plaintiff having to serve the
23 Defendant. A notice of contempt of court will be issued on the Defendant if not paid
24 within ten days for causing unnecessary delay of process service.
25

26 **IT IS ORDERED** Plaintiff serve those necessary and indispensable
27 parties with a summons, a copy of the Complaint filed with this Court on
28 January 22, 2018, a copy of the Declaration of Covenants, Conditions and

1 Restrictions For Desert Lakes Golf Course and Estates Tract 4076-B
2 (recorded in Official Records of Mohave County on December 18, 1989 at
3 Book 1641, Page 895), a copy of the Declaration for Tract 4076-D
4 (recorded in Official Records of Mohave County on October 19, 1990 at
5 book 1808 page 509) and a Notice approved by the court that includes the
6 details of payment of service as described above.
7
8

9 **The Notice shall be approved by the Court in the manner set forth below.**

10 **IT IS ORDERED** the Plaintiff may accomplish service in the following
11 manner:
12

13 1. The Plaintiff first may attempt to obtain ~~an Acceptance~~ a
14 Waiver of Service from all property owners by mailing the Summons packet.
15 Plaintiff will absorb those costs.
16

17 2. For those property owners who will not sign ~~an Acceptance~~
18 a Waiver of Service, the Court authorizes alternative service by a second mailing
19 of a copy of the Summons Packet as provided in Rule 4.2(c), Ariz.R. Civ.P.
20 whether the property owner(s) are located within Arizona or outside the State.
21 Cost of copying the Summons packet contents and postage to be paid by the
22 defendants will be Ordered by the Court and the Defendants will be assessed
23 with 2% simple interest per month (24 % annual interest). Plaintiff does not
24 have to suffer any subsequent costs beyond the first mailing. The Court may
25
26
27
28

1 include in the Notice that if payment is not made, Defendants relinquish their
2 rights to be joined.

3
4 3. For those lot owners who have not signed a return receipt for the
5 second mailing, the Plaintiff shall cause to be completed in conjunction with
6 ARCP Rules 4, 4.1 and 4.2 personal service upon the subject lot owner/s after the
7 defendant has been billed the cost of process service estimated to be \$100 per
8 individual regardless of whether they reside at the same physical address.

9
10 4. For those property owners who are not served in the ways set
11 forth above, the Court will consider Plaintiffs' request for service by
12 publication with the cost to be paid by the defendant to the plaintiff. ~~other~~
13 ~~forms of alternative service.~~

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

1 **IT IS ORDERED** that the Clerk of the Superior Court is authorized to
2 electronically distribute all pleadings and documents, including minute entries
3 and other orders, rulings, and notices described in Rule 125, *Rules of the*
4 *Supreme Court* by e-mail or electronic link in lieu of distribution of paper
5 versions by regular mail.
6

7 **IT IS ORDERED**, after initial service of the Summons, Notice and
8 Plaintiff's Complaint and with the exception that originals of all documents
9 must be filed with the Clerk of the Court in electronic format, all parties are
10 authorized to transmit documents to all other parties in electronic format and
11 shall attach to the original document filed with Clerk of Court a notice that the
12 document was transmitted electronically to the other parties along with a list of
13 the names of the parties and e-mail addresses to which electronic transmission
14 was sent.
15
16
17

18 **IT IS ORDERED** any party who declines to provide the Clerk of the
19 Court and the other parties with an e-mail address SHALL be assessed the
20 actual cost of mailing.
21

22 **IT IS ORDERED** the Clerk of Court of the Mohave County Superior
23 Court shall provide public access to all pleadings filed prior to the first mailing of
24 the Summons packet previously filed and to be filed in this litigation through its
25 "High Profile Cases" link on its website.
26

27 The Court will provide Plaintiff pro per, Nancy Knight, the final draft
28 Notice that he has will cause to be prepared and attached to this Ruling a draft

1 of a Notice to be served upon all landowners together with a Summons and
2 Plaintiff's Complaint to be provided to the Plaintiff by email.

3
4 Counsel and Plaintiff Pro Per shall be given an opportunity for input
5 into the form of Notice as follows.

6 **IT IS ORDERED** counsel for both sides, if any, or Plaintiff pro per
7 shall have until September 30, 2022 to file objections and proposals for the
8 Notice.

9
10 Filed with the Clerk in Bullhead City, AZ on September 29, 2022

11 cc: Law Office of Daniel Oehler
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28