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FILED 2022 OCT 28 PM 4:20 BY TB

Christina Spurlock SupCtClerk

5 Plaintiff Pro Per

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

8 NANCY KNIGHT,

9 Plaintiff,

10 vs.

11 GLEN LUDWIG, et. al.,

12 Defendants.

Case No.: **CV 2018 04003**

13 **PLAINTIFF'S PROPOSED ORDERS**
14 **FOR SERVICE**
15 **ON INDISPENSABLE PARTIES**

16 **Hon. Judge Jantzen**

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19 COMES NOW Plaintiff Pro Per, Nancy Knight, submitting her proposed revision
20 to defense counsel's proposed orders that was filed on or about September 24, 2022. The
21 order of some of the paragraphs were rearranged.

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23 **IT IS ORDERED** that the caption of this case shall not be amended until after
24 service is substantially accomplished and the Court can determine whether to join a
25 landowner who files a responsive pleading as a Plaintiff or Defendant. Substantial being
26 85% of the said property owners having been served pursuant to the first mailing.
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B8015CV201804003

1 **IT IS ORDERED** that the Plaintiff shall provide all necessary data and
2 information into an Excel spreadsheet that is required for the issuance by the Court
3 system of the Summonses that will be served upon each of the additional parties. The
4 Plaintiff shall provide the Excel Spreadsheet, simultaneously sent by electronic delivery,
5 to the Clerk of the Court and existing Defendants. The spreadsheet shall specifically
6 include those residential lots that are located in Desert Lakes Golf Course and Estates
7 Tract 4076-B, Tract 4076-D and Tract 4163. Tribal owned golf course and Water
8 Company APNs excluded. The Excel spreadsheet shall list the following data and
9 information as follows: Assessor's Parcel Numbers in numerical order in column A, the
10 specific lot number in column B (also known as the Property Description by the
11 Assessor), the Plaintiff's best guess of the name(s) of the current owners in column C
12 based on either the information from the Mohave County Assessor's Website or from the
13 Mohave County Recorder's online search for the most recent sale of the said APN, the
14 number and street name of the mailing address of the current owner of each parcel in
15 column D, the City in column E, the State in column F, and the Zip Code in column G.
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21 **IT IS ORDERED** that the contents of the Service Packet shall include: (1)
22 their/its personal Summons, (2) a copy of the Plaintiff's Complaint filed with this Court
23 on January 22, 2018, (3) a copy of the Declaration of Covenants, Conditions and
24 Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B (recorded in Official
25 Records of Mohave County on December 18, 1989 at Book 1641, Pages 895-901, (4) a
26 copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf
27 Course and Estates Tract 4076-D (recorded in Official Records of Mohave County on
28

1 October 19, 1990 at Book 1808, Pages 509-514, (5) Two Waiver of Service forms for
2 each property owner and sufficient self-addressed stamped envelopes for return of one
3 copy of each signed waiver to be returned to the Plaintiff for filing with the court and for
4 use as needed in returning any letter as described in the next paragraph regarding a
5 partner who for good cause could not return the signed waiver of service form, (6) A
6 Letter from the Plaintiff regarding the penalty of costs for a second mailing unless the
7 parties return a letter to the Plaintiff in the self-addressed stamped envelope as to their
8 good cause for failure to sign and return the Waiver of Service form pursuant to the
9 statement on the form that details their Duty to Avoid Unnecessary Costs of Service of
10 Summons. (7) a Notice approved and finally prepared by the Court.

14 **IT IS ORDERED** Plaintiff may accomplish service in the following manners for
15 parties with a mailing address either in or outside the State of Arizona or outside the
16 United States: (1) Plaintiff shall first attempt to cause parties to be served by first class
17 mail, return receipt requested, to the mailing address of the owners of each and every
18 APN listed on the Excel spreadsheet as provided to the Clerk of the Court and the
19 Defendants. For any APN held in a Trust, the name on the envelope for the first mailing
20 will be Trust name and will only require the return of one copy of the Waiver of Service
21 Form from any single member of the Trust. For any APN held in joint tenancy, the name
22 on the envelope of the first mailing will be the name of the primary property owner. Each
23 and every party at a specific mailing address will be provided with two copies of the
24 Waiver of Service, one to keep and one to return to the Plaintiff, in compliance with
25 ARCP Rule 4.1 or 4.2 and pursuant to Rule 4(f)(1) together with the Court's other
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1 specified contents of the Service Packet. (2) For APNs held in joint tenancy where only
2 one party of multiple parties returns the Waiver of Service form and fails to respond
3 without good cause, a second attempt will be mailed to the non-responding party or
4 parties addressed to their specific name with the costs to be borne by the owners of the
5 APN. This language will be included as a WARNING on the Summons. (3) In lieu of any
6 party failing to return the Waiver of Service upon the second mailing, Plaintiff will file
7 the Return Receipt with the Court and the Court will consider the unresponsive parties
8 owning the APN as having been served in accordance with their Duty to Avoid
9 Unnecessary Cost of Service of Summons whereby Rule 4.1 and Rule 4.2 of the Arizona
10 Rules of Civil Procedure. The above duty requires certain parties to cooperate in saving
11 unnecessary cost of service of the summons unless good cause can be shown for its
12 failure to sign and return the waiver pursuant to language on A.R.C.P. Rule 4 (f) and
13 form CVC27f- 100317. This form has been used by the Plaintiff as directed by the
14 Mohave County clerk for the Summons and Complaint in CV 2018 04003. An Affidavit
15 of additional costs for the second mailing will be filed with the Court and the Court will
16 in turn Order judgment for payment of the additional costs from the non-responding party
17 to the Plaintiff.

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23 **IT IS ORDERED** that for any owner of an APN that is mailed a service packet
24 and if it is returned by the USPS for non-delivery, the Court may consider Plaintiff's
25 request for other forms of alternative service.
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27 **IT IS ORDERED** by February 15, 2023, or at the time of filing an initial pleading
28 or motion with the Court by an Indispensable Party, whichever is sooner, all parties and

1 attorneys appearing in this case shall designate and maintain an e-mail address with the
2 Clerk of the Court and the other parties. The e-mail address will be used to electronically
3 distribute any document, including minute entries and other orders, rulings, and notices
4 described in Rule 125, Rules of the Supreme Court, by e-mail or electronic link in lieu of
5 distribution of paper versions by regular mail. The e-mail address shall be designated on
6 each document filed. In the event that a party's e-mail address changes, that change shall
7 immediately be brought to the attention of the Clerk of Superior Court and included on
8 subsequent filings and pleadings. These instructions will apply to each Indispensable
9 Party and will be included in the Summons.

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

18 **IT IS ORDERED**, after initial service of the "Service Packet", and with the
19 exception that originals of all documents must be filed with the Clerk of the Court in
20 paper format by any Plaintiff pro per or Defendant Pro Per, all parties are authorized to
21 transmit documents to all other parties in electronic format and shall attach to the original
22 document filed with Clerk of the Court a notice that the document was transmitted
23 electronically to the other parties along with a list of the names of the parties and e-mail
24 addresses to which electronic transmission was sent.

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

1 Order for costs that will be assessed upon the Indispensable Parties will be included in
2 the Summons.

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4 **IT IS ORDERED** the Clerk of the Court of Mohave County Superior Court shall
5 provide public access to all pleadings previously filed and to be filed in this litigation
6 through its “High Profile Cases” link on its website.

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8 **IT IS ORDERED** the Plaintiff, Defendants and Defendant’s attorney, who are
9 involved in litigating complete abandonment of the CC&Rs, shall not have any direct nor
10 indirect personal or written contact with the to-be-joined nor joined indispensable or
11 necessary parties regarding this case. However, Plaintiff, in her capacity as President of
12 the Desert Lakes Tract 4076 Unincorporated Association shall have the ability to have
13 contact, directly or indirectly, with any property owner in Tract 4076 including
14 indispensable or necessary parties in order to perform in the capacity of the Architectural
15 Committee for meetings regarding the Committee rules, variances or exclusions, or for
16 meetings regarding Amendments to the CC&Rs. No discussion regarding this case will
17 be allowed among the Committee members at any designated meeting where the Plaintiff
18 is in attendance. With the exception of President Nancy Knight, other Committee
19 members may, from time to time, discuss this case with anyone.

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23 **IT IS ORDERED** counsel for the Defendant or Plaintiff pro per shall have until
24 November 7, 2022 to file objections and proposals for the Notice.

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26 **IT IS ORDERED** that the Court will instruct the Clerk of the Court to bring the
27 file to the Court’s attention on November 15, 2022.
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1 The Following Warnings in bold will be included in the Summons:

2 **WARNING: This is an official document from the court. It affects your rights. Read**
3 **this document carefully. If you do not understand it, contact a lawyer for help.**

4 **WARNING: You are provided with a Waiver of Service Form. Failure to return one**
5 **copy of the Waiver of Service in the supplied self-addressed stamped envelope has**
6 **financial consequences. You will be assessed the costs of mailing and copying the**
7 **service packet documents for a second mailing to you.**

8 **FROM THE STATE OF ARIZONA TO: _____**

9 1. Pursuant to Rule 4.1 (2), if a party fails, without good cause, to sign and return a
10 waiver requested by a plaintiff, the court must impose on the party: (A) the expenses later
11 incurred in making service including copying costs and postage; and (B) the reasonable
expenses, and attorney's fees, of any motion required to collect those service expenses.

12 2. You are being provided with an email address for submitting a letter of good cause
13 explaining why you or any partner in the ownership of your lot is unable to sign and
14 return the Waiver of Service form. The email address for the letter is:
nancyknight@frontier.com

15 3. Your service packet includes the following documents for each Assessor Parcel
16 Number that you own: (1) your personal Summons, (2) a copy of the Plaintiff's
17 Complaint filed with this Court on January 22, 2018, (3) a copy of the Declaration of
18 Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract
19 4076-B (recorded in Official Records of Mohave County on December 18, 1989 at Book
20 1641, Pages 895-901, (4) a copy of the Declaration of Covenants, Conditions and
21 Restrictions for Desert Lakes Golf Course and Estates Tract 4076-D (recorded in Official
22 Records of Mohave County on October 19, 1990 at Book 1808, Pages 509-514, (5) Two
23 Waiver of Service forms for each property owner listed for your Assessor Parcel Number
24 and sufficient self-addressed stamped envelopes for return of one copy of each signed
25 waiver to be returned to the Plaintiff for filing with the court. You keep a copy of the
26 Waiver of Service Form for your records. You may return a letter to the Plaintiff in the
27 envelope provided for the return of the Waiver of Service that explains why you or a
28 partner in ownership of your Assessor Parcel Number for good cause could not return the
signed waiver of service form, (6) A Letter from the Plaintiff regarding the penalty of
costs for a second mailing unless you return a letter to the Plaintiff in the self-addressed
stamped envelope as to your good cause for failure to sign and return the Waiver of
Service form pursuant to the statement on the form that details your Duty to Avoid
Unnecessary Costs of Service of Summons. (7) a Notice approved and finally prepared
by the Court.

1 4. Cost of copying the service packet contents and postage to be paid by you carries a
2 simple interest penalty of 2% simple interest per month (24 % annual interest) until paid.
3 Plaintiff does not have to suffer any subsequent costs beyond the first mailing.

4 5. For those lot owners who have not signed a return receipt for either the first or second
5 mailing, the Plaintiff has the option of requesting the Court to collect from you the cost of
6 personal service by a professional licensed process server. That cost is estimated to be
7 \$100 per property owner. This alternate form of service is in accordance with ARCP
8 Rules 4, 4.1 and 4.2 for personal service upon the subject lot owner/s.

9 6. For those property owners who are not served in the ways set forth above, the Court
10 will consider other forms of alternative service such as notice by publication and that cost
11 will be paid by you.

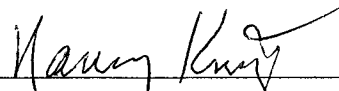
12 7. You must provide the Plaintiff with an email address for use in transmitting documents
13 to you electronically. You must notify the Plaintiff of any change in your email address.
14 Your email address may be sent to nancyknight@frontier.com

15 8. Failure to comply with any of the above provisions may cause the Court, on Motion by
16 the Plaintiff, to relinquish your rights to be joined and to accept your Return Receipt as
17 proof of service whether you accepted the service packet or refused delivery pursuant to
18 the mail carrier.

19 9. You are instructed to not discuss the case with any of the Defendants, the Defendant's
20 attorney or the Plaintiff.

21 10. You have a choice to opt-in as a Defendant in this matter by Motion to the Court.
22 Contact an attorney for the purpose of opting-in as a Defendant.

23 **RESPECTFULLY SUBMITTED** this 28th day of October, 2022.

24 
25 _____
26 Nancy Knight, Plaintiff Pro Per

27 Filed with the Clerk in Bullhead City, AZ on October 28, 2022

28 Copy sent electronically on October 28, 2022 to:
djolaw@frontiernet.net
Attorney for the Defendants

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

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6 Plaintiff Pro Per

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8 **IN AND FOR THE COUNTY OF MOHAVE**

9 NANCY KNIGHT,

10 Plaintiff,

11 vs.

12 GLEN LUDWIG, et. al.,

13 Defendants.

Case No.: **CV 2018 04003**

**NOTICE OF FILING
PLAINTIFF'S
PROPOSED ORDERS**

Hon. Judge Jantzen

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19 COMES NOW Plaintiff Pro Per, Nancy Knight, filing herewith the following two
20 (2) documents.

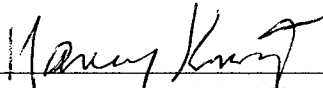
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22 1. Plaintiff's Objection to the filing of notice and proposed orders dated on or
23 about September 28, 2022 by defense counsel Oehler.

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25 2. Plaintiff's Proposed Orders and needs for the language to be included in the
26 Summons to be served upon the Indispensable and Necessary Parties as filed on October
27 28, 2022. Heading is "Plaintiff's Proposed Orders For Service on Indispensable Parties".

28 Plaintiff compiled this revision based on input from Mr. Oehler's Draft with insertions or

1 corrections in blue. This revision is timely filed pursuant to the Status Conference
2 minutes dated October 25, 2022 for any input to be completed within twenty (20) days of
3
4 October 25.

5
6 **RESPECTFULLY SUBMITTED** this 28th day of October, 2022.

7 
8 _____
9 Nancy Knight, Plaintiff Pro Per

10
11 Filed with the Clerk in Bullhead City, AZ on October 28, 2022

12 Copy sent electronically on October 28, 2022 to:
13 djolaw@frontiernet.net
14 Attorney for the Defendants