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Christina Spurlock SupCrtClerk

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
10 Plaintiff,
11 vs.
12 GLEN LUDWIG, et. al.,
13 Defendants.

Case No.: **CV 2018 04003**

**NOTICE OF
PROPOSED FINAL ORDERS**

Hon. Judge Jantzen

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19 COMES NOW Plaintiff Pro Per, Nancy Knight, submitting to this Court a clean
20 copy of the Proposed Order that is comprised of Plaintiff's October 28, 2022 Proposed
21 Order and Mr. Oehler's clean copy of his Proposed Final Form Order. Plaintiff has
22 included a Proposed Summons and a Proposed Waiver of Service Form designed for
23 service on Indispensable Parties.
24

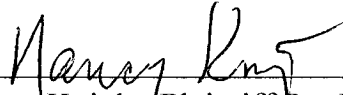
25
26 The 7 items in the list of contents to be included in the Service Packet was reduced
27 to 6 items for this Final Order for either a Letter from the Plaintiff defining the costs for
28 additional efforts to join parties or your final Notice will include those cost details.



B8015CV201804003

1 The attached form is the Final Form of Plaintiff's Proposed Order for the Court's
2 consideration submitted herewith,

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4 **RESPECTFULLY SUBMITTED** this 14th day of November, 2022.

5 
6 Nancy Knight, Plaintiff Pro Per

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9 Filed with the Clerk in Bullhead City, AZ on November 14, 2022

10 Copy sent electronically on this day to:

11
12 djolaw@frontiernet.net
13 Attorney for the Defendants
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Plaintiff Pro Per

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

NANCY KNIGHT

Plaintiff,

v.

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.

Case No.: B8015 CV 2018 04003

**PROPOSED
FINAL ORDERS**

Honorable Judge Jantzen

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

IT IS ORDERED that the Plaintiff shall provide all necessary data and information into an Excel spreadsheet that is required for the issuance by the Court system of the Summonses that will be served upon each of the additional parties. The Plaintiff shall provide the Excel Spreadsheet, simultaneously sent by electronic delivery, to the Clerk of the Court and existing Defendants. The spreadsheet shall specifically include those residential lots that are located in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract 4163. Tribal owned golf course and Water Company APNs excluded. The Excel spreadsheet shall list the following data and

information as follows: Assessor's Parcel Numbers in numerical order in column A, the specific lot number in column B (also known as the Property Description by the Assessor), the Plaintiff's best guess of the name(s) of the current owners in column C based on either the information from the Mohave County Assessor's Website or from the Mohave County Recorder's online search for the most recent sale of the said APN, the number and street name of the mailing address of the current owner of each parcel in column D, the City in column E, the State in column F, and the Zip Code in column G.

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

IT IS ORDERED that the contents of the Service Packet shall include: (1) A Personal Summons, (2) a copy of the Plaintiff's Complaint filed with this Court on January 22, 2018; (3) a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B (recorded in Official Records of Mohave County on December 18, 1989 at Book 1641, Pages 895-901, (4) a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-D (recorded in Official Records of Mohave County on October 19, 1990 at Book 1808, Pages 509-514, (5) Two Waiver of Service forms for each property owner listed for their Assessor Parcel Number(s) and sufficient self-addressed stamped envelopes for return of one copy of each signed waiver to be returned to the Plaintiff for filing with the court. One copy of the Waiver of Service Form is for the recipient to keep for their records. Good cause must be shown for anyone who cannot return the signed waiver that will be provided to the court in lieu of the Signed Waiver. (6) Either a Letter from the Plaintiff regarding the penalty of costs for a second mailing if the addressee does not return their signed waiver and has not shown good cause for failure to sign and return the Waiver of Service form pursuant to the statement on the Waiver form that details the Duty to Avoid Unnecessary Costs of Service of Summons or this information will be included in the Notice approved and finally prepared by the Court for insertion in the packet.

IT IS ORDERED Plaintiff may accomplish service in the following manners for parties with a mailing address either in or outside the State of Arizona or outside the United States:

1. Plaintiff shall first attempt to cause parties to be served by first class mail, return receipt requested, to the mailing address of the owners of each and every APN listed on the Excel spreadsheet as provided to the Clerk of the Court and the Defendants.

For any APN held in a Trust, the name on the envelope for the first mailing will be the Trust name and will only require the return of one copy of the Waiver of Service Form from any single member of the Trust.

For any APN held in joint tenancy, the name on the envelope of the first mailing will be the name of the primary property owner.

Each and every party at a specific mailing address will be provided with two copies of the Waiver of Service, one to keep and one to return to the Plaintiff, in compliance with ARCP Rule 4.1 or 4.2 and pursuant to Rule 4(f)(1) together with the Court's other specified contents of the Service Packet.

2. For APNs held in joint tenancy where only one party of multiple parties returns the Waiver of Service form and fails to respond without good cause, a second attempt will be mailed to the non-responding party or parties addressed to their specific name with the costs to be borne by the owners of the APN. This language will be included as a WARNING on the Summons.

3. In lieu of any party failing to return the Waiver of Service upon the second mailing, Plaintiff will file the Return Receipt with the Court and the Court will consider the unresponsive parties owning the APN as having been served in accord with Rule 4.1 and Rule 4.2 of the Arizona Rules of Civil Procedure for their Duty to Avoid Unnecessary Cost of Service of Summons.

The above duty requires certain parties to cooperate in saving unnecessary cost of service of the summons unless good cause can be shown for its failure to sign and return the waiver pursuant to language on A.R.C.P. Rule 4 (f) and form CVC27f- 100317.

An Affidavit of additional costs for the second mailing will be filed with the Court and the Court will in turn Order judgment for payment of the additional costs from the non-responding party to the Plaintiff.

IT IS ORDERED that for any owner of an APN that is mailed a service packet and if it is returned by the USPS for non-delivery, the Court may consider Plaintiff's

request for other forms of alternative service.

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

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

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

IT IS ORDERED any party who declines to provide the Clerk of the Court and the other parties with an e-mail address shall be assessed the actual cost of mailing. This Order for costs that will be assessed upon the Indispensable Parties will be included in the Summons.

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

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

IT IS ORDERED that in the event the Plaintiff does not take substantial steps to have fully complied with the specifics of this Order as set forth herein to join all necessary and indispensable parties within one hundred fifty (150) days from receiving the Court's signed Order, this matter shall be dismissed. Substantial steps is defined as having certified mail receipts for the first mailing to the owners of at least 75% of the APNs on the Excel Spreadsheet.

The second paragraph of the Waiver of Service Form to be included in the "Service Packet" shall state:

I also have received a copy of the Complaint, a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D, two copies of this Waiver of Service for each property owner, and a means by which I/we can return the signed waiver(s) to you without cost to me/us.

The Court has prepared and attaches to this Ruling a draft of the Notice to be included in the "Service Packet" and served upon all landowners that states, at a minimum, the following:

1. A waiver of service means you have received the Summons to be joined in this matter as a necessary and indispensable party without the cost associated with a process server having delivered your copy of the documents to you at your door.
2. You are not being sued. You are being joined in an existing law suit because the outcome of that case could affect your rights as an owner of land subject to a

claim of abandonment of the Covenants, Conditions and Restrictions that govern your property.

3. Failure to sign the Waiver of Service and mail it back in the postage paid envelope provided will cause you to receive a second mailing with judgment against you for the costs. If the Court still does not receive notice that you have signed the Waiver, it will be necessary for a professional process server to be hired to assure that you have had an opportunity to protect your rights in this matter and the cost of personal process service will also be ordered as a judgment against you.

4. You are prohibited from contacting the Court, the Defense counsel, or the Plaintiff for advice or information. This is a high-profile case and documents filed in the matter are available for viewing online at _____.

5. You are advised to consult an attorney for information on becoming a Plaintiff or Defendant in this matter.

6. Tract 4163 has no separate Declaration of Covenants, Conditions and Restrictions ("CC&Rs") because the CC&Rs run with the land and Tract 4163 is land that is included in Tract 4076-B.

IT IS ORDERED Plaintiff pro per or counsel for the Defendant shall be given an opportunity for input into the form of Notice for a period of twenty (20) days after the Court's proposed form is electronically delivered to Plaintiff and Defendants' counsel.

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

Judge of the Superior Court

Proposed Summons:

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

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

FROM THE STATE OF ARIZONA TO: _____

1. Pursuant to Rule 4.1 (2), if a party fails, without good cause, to sign and return a waiver requested by a plaintiff, the court must impose on the party: (A) the expenses later 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.

2. You are being provided with an email address for submitting a letter of good cause explaining why you or any partner in the ownership of your lot is unable to sign and return the Waiver of Service form. You may send the letter in the self-addressed stamped envelope or send a pdf of the signed letter to the Plaintiff's email address at: nancyknight@frontier.com

3. Your service packet includes the following documents for each Assessor Parcel Number that you own: (1) your personal Summons, (2) a copy of the Plaintiff's Complaint filed with this Court on January 22, 2018, (3) a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B (recorded in Official Records of Mohave County on December 18, 1989 at Book 1641, Pages 895-901, (4) a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-D (recorded in Official Records of Mohave County on October 19, 1990 at Book 1808, Pages 509-514, (5) Two Waiver of Service forms for each property owner listed for your Assessor Parcel Number and sufficient self-addressed stamped envelopes for return of one copy of each signed waiver to be returned to the Plaintiff for filing with the court. You keep a copy of the Waiver of Service Form for your records. You may return a letter to the Plaintiff in the envelope provided for the return of the Waiver of Service that explains why you or a partner in ownership of your Assessor Parcel Number for good cause could not return the signed waiver of service form, (6) Either 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 or you will find this information on the Notice approved and finally prepared by the Court.

4. Cost of copying the service packet contents and postage to be paid by you carries a simple interest penalty of 2% simple interest per month (24 % annual interest) until paid. Plaintiff does not have to suffer any subsequent costs beyond the first mailing.
5. For those lot owners who have not signed a return receipt for either the first or second mailing, the Plaintiff has the option of requesting the Court to collect from you the cost of personal service by a professional licensed process server. That cost is estimated to be \$100 per property owner. This alternate form of service is in accordance with ARCP Rules 4, 4.1 and 4.2 for personal service upon the subject lot owner/s.
6. For those property owners who are not served in the ways set forth above, the Court will consider other forms of alternative service such as notice by publication and that cost will be paid by you.
7. You must provide the Plaintiff with an email address for use in transmitting documents to you electronically. You must notify the Plaintiff of any change in your email address. Your email address may be sent to nancyknight@frontier.com
8. Failure to comply with any of the above provisions may cause the Court, on Motion by the Plaintiff, to relinquish your rights to be joined and to accept your Return Receipt as proof of service whether you accepted the service packet or refused delivery pursuant to the mail carrier.
9. You are instructed to not discuss the case with any of the Defendants, the Defendant's attorney or the Plaintiff. Defendant Roberts was dismissed. Their land is in Tract 4076-A.
10. You have a choice to opt-in as a Plaintiff or Defendant in this matter. Contact an attorney for the benefits and/or risks of opting-in.

SIGNED AND SEALED this date: _____

Christine Spurlock
Clerk of the Superior Court

By: _____
Deputy Clerk

Person Filing: Nancy Knight
Address (if not protected): 1803 E. Lipan Cir
City, State, Zip Code: Fort Mohave, AZ 86426
Telephone: 928-768-1537
Email Address: nancyknight@frontier.com

Representing [x] Self, without a Lawyer

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY

Nancy Knight

Name of Plaintiff

Case No. CV 2018 04003

Name of Indispensable Party

TO: Nancy Knight

(Name of Plaintiff)

WAIVER OF SERVICE

A.R.C.P. Rule 4 (f)

ACKNOWLEDGMENT OF WAIVER OF SERVICE. I acknowledge receipt of your request that I waive service of a summons in regards to the above referenced action.

I also have received a copy of the Complaint, a copy of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D, two copies of this Waiver of Service for each property owner, and a means by which I/we can return the signed waiver(s) to you without cost to me/us.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by the Arizona Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

JUDGMENT. I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if I fail to return this signed waiver within thirty (30) days after this waiver was sent, which was ___/___/___ (date sent) for the costs involved in either a second mailing, personal process service or service by publication.

I swear or affirm under penalty of perjury that the contents of this Waiver are true and correct to the best of my knowledge and belief.

Signature of Indispensable Party

Date

Printed Name of Indispensable Party

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4.1 and Rule 4.2 of the Arizona Rules of Civil Procedure require certain parties to cooperate in saving unnecessary cost of service of the summons and a pleading. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States, to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought into an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on this waiver form, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.