

1 **LAW OFFICES**
2 **DANIEL J. OEHLER**
3 **2001 Highway 95, Suite 15**
4 **Bullhead City, Arizona 86442**
5 **(928) 758-3988**
6 **(928) 763-3227 (fax)**
7 djolaw@frontiernet.net

8 Daniel J. Oehler, Arizona State Bar No.: 002739
9 Attorney for Defendants

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

12 NANCY KNIGHT,

13 Plaintiff,

14 vs.

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

22 Defendants.

NO.: CV-2018-04003

**OBJECTION TO PLAINTIFF'S
PROPOSED FINDINGS AND
ORDERS**

23 Plaintiff's proposed findings do not comport with the findings of this Court either generally
24 nor specifically regarding Plaintiff's findings paragraphs D, E (via the Plaintiff's unilateral addition
25 of the phrase "at the time of the oral arguments," at p.2, lines 20, and in paragraph J "until such time
26 as she owns property in Tract 4076A" at p. 3, line 9).

27 The Defendants further object to the Plaintiff's proposed order as presented by Plaintiff
28 regarding paragraph 1 language that includes such phrases as "attempted violations of reduced
setbacks through Board of Resolutions as cited in the Plaintiff's Complaint..." suggesting that the
dismissal should be without prejudice.

The Defendants object to the Plaintiff's proposed order, paragraph 2, dealing with Tract
4076B signage and allegations of attempted setback violations through the Board of Supervisors
application, which was not within the Court's findings nor as was raised in Defendants Motion to

1 Dismiss.

2 The Defendants object to the Plaintiff's proposed order, paragraph 3, which should be with
3 prejudice, again, as to Count 1 of Plaintiff's Complaint.

4 Paragraph 4 of Plaintiff's proposed order should be stricken as the Court found that the
5 resubdivision of Parcel VV of the 4076B Tract and the creation of Tract 4163 by a different owner,
6 developer and subdivider more than a decade subsequent to the creation of Tract 4076B was legally
7 irrelevant and that Plaintiff effectively is a "person residing in Tract 4076B" which is the condition
8 precedent to enforcement of the 4076B CC&Rs. Effectively, this Court has found that the
9 "resubdivision" of Parcel VV is legally of no consequence nor efficacy as to the CC&Rs, and further
10 that Plaintiff supposedly is an owner of a single residence in both Tract 4163 and Tract 4076B.


11 Paragraph 5 of Plaintiff's proposed order concerning Plaintiff's objection to the Defendants'
12 Motion to Dismiss under Rule 8(a)(2), Rule 12(b)(6), and Rule 17A, A.R.C.P. being inappropriate
13 and that a motion for declaratory judgment would have been a simpler more expeditious, less
14 economically impactive and successful with "30 minutes time" is fully outside the pleading and
15 issues currently before the Court. Paragraph 5 should be stricken in its entirety.

16 **SUMMATION**

17 Plaintiff's proposed findings and orders should, for the reasons specified, be denied in their
18 entirety, and Defendants' Findings and Orders as presented should be entered without further delay.

19 RESPECTFULLY SUBMITTED this _____ day of April, 2018.

20 LAW OFFICES OF DANIEL J. OEHLER


21 
22 Daniel J. Oehler,
23 Attorney for Defendants

24
25
26
27
28

1 **COPY** of the foregoing emailed
this 23rd day of April, 2018, to:

2 Honorable Derek Carlisle
3 Mohave County Superior Court
4 Division 2
5 2001 College Drive
6 Lake Havasu City, Arizona 86403
7 (928) 453-0739 Mary
8 making@courts.az.gov

9 Plaintiff Pro Per
10 Nancy Knight
11 1803 E. Lipan Circle
12 Fort Mohave, Arizona 86426
13 (928) 768-1537
14 nancyknight@frontier.com

15 By: 
16 Patricia L. Emond, Legal Assistant

17
18
19
20
21
22
23
24
25
26
27
28