

LAW OFFICES
DANIEL J. OEHLER
2001 Highway 95, Suite 15
Bullhead City, Arizona 86442
(928) 758-3988
(928) 763-3227 (fax)
djolaw@frontiernet.net

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

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

NANCY KNIGHT,

Plaintiff,

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.

NO.: CV-2018-04003

~~PROPOSED~~ ORDER

*For service of
non-dispensable parties*

*The Court has considered the positions of
both Plaintiff and Defendant and adopts the following order for Plaintiff to bring in non-dispensable parties. 9/*

IT IS ORDERED 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.

IT IS ORDERED the Plaintiff shall provide and input all necessary data and information for the issuance by the Court system of the Summonses that will be served upon each of the additional parties. The Plaintiff shall simultaneously file with the Clerk of the Court and serve on the existing Defendants an Excel spreadsheet in electronic form that lists the Assessor's Parcel Number in numerical order in column A, the specific lot and tract number in column B, as well as name(s) and mailing address of the current owner of each parcel in column C, in the row number corresponding to the Assessor's Parcel Number, in accordance with the current Mohave County Assessor's office information on file, reflecting the owners' respective mailing address and/or addresses. The spreadsheet

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

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 Plaintiff shall cause to be served upon each necessary and indispensable party a set of documents hereinafter referred to as the "Service Packet" that shall include: (1) their/its personal summons, (2) a copy of 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) Waiver of Service and Acceptance of Service forms, and (6) a Notice approved and finally prepared by the Court. **IT IS ORDERED** the Plaintiff may accomplish service in the following manner:

1. The Plaintiff may attempt to obtain an Acceptance of Service from all property owners. Plaintiff shall comply fully with the provisions of Rule 4.1 and/or Rule 4.2, Ariz.R.Civ.P., regarding transmittal of a proposed "Acceptance of Service" and the legal effects of "waiving service" per Rule 84, Forms 1-2, Ariz.R.Civ.P., and "accepting service" per Rule 12(a)(1)(A)(ii), Ariz.R.Civ.P. The Service Packet including the "Acceptance of Service" documentation shall be sent via United States Postal Service (USPS) first class mail to the parties. Only the Court approved documentation shall be transmitted.

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

3. For those lot owners who do not sign a return receipt, the Plaintiff shall cause to be completed, in full accord with ARCP Rules 4, 4.1 and 4.2, personal service upon the subject lot owner/s.

4. For those property owners who are not served in the ways set forth above, the Court may consider Plaintiff's request for other forms of alternative service.

IT IS ORDERED by ⁹¹ ~~January 31~~ ^{May 30}, 2023, or at the time of filing an initial pleading or motion with the Court, 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.

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 electronic format, 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 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.

IT IS ORDERED the Clerk of Court of the 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 Plaintiff shall have no direct nor indirect personal or written contact with the to-be-joined indispensable or necessary parties.

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 the next one hundred fifty (150) days, this matter shall be dismissed.

The Notice approved and finally prepared by the Court to be included in the "Service Packet" shall state, at a minimum, the following:

1. The Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf Course & Estates Tract 4076-B and Tract 4076-D overlays the full set of the Declaration of Covenants, Conditions and Restrictions for Tract 4076-B.

2. Tract 4163 has no separate Declaration of Covenants, Conditions and Restrictions other than the restrictions for Tract 4076-B that included the lands constituting Tract 4163.

3. The legal effects of "waiving service" per Rule 84, Forms 1-2, Ariz.R.Civ.P., and "accepting service" per Rule 12(a)(1)(A)(ii), Ariz.R.Civ.P.

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.

IT IS ORDERED counsel 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's and Defendants' counsel.

DONE IN OPEN COURT this 17th day of February, ~~2022~~ 2023.



Judge of the Superior Court