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2 1803 E. Lipan Circle
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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 GLEN LUDWIG and PEARL LUDWIG, Trustees of
13 THE LUDWIG FAMILY TRUST; FAIRWAY
14 CONSTRUCTORS, INC.; MEHDI AZARMI; JAMES B.
15 ROBERTS and DONNA M. ROBERTS, husband and
16 wife; JOHN DOES 1-10; JANE DOES 1-10; ABC
17 CORPORATIONS 1-10; and XYZ PARTNERSHIPS 1-
18 10.

19 Defendants

FILED
BY: *ML Ma*

2018 MAY 21 PM 3:41

VIRLYNN TRINELL
SUPERIOR COURT CLERK

Case No.: CV 2018 04003

**NOTICE OF LODGING FINDINGS
AND ORDER COUNT 2**

Honorable Derek Carlisle

20 Notice is hereby given that the attached Findings and Order for Count 2 of the
21 Plaintiff's Complaint has been Lodged with this Court on this date.

22 RESPECTFULLY SUBMITTED this 21st day of May, 2018

23 *Nancy Knight*
24 Nancy Knight
25 Plaintiff Pro Per



B8015CV201804003

1 **COPY** of the foregoing hand delivered
2 this 21st day of May, 2018 to:

3 The Law Office of Daniel Oehler
4 2001 highway 95, Suite 15
5 Bullhead City, Arizona 86442

6 Notice of the filing in Bullhead City
7 emailed to Mary King, District II
8 Lake Havasu City, AZ
9 making@courts.az.gov

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19 Defendants

Case No.: CV 2018 04003

**PLAINTIFF'S FINDINGS AND
ORDER COUNT 2**

Honorable Derek Carlisle

20 The Defendants filed a Motion to Dismiss alleging Plaintiff had no authority
21 whatsoever to bring any claim for CC&R enforcement as her Tract 4163 had no CC&Rs
22 and her home's builder, T&M Ranching and Development, was not imposed with any
23 CC&R restrictions. The Court considered all of the evidence submitted by both sides
24 including the Plaintiff's Response, The Defendant's Reply, and the Plaintiff's Objections
25 to the Defendant's Reply and scheduled Oral Arguments in a Motion for Summary
Judgment for April 2, 2018. The Court looked at the narrow issue whether the Plaintiff had

1 the authority to bring a claim and determined the Plaintiff had authority to bring a claim
2 for Tract 4076B in Desert Lakes Golf Course and Estates.

3 The Plaintiff appeared in person and the Defendants Ludwig, Azarmi, and Fairway
4 Constructors appeared through their attorney, Daniel J. Oehler for Tract 4076B. The Court
5 dismissed Count 1 (Violations of CC&Rs) for Tract 4076A at this time. The Court did not
6 dismiss Count 2 (Injunctive Relief and all allegations for Violations of CC&Rs as cited for
7 Count 2 in the original Complaint) for Tract 4076B.

8
9 **MEMORANDUM AND POINTS OF AUTHORITY**

10 For each count included in the original Complaint, Plaintiff incorporated all other
11 allegations and averments contained in the Complaint as though fully included and
12 restated herein. For Count 2, which was not dismissed, the Plaintiff incorporated all
13 allegations of Violations of CC&Rs cited in Count 1 as though fully set forth herein.

14
15 At all times, in the filing of the original Complaint, the Plaintiff believed there
16 existed only one CC&R Declaration for Desert Lakes Golf Course and Estates defined in
17 accordance with her Title Insurance Policy as located in Book 1641.

18
19 Based on the evidence of Tract 4076A having a separate CC&R Declaration
20 recorded in Book 1554, Count 1 (Violations of CC&Rs for Tract 4076A) was dismissed
21 at that time and is pending whether Count 1 is dismissed with prejudice as the Defendant
22 wishes or without prejudice as the Plaintiff wishes.

1 Based on the evidence of Tract 4163 being a resubdivision of parcel VV of Tract
2 4076B and given that parcels and lots are subject to the CC&Rs which run with the land,
3 the Plaintiff was found to have authority to bring a claim for Tract 4076B.
4

5 The opposing counsel, Mr. Oehler, had a duty to assure his allegations of no CC&Rs
6 for the Plaintiff's Tract 4076B were not frivolous. Mr. Oehler failed in his duty since he
7 was the opposing counsel for case 2016 04026 whereby his signature was applied citing
8 the Plaintiff's Tract 4163 was subject to Tract 4076B CC&Rs. *What is required of lawyers,*
9 *in accordance with ER 3.1 (2), is that they inform themselves about the facts of their clients*
10 *cases and the applicable law and determine that they can make good faith and nonfrivolous*
11 *arguments in support of their clients' positions.*
12

13 The Plaintiff's Oral Argument for the "attempt and/or threat to violate" is found in
14 the Plaintiff's numerous references to the BOS Resolutions cited in the Complaint under
15 "Allegations Common To All Counts" in Paragraphs 35-37 whereby the Plaintiff
16 references the BOS Resolutions for reduced setbacks "revealed an attack specifically
17 directed on Desert Lakes CC&Rs". It was revealed on April 4, 2018 that this attack was
18 orchestrated at the request of the defendant Developer at a cost to the taxpayer of Mohave
19 County in the amount of an estimated \$12,500 and, as evidenced by the BOS Resolution
20 meeting minutes, with the full support of former Supervisor Moss.
21

22 While the Plaintiff was successful in her pleading to the BOS for denial of the
23 setback reductions, the attempted violation needs to be punished and an injunction against
24
25

1 any future attempts by this defendant Developer for permits, variances, or future BOS
2 Resolutions needs to be adjudicated.

3 The Court made the following finding:

4 A. The Court found in favor of the Plaintiff that she does have the authority to assert
5 violations of signage on unimproved lots in Tract 4076B.
6

7 B. The Court found in favor of the Plaintiff that she does have the authority to assert
8 other violations in Tract 4076B.

9 C. The CC&Rs for Tract 4076B says, "...the violation or threatened or attempted
10 violation ... shall be lawful for ... any person or persons owning real property located with
11 the subdivision to prosecute..."
12

13 **NOW THEREFORE, THE COURT ENTERS THE FOLLOWING ORDERS**

14 1. Immediate removal, not to exceed 10 days from the date of this Order, of all
15 signage on unimproved lots in Tract 4076B. _____

16 2. Injunction prohibiting any future placement of signage on unimproved lots in
17 Tract 4076B. _____
18

19 3. Injunction prohibiting the Defendants from violating CC&R Tract 4076B
20 provisions including but not limited to any future circumvention utilizing Mohave County
21 permits, variances, and BOS Resolutions. _____

22 4. Compensation in the amount of \$2,019.40 for the Plaintiff's costs and legal
23 expenses as described in the Plaintiff's Affidavit of Costs or an amount of \$ _____
24 as determined by the Court. _____
25

1 5. Reimbursement of taxpayer dollars in the amount of \$_____ to the
2 Mohave County General Fund for the estimated costs incurred of \$12,500 as cited by
3 Director Walsh of Mohave County Development Services for Mehdi Azarmi's request for
4 the BOS Resolutions for setback reductions in Desert Lakes Golf Course and Estates.
5

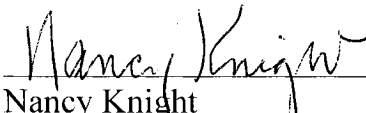
6 _____
7 6. For such other and further relief as the Court deems just and equitable in the
8 premises in the amount of \$_____ due to the frivolous claim that the
9 Plaintiff had no authority whatsoever to bring any claim for CC&R enforcement.
10

11 7. Denial of any attorney fees to the Defendant under any rules of Section 12 of
12 Arizona Civil Procedure given that the Plaintiff was justified in filing this action as
13 evidenced by the interest of the Attorney General SIS and the FBI who advised this civil
14 Complaint. At no time did the Plaintiff have knowledge that five separate Tract CC&Rs
15 governed her Desert Lakes community. At no time did the Plaintiff believe that paragraph
16 22 on page 900 of Tract 4076B CC&Rs would not protect the entire Desert Lakes Golf
17 Course and Estates with any grammatical change necessary to protect the entire community
18 as one subdivision rather than limit enforcement to an individual who owned property in
19 only one of the five separate subdivisions. Nor did the Plaintiff believe that The Law on
20 Property would not grant the Plaintiff rights to uphold CC&Rs unconditionally throughout
21 Desert Lakes given that the entire tract of land that was subdivided into lots by Desert
22 Lakes Development L.P. and encompassed approximately 300 acres subdivided for a Golf
23 Course, Clubhouse, Sewer Treatment Plant and over 700 homes would be at risk of blight
24
25

1 and because the mutuality of burden and benefit as between the grantees arising out of the
2 imposition of such restrictions on the land itself would be limited to enforcement within
3 small areas of the community. This mutuality of burden and benefit should constitute
4 reciprocal promises between all the grantees, each supported by that of the other and not
5 to the benefit of one Developer who egregiously caused an attempt to violate the rights of
6 hundreds of Desert Lakes property owners. _____
7

8 8. If approved by the Court as initialed for this item, the Plaintiff will submit a
9 Declaratory Judgment relieving all property owners subject to the CC&Rs for Tract 4076B
10 in Desert Lakes Golf Course and Estates from any liability for violations of CC&Rs or
11 County setbacks that occurred before the purchase of that property and that are not the fault
12 of the purchaser. _____
13

14 **RESPECTFULLY SUBMITTED** this 21st day of May, 2018.

15
16 
17 Nancy Knight
18 Plaintiff Pro Per

19 **COPY** of the foregoing hand delivered
20 this 21 day of May, 2018 to:

Honorable Derek Carlisle

21 Attorney for Defendants
22 Daniel J. Oehler, Esq.
23 Law Offices of Daniel J. Oehler
24 2001 Highway 95, Suite 15
25 Bullhead City, Arizona 86442