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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

**RESPONSE TO PLAINTIFF'S
MOTION FOR
RECONSIDERATION OF
FINAL ORDERS FOR
SERVICE ON INDISPENSABLE
PARTIES DATED FEB. 17, 2023
FOR INAPPROPRIATE
CONTENT AND FAILURE OF
THE COURT TO PROVIDE THE
SUMMONS AND WAIVER OF
SERVICE FORM**

Honorable Dale P. Nielson

23 COME NOW, the Defendants, in response to Plaintiff's above-referenced pending
24 Motion filed May 15, 2023, and provide the Court with Defendants' responses hereinafter
25 set forth.

26 Plaintiff's request for reconsideration should be denied and the Defendants' approved
27 Order (updated) should remain in place. A standard Summons and standard Rule 4(f) and
28 4.1, 4.2 Waiver and Acceptance approved as to exact form by the Court should issue.
Plaintiff's proposed documents are not in compliance with the Arizona Rules of Civil
Procedure Rule 4, contain improper, inappropriate and wrongful statements of the law and
fact. Defendants should be awarded their attorney fees and costs associated herewith, all as

1 is set forth in the attached Memorandum of Points and Authorities.

2 RESPECTFULLY SUBMITTED this 6th day of July, 2023.

3 LAW OFFICES OF DANIEL J. OEHLER

4 

5 Daniel J. Oehler,
6 Attorney for Defendants

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Plaintiff's initial statement in her Motion for Reconsideration filed May 15, 2023, is
9 that the Court Order issued by Judge Jantzen on February 17, 2023, "was not well thought
10 out" (p. 1, lines 25-26). The longstanding history on this issue reflects that the subject Order
11 was actually entered on February 17, 2023, via the Court's signature but not filed by the
12 Clerk until February 21, 2023. A copy of the Order with the Court's interlineations is
13 attached hereto and referenced as **Exhibit A**. At the time of its entry by the Court, via
14 interlineation, the Court changed the date ascribed in the last paragraph of p. 2, from January
15 31, 2023, to May 30, 2023. This new date, approximately 110 days after entry of the subject
16 Order, fixed a time for the to-be-joined necessary and indispensable parties to provide the
17 Court with the parties' initial pleadings and each party's email address.

18 Note that the Defendants' proposed order was originally filed on or about August 19,
19 2022 (**Exhibit B**), almost 11 months prior to the preparation of this Response. Defendants'
20 proposal, at that point in time, simply left the time period for a response from the
21 indispensable parties blank, "_____(date)," in other words, open for the Court to
22 determine. On September 28, 2022, Defendants filed a copy of both Plaintiff's attorney's
23 "proposed order" with revisions highlighted in yellow (**Exhibit C**), and Defendants'
24 "proposed order" that incorporated Plaintiff's attorney's initial yellow highlighted revisions
25 along with Defendants' revisions added in blue (**Exhibit D**). These documents had been
26 exchanged between Plaintiff's then attorney, Jeffrey Coughlin, and Defendants' attorney,
27 Daniel J. Oehler. Comparing these documents resulted in a finding that there were very few
28 significant variances in the work products and proposals submitted by both attorneys over

1 the appropriate content of the subject proposed Court Notice and Order for inclusion in the
2 prospective “summons packet.” At the time of this exchange, this Court should take note of
3 the fact that Plaintiff’s attorney proposed a date of January 31, 2023, for the necessary and
4 indispensable parties to respond – see Plaintiff’s proposed Order, p. 4, line 8 (**Exhibit C**).

5 Defendants, having incorporated many of Plaintiff’s attorney’s proposed amendments,
6 utilized this same date in their proposed Order, p. 4, line 8 (**Exhibit D**). Thereafter,
7 Defendants made a few adjustments in preparing the Final Proposed Order that Defendants
8 filed with the Court on November 11, 2022 (**Exhibit E**) that combined the January 31, 2023
9 (Coughlin requested date) on p. 4, and as was signed by Judge Jantzen on February 17, 2023
10 with the Court’s handwritten selected date of May 30, 2023, for the indispensable parties to
11 respond.

12 Note should be taken that in the interim period between the initial filing between July
13 2022 and February 17, 2023, approximately 35 Plaintiff motions/requests were filed by
14 Plaintiff including a Motion to Withdraw Plaintiff’s attorney, Affidavit of Court Bias,
15 Change of Judge, Order Transfer to New Judge re Bias Review, Denial of Court Bias,
16 Plaintiff’s Motion for Change of Venue, Motion for Reconsideration of Claim of Bias,
17 Plaintiff’s First Corrected Motion to Reconsider Bias, a Denial of the Motion to Reconsider
18 the Filing of an Order Denying Bias, Reconsideration Motion to Alternate Judge, a court
19 finding that Plaintiff’s efforts were for delay, filing of a Judicial Complaint, Recusal (short
20 list through April 27, 2023) followed immediately by Plaintiff’s May 1, 2023, objection to
21 the Court’s request and authorization for Defendants to file an affidavit of attorney fees and
22 costs that were incurred in responding to multiple of Plaintiff’s motions over a designated
23 period of time “...September 29, 2022, to present [February 17, 2023] except for the
24 Plaintiff’s Motion for Summary Judgment filed on February 2, 2023” each of which Motions
25 and others had been denied. Plaintiff objected to the trial court’s intent to enter a fee order
26 against Plaintiff and Plaintiff in response filed a request that the Court award Plaintiff
27 A.R.S. §12-349 fees in the amount of \$5,000.00 from opposing counsel apparently to
28 compensate Plaintiff for Plaintiff’s failed motion practice within the September 29, 2022 to

1 February 17, 2023 time frame designated by the Court.

2 The Jantzen Order signed February 17, 2023, filed by the Clerk of the Court on
3 February 21, 2023, is specific, straight forward and to the point needed for service on the
4 necessary and indispensable parties. Obviously, as a result of the multitude of motions that
5 were filed between February 21, 2023, and June 12, 2023 (at least 10 by Plaintiff and two by
6 Defendants), the time periods originally generated in August 2022 need to be updated as was
7 done by the former Judge handling this file and needs to be again updated. Similarly, the 150
8 days referenced on p. 3, ¶6, needs to be tied to a definite trigger date, perhaps 150 days from
9 the Clerk's office issuing the proper and appropriate summons prepared for each new party
10 by the Plaintiff and delivered to the Clerk of the Court in a form that is fully pre-approved
11 by the Court and compliant with ARCP Rule 4 (**Exhibit F**). Note that Plaintiff continuously
12 suggests that once the Court determines the precise form of the summons, waiver, acceptance
13 and notice/order, the Plaintiff includes a repetitive comment suggesting that the Clerk of the
14 Court is to prepare each of the individualized service documents. Indeed the Plaintiff is
15 obligated to do so and the Clerk of the Court's obligation is to issue the summons, not do the
16 secretarial work.

17 ARCP Rule 4(a)(2) clearly directs that the Plaintiff is obligated to prepare the
18 Summons and present it to the Clerk for signature and sealing. More specifically, the exact
19 language that obligates Plaintiff to prepare each of the necessary and indispensable parties'
20 Summons reads:

21 “(2) *Issuance*. On or after filing a pleading, the filing party may
22 present a summons to the clerk for signature and seal. If the
23 summons is properly completed, the clerk must sign, seal, and
24 issue it to the filing party for service. A summons-or copy of the
summons if addressed to multiple parties-must be issued for
each party to be served.”

25 Plaintiff must prepare and deliver each required and correct Summons regardless of
26 the number of times Plaintiff states in Plaintiff's pleading that someone else, the Court or the
27 Clerk, is to do so once this Court specifically approves the exact form.

28 No issue is taken by the Defendants herein that the Plaintiff's service packet include

1 a “Waiver of Service of Summons” (as set forth in 16 A.R.S. Rules of Civil Procedure
2 Form 2 (**Exhibit G**), including the specific language to be printed on the reverse side of the
3 waiver document) and an “Acceptance of Service.”

4 **PLAINTIFF’S PROPOSED FINAL ORDER**

5 Plaintiff’s proposed Final Order is replete with improprieties or unacceptable
6 commentary.

- 7 ● p.1 of Plaintiff’s proposed Final Order, line 28, seeks court authority to allow
8 Plaintiff to use “...Plaintiff’s best guess.”
- 9 ● p.3 of Plaintiff’s proposed Final Order, line 23, July 15, 2023, of course,
10 doesn’t work.
- 11 ● p.3, ¶3 of Plaintiff is inaccurate and deletes a mandatory filing requirement of
12 every party to be joined.
- 13 ● Plaintiff’s proposed issuance by this Court regarding alleged “unnecessary
14 costs of service (lines 15-16) and the following suggested automatic issuance
15 of an “order judgment for payment... to the Plaintiff” by this Court (p.3, lines
16 18-19) is fully inappropriate and cannot be used.
- 17 ● Defendants believe that the Clerk of the Court’s high profile website address
18 should be set forth on the Summons, Waiver of Service and Acceptance of
19 Service documents, not simply on only one or in a possible waiver document.
20 The website address is: [www.mohavecourts.com/court-departments/clerk-](http://www.mohavecourts.com/court-departments/clerk-superior-court/high-profile-cases)
21 [superior-court/high-profile-cases](http://www.mohavecourts.com/court-departments/clerk-superior-court/high-profile-cases).
- 22 ● p.4, lines 21-28 and p.5, lines 1-4 must be deleted in their entirety.

23 A few but not all the reasons are:

24 1. The case issue brought by the Plaintiff is an effort to enforce the CC&Rs. The
25 law requires that if the covenants are enforced against one, they are to be enforced against
26 all. The defense is that the CC&Rs have been abandoned.

27 2. Plaintiff suggests an examination of the prohibition of contact pre-service on
28 the necessary and indispensable parties, i.e., in the current Jantzen signed Order February 21,

1 2023, the no contact is applicable to those parties that are “to be joined indispensable parties”
2 p.3, ¶6. It is not intended to be applicable to the joined parties once they are actually joined.
3 At that point, Plaintiff cannot represent any of the additional parties. Similarly, the
4 Defendants cannot represent any of the additional parties as the defendants, similar to the
5 Plaintiff, are not licensed to practice law. Defendants are represented by a licensed attorney
6 and provided compliance of all ethical requirements including client approval Defendants
7 attorney could in fact speak to, discuss and potentially could represent one or more of the
8 Rule 19 additional parties.

9 3. Plaintiff has authored a document that Plaintiff has recorded in the Mohave
10 County records that Plaintiff apparently believes has some legal efficacy. Plaintiff calls this
11 document an Unincorporated Association (hereinafter “UA”) and purports that it deals with
12 Desert Lakes Tract 4076, a tract that does not exist in fact and never has existed in Mohave
13 County, Arizona. Plaintiff suggests facts regarding this entity be included in the service
14 packet. Plaintiff purports that Plaintiff formed the entity in accordance with the laws of the
15 State of Arizona dealing with “planned communities” and under the provisions of A.R.S.
16 §§33-1801 to 33-1819. There is no “planned community” within any one of the several
17 different subdivisions in or around Mohave Valley, Arizona, specifically including Desert
18 Lakes Golf Course and Estates Tracts 4076-B, 4076-D or 4163. Yet, Plaintiff alleges to
19 nearby residents, including the necessary and indispensable parties, that they should join this
20 invalid entity that may already have slandered title to some or all of these individual
21 subdivisions and adversely affected all of the Desert Lakes Tracts. Residents including those
22 owning property within Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and
23 4163 have also never been informed that even if Plaintiff’s UA had been a properly formed
24 entity, and it is not, that the UA would be treated for tax and other legal purposes as a
25 partnership exposing all who joined to joint and several liability for all actions, judgments
26 and other liabilities and actions taken by the entity which, of course, is to be represented by
27 the Plaintiff, its self-declared president.

28 On p.4, ¶6 effectively is a commentary on evidence or potential evidence that has no

1 place in the service packet or orders to be entered by the Court.

2 Finally, Plaintiff's request that the Court provide a figure of 75% of the first service
3 efforts taken by Plaintiff should be considered "substantial" compliance with the Court
4 Order. This is a faulty way to measure Plaintiff's compliance. This is an issue that must be
5 decided by the Court after hearing on why one-quarter of the parties could not be
6 successfully served. The number may be less than 75% of the APNs or well may be more
7 than even the 85% of the property owners Plaintiff suggests in her Motion for
8 Reconsideration but the correct number can only be judged by the efforts taken or shirked
9 by the Plaintiff in completing or failing to complete proper service on each of the subject lot
10 owners.

11 **PLAINTIFF'S PROPOSED WAIVER OF SERVICE**

12 Plaintiff's May 15, 2023, proposed "Waiver of Service" purports to be in accord with
13 ARCP Rule 4(f) however it does not comply in multiple ways and multiply issues that
14 Plaintiff has improperly included on the first page and more particularly the "two" back
15 pages of the document. Plaintiff's omissions and additions are of extreme import and
16 potential impact delivering to the new defendants multiple erroneous statements of both fact
17 and law that we will examine more completely, at least in part, in this Response.

18 While Plaintiff talks about waiver and includes some of the correct ARCP portions
19 of Rule 4(f), Plaintiff ignores the parties' rights to consider acceptance of service (Rule
20 4(f)(2)), and voluntary appearance (Rule 4(f)(3)), all of which should be included. On the
21 reverse side of the waiver form, Plaintiff has created a "box" dealing with Plaintiff's
22 interpretation of "duties" and while the initial two paragraphs are generally in accordance
23 with Rule 4, the third paragraph is a direct misrepresentation of the Rule 4 requirement where
24 the Plaintiff is directing the new defendants to deliver the proof of service documents and
25 proposed waiver documents to the Plaintiff rather than advising the new defendants that they
26 must file the same with the Clerk of the Court. See Plaintiff's May 15, 2023, proposed Final
27 Order, p. 2, lines 12-15, that reads:

28 "... (5) Two Waiver of Service forms for each property owner

1 listed for their Assessor Parcel Number(s) and sufficient self-
2 addressed stamped envelopes for return of one copy of each
3 signed waiver to be returned to the Plaintiff for filing with the
4 court.” (Emphasis supplied.)

5 See also, Plaintiff’s May 15, 2023, proposed Summons and Waiver of Service
6 Language, p. 2, ¶3, that reads in pertinent part:

7 “...(5) Two Waiver of Service forms for each property owner
8 listed for your Assessor Parcel Number and sufficient self-
9 addressed stamped envelopes for return of one copy of each
10 signed waiver to be returned to the Plaintiff for filing with the
11 court.” (Emphasis supplied)

12 Rule 4(f)(1) and (2), ARCP, deals with both waiving service and accepting service
13 and clearly states the signed waiver or the signed acceptance must “...be filed in the action.”
14 (Emphasis supplied.)

15 Next, Plaintiff in the attached narrative on p. 2 states that the Rule 19 parties “...are
16 not being sued”, when indeed they are being sued initially as defendants in the litigation and
17 will become designated defendants or plaintiffs dependent upon their filings with the Court.

18 Plaintiff also misstates the Plaintiff’s claim that the issue is “abandonment” of the
19 CC&Rs rather than the fact that the claim by the Plaintiff, the person that has brought this
20 litigation, is suing to enforce the CC&Rs and that violators (necessary and indispensable
21 parties) are subject to potential court ordered removal of all CC&R violations.

22 Plaintiff’s proposed waiver form is fatally defective. Plaintiff alleges that it is in
23 accord with ARCP Rule 4(f) as well as Rules 4.1 and 4.2, however, Plaintiff incorporates
24 only a portion of the specific terminology of Rule 84 of Arizona Rules of Civil Procedure
25 and making an intentional effort to delete what the served parties must do to respond to the
26 actions taken by the Plaintiff in initiating this litigation.

27 On the other hand, Plaintiff appears to use only those portions of the Rule 84 Form 2
28 that the Plaintiff wishes to use, and ignores what Plaintiff wishes to ignore. There are several
examples of this in Plaintiff’s proposed Waiver of Service document submitted to this Court.

A. First, Plaintiff fails to identify the Defendants.

B. Plaintiff delivers Plaintiff’s judgment language to suit Plaintiff from both a

1 time and content basis. Plaintiff's paragraph reads:

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

8 What it should say: ARCP Rule 84 Form 2 reads:

9 "I understand that a judgment may be entered against me (or the
10 party on whose behalf I am acting) if an answer or motion under
11 Rule 12 is not served upon you within sixty (60) days after
12 [Date Request Was Sent], or within ninety (90) days after that
13 date if the request was sent outside the United States."

14 C. Plaintiff on the reverse side of the form appears to have accurately quoted the
15 first two paragraphs of the rule advising the served necessary and indispensable parties what
16 they must do with the summons, waiver, etc., stating:

17 "DUTY TO AVOID UNNECESSARY COSTS OF SERVICE
18 OF SUMMONS

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

27 It is not good cause for a failure to waive service that a
28 party believes that the complaint is unfounded, or that the action
has been brought in 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."

These first two paragraphs are correct, however, and perhaps most importantly, Plaintiff's
third paragraph within the "box" does not conform to the rules and reads as follows:

"A defendant who waives service must, within the time
specified on this waiver form, serve 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

1 time to answer than if the summons had been actually served
2 when the request for waiver of service was received.”

3 Versus the requirement that is clearly set out in the accurate ARCP Rule 84, Form 2,
4 that reads:

5 “A defendant who waives service must, within the time
6 specified on the waiver form, serve on the plaintiff’s attorney (or
7 unrepresented plaintiff) a response to the complaint and **also**
8 **must file a signed copy of the response with the court. If the**
9 **answer or motion is not** served within this time, a default
10 judgment may be taken against that defendant. By waiving
11 service, a defendant is allowed more time to answer than if the
12 summons had been actually served when the request for waiver
13 of service was received.” (Emphasis supplied.)

14 It appears that the Plaintiff might simply have forgotten to advise that necessary and
15 indispensable parties must file their response with the Court. In fact, Plaintiff states that the
16 necessary and indispensable parties are prohibited from contacting the Court as set forth
17 below.

18 D. Plaintiff goes on to attempt to misinform the parties of a series of additional
19 facts such as these parties are “not being sued” when in fact they are added as parties to
20 Plaintiff’s attempt to enforce the CC&Rs and Defendants’ position that the CC&Rs are not
21 enforceable and that judgment/s may or will be entered against the party for service costs.
22 Finally, on yet an additional page, Plaintiff proposes that the Court has entered or will enter
23 specific orders in advance against or prohibiting these parties from contacting the Court and
24 others, stating:

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

29 You are advised to consult an attorney for information on
30 becoming a Plaintiff or a Defendant in this matter. You will not
31 be allowed to join with either the original Plaintiff Pro Per or the
32 three existing Defendants in the case who are represented by an
33 attorney.

34 Tract 4163 has no separate Declaration of Covenants,
35 Conditions and Restrictions (“CC&Rs”) because the CC&Rs run
36 with the land and Tract 4163 is land that is included in Tract
37 4076-B.

1 Much of the Original Compliant is obsolete at this time.
2 Roberts and the one home with setback violations was dismissed
3 in June 2018 for being in Tract 4076-A. This case involves
4 incidents on lots subject to the Tract 4076-B CC&Rs.”

4 **SUMMATION**

5 Each of these Plaintiff position statements are inappropriate and/or improper to
6 include on a waiver or acceptance document and when referring to a court order that does not
7 exist they are an intentional misrepresentation.

8 The content of the Order/Notice was well thought out unlike this the second or third
9 effort by the Plaintiff to rewrite the facts and law.

10 For all of the preceding reasons, the Defendants request that the existing Notice/Order
11 issued by Judge Jantzen on February 21, 2023, with updated time frames remain in place and
12 that Plaintiff's Motion for Reconsideration dated May 15, 2023, be denied.

13 Defendants request that this Court utilize a straight forward Summons, together with
14 Rule 84 Form 2 Waiver and a standard Acceptance of Service form attached as **Exhibit H**.
15 If requested by the Court, Defendants will prepare a form of Summons for Court approval
16 and for the Plaintiff to then produce for each new party and then be presented for issuance
17 by the Clerk of the Court for service on each new party.

18 Defendants request that this Court issue an order awarding Defendants their attorney
19 fees and costs herein incurred for the preparation of this Response after submittal and
20 approval of an affidavit of attorney fees and costs.

21 RESPECTFULLY SUBMITTED this 6th day of July, 2023.

22 LAW OFFICES OF DANIEL J. OEHLER

23 
24 Daniel J. Oehler,
25 Attorney for Defendants

1 **COPY** of the foregoing emailed
this 6th day of July, 2023, to:

2 Honorable Dale P. Nielson
3 Navajo County Superior Court
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9 Plaintiff
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15 By: 
16 Patricia L. Emond, Legal Assistant

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

Response to Motion for Reconsideration of Final Orders

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	02/17/2023 Order for Service of Non Dispensable Parties
B	08/19/2022 Defendants' Proposed Notice and Opposition to Plaintiff's Proposed Notice
C	Coughlin Proposed Order (Yellow Highlight)
D	Defendants Proposed Order (Blue Text)
E	Defendants 11/11/2022 Notice of Proposed Final Form Order
F	16 A.R.S. Rules of Civil Procedure, Rule 4
G	16 A.R.S. Rules of Civil Procedure, Form 2
H	Acceptance of Service

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT A

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

NANCY KNIGHT,)	NO.: CV-2018-04003
)	
Plaintiff,)	PROPOSED ORDER
)	For service of
vs.)	non-dispensable parties
)	
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,)	

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

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 ^{9th} ~~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 17 day of February, ~~2022~~ 2023.



Judge of the Superior Court

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT B

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

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

11 NANCY KNIGHT,
12
13 Plaintiff,
14
15 vs.

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

NO.: CV-2018-04003

**DEFENDANTS' PROPOSED
NOTICE TO PROPERTY
OWNERS AND OPPOSITION
TO PLAINTIFF'S PROPOSED
NOTICE**

20 COME NOW, the Defendants, by and through their attorney, the undersigned, and
21 delivers to this Court the Defendants' proposed form of Notice to Property Owners within
22 Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163.

23 Previously, Plaintiff has submitted a proposed form of property owner notice that fails
24 to include multiple required and needed provisions, including but not necessarily limited to
25 include the Defendants' Answer as well as a general statement as to Defendants' position on
26 the issues that are before the Court. Defendants believe that given the fact that Plaintiff has
27 previously and intentionally transmitted to each of the affected property owners multiple
28 documents that purport to support Plaintiff's position on the litigation issues, including

1 statements that are believed to be inaccurate or grossly inaccurate both from a fact and law
2 standpoint, that it is necessary and equitable for the Court to provide the property owners not
3 only a copy of Plaintiff's Complaint and a complete and accurate set of Declarations
4 (applicable exclusively to Tract 4076-B and Tract 4076-D, as Tract 4163, although created
5 from two parcels located within Tract 4076-B, has no independent nor exclusive additional
6 declarations applicable to it other than those that may be applicable to Tract 4076-B).

7 Plaintiff has poisoned the pool by improperly sending to each of the property owners
8 in a mass mailing Plaintiff's litigation objectives (see Request for Status Conference filed
9 herein by Defendants on or about June 10, 2022, Exhibit A).

10 Plaintiff's Complaint asks for relief that is believed to be not available and may cause
11 significant confusion to the future parties to this litigation, namely, most importantly
12 Plaintiff's request for relief in Plaintiff's Complaint at page 17, paragraph F at line 15, which
13 reads:

14 "F. A declaratory judgment forgiving any CC&R
15 construction violations that were not the fault of the purchaser
16 of the home who unknowingly purchased a home that had been
built, in error or deliberately by any builder, as out of
compliance with the CC&Rs." (Emphasis supplied.)

17 The subject request is squarely in violation of the long standing rule in Arizona as
18 espoused by the Supreme Court of Arizona in O'Malley, et al. v. Central Methodist Church,
19 194 P.2d 444 (1948), that effectively mandates that if the restrictions are not universal, they
20 cannot be reciprocal. If they are not reciprocal and not carrying all of the properties, they are
21 effectively unenforceable. "The burden follows the benefit and, where there is no benefit,
22 there should be no burden." Id., at p. 451.

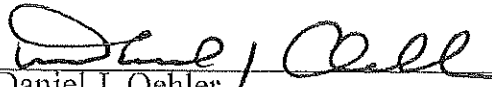
23 It is respectfully requested that Defendants' "Notice to Property Owners" filed
24 herewith be utilized by the Court and to be served upon each property owner with the
25 accompanying documents set forth in Defendants' proposed Notice. It should further be
26 noted that accomplishing this objective will require, as set forth on page 2, lines 14-18 of the
27 "Notice" that the Clerk of the Superior Court, prior to Plaintiff's commencing service of

28 ///

1 process on each property owner, set up electric public access to all pleadings filed in this
2 matter.

3 RESPECTFULLY SUBMITTED this 19th day of August, 2022.

4 LAW OFFICES OF DANIEL J. OEHLER

5
6 
7 Daniel J. Oehler,
Attorney for Defendants

8 **COPY** of the foregoing emailed
9 this 19th day of August, 2022, to:

10 Honorable Lee F. Jantzen
11 Mohave County Superior Court
12 Division 4
13 401 E. Spring Street
Kingman, Arizona 86401
(928) 753-0785 Danielle
dlecher@courts.az.gov

14 Attorney for Plaintiff
15 J. Jeffrey Coughlin
16 J. Jeffrey Coughlin, PLLC
17 1570 Plaza West Drive
Prescott, Arizona 86303
(928) 445-4400
(928) 445-6828 fax
jjcpllc@gmail.com

18 By: 
19 Patricia L. Emond, Legal Assistant

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

3
4 NANCY KNIGHT,

5 Plaintiff,

6 vs.

7 GLEN LUDWIG and PEARL LUDWIG,
8 Trustees of THE LUDWIG FAMILY TRUST;
9 FAIRWAY CONSTRUCTORS, INC.;
10 MEHDI AZARMI; JAMES B. ROBERTS and
11 DONNA M. ROBERTS, husband and wife;
12 JOHN DOES 1-10; JANE DOES 1-10; ABC
CORPORATIONS 1-10; and XYZ
PARTNERSHIPS 1-10.

Defendants.

Case No. B8015CV2018 04003

NOTICE TO PROPERTY OWNERS

13 **THIS LAWSUIT MAY AFFECT YOUR DESERT LAKES**
14 **PROPERTY RIGHTS**

15 You have been served as a party in this lawsuit based upon your interest in real
16 property subject to the Declarations of Covenants, Conditions and Restrictions for Desert
17 Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D (referred to herein
18 collectively as "Declarations") so that you can decide what action you wish to take regarding
19 this pending lawsuit.

20 Tract 4163 was developed in 2002 on two parcels that were part of Tract 4076-B
21 when it was recorded as a subdivision in 1989. Tract 4076-D was developed in 1997 from
22 a third parcel that was in Tract 4076-B. A copy of the Declarations are included in this
23 Notice along with Plaintiff's Complaint that is being served upon you, and Defendants'
24 Answer.

25 Plaintiff's claims against Defendants James B. Roberts and Donna M. Roberts and all
26 lots in Desert Lakes Golf Course and Estates Tract 4076-A are no longer at issue in this
27 litigation and have been dismissed.

28 This lawsuit involves claims by the Plaintiff that the Defendants, The Ludwig Family

1 Trust, Fairway Constructors, Inc., and Mehdi Azarmi, are violating certain terms of the
2 Declarations for Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163.

3 The Defendants have denied the Plaintiffs claims and further claim that the Plaintiff
4 is not able to enforce the 1989 Declarations claiming that the Declarations have been ignored
5 through the violations of: (a) minimum property line setbacks, (b) wall height, (c) gate access
6 to the golf course, (d) universal exterior color palette, (e) home and garage square footage
7 requirements, (f) fence violations, and others. The Defendants have alleged that the
8 Declarations have been so thoroughly disregarded as to result in such a change in the area
9 as to destroy the effectiveness of the restrictions, defeat the purposes for which they were
10 imposed and consequently they have been abandoned.

11 The Defendants allege that if the Declarations are enforceable against Defendants,
12 The Ludwig Family Trust, Fairway Constructors, Inc., and Mehdi Azarmi, the Declarations
13 are enforceable against all homes on all lots that are subject to the Declarations.

14 If you wish to obtain additional information regarding this case, you may access the
15 Mohave County Superior Court website to review the file in this case at
16 <https://www.mohavecourts.com>. The Clerk of the Mohave County Superior Court shall
17 provide public access to all pleadings previously filed and to be filed in this litigation through
18 its "High Profile Cases" link on its website.

19 In the event you choose to file a responsive pleading in this case, you must do so
20 within the time set forth in the Summons. The Court will determine from your response
21 whether you should be joined with the Plaintiff or the Defendants.

22 In the event you choose to do nothing after being served with this lawsuit, you will
23 be bound by the decisions of this Court regarding the validity of the Declarations for Desert
24 Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163.

25 Since you have been served with this lawsuit, you must comply with the Orders of this
26 Court as follows:

27 **IT IS ORDERED** if you no longer own an interest, or in the event you sell or transfer
28 your interest during the pendency of this lawsuit, in the real property that is subject to the

1 Declarations for Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D or 4163, you
2 shall provide written Notice to the Court and the other parties to this lawsuit that you no
3 longer own or are selling or transferring your interest in the property. The Notice shall
4 include your Assessor's Parcel Number together with the name, address and phone number
5 of the new owner, as well as a copy of any documentation reflecting the change in ownership.
6 Your Notice and any supporting documentation shall be mailed to the Court and the attorneys
7 for Plaintiff and Defendants within twenty (20) days of receipt of the Summons and
8 addressed as follows:

9 To the Court:

10 Mohave County Superior Court
11 Division 4 - Attn: Danielle
12 Post Office Box 7000
13 Kingman, Arizona 86402-7000
(928) 753-0785
dlecher@courts.az.gov

14 To Plaintiff's Attorney

15 J. Jeffrey Coughlin, Esq.
16 J. Jeffrey Coughlin, PLLC
17 1570 Plaza West Drive
18 Prescott, Arizona 86303
(928) 445-4400
(928) 445-6828 fax
jjcpllc@gmail.com

19 To Defendants' Attorney

20 Daniel J. Oehler, Esq.
21 Law Offices of Daniel J. Oehler
22 2001 Highway 95, Suite 15
23 Bullhead City, Arizona 86442
(928) 758-3988
(928) 763-3227 fax
djolaw@frontiernet.net

24 **IT IS ORDERED** in the event you sell or transfer your interest in the property while
25 this case is pending, you shall provide the purchaser or transferee with a copy of this Notice,
26 the Plaintiff's Complaint and Declarations, and Defendants' Answer no later than the close
27 of escrow or the date of transfer.

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT C

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 jjcpllc@gmail.com

8
9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 **NANCY KNIGHT,**

13 **Plaintiff,**

14 **Case No. B8015CV2018 04003**

15 **vs.**

16 **GLEN LUDWIG and PEARL LUDWIG,**
17 **Trustees of THE LUDWIG FAMILY**
18 **TRUST; FAIRWAY CONSTRUCTORS,**
19 **INC.;**
20 **MEHDI AZARMI; JAMES B. ROBERTS**
21 **and DONNA M. ROBERTS, husband and**
22 **wife; JOHN DOES 1-10; JANE DOES 1-**
23 **10; ABC CORPORATIONS 1-10; AND**
24 **XYZ PARTNERSHIPS 1-10.**

25 **Defendants.**

PROPOSED ORDER

IT IS ORDERED that in the event the Plaintiff does not take substantial steps to join all necessary and indispensable parties within the next **one hundred fifty (150) days**, this matter will be dismissed.

IT IS ORDERED the caption of this case shall not be amended until after service is substantially accomplished and the Court can determine

1 whether to join a landowner who files a responsive pleading as a Plaintiff or
2 Defendant.

3 **IT IS ORDERED** at the time Plaintiff requests the Clerk of the Court
4 to issue Summons to be served upon the additional parties, the Plaintiff **shall**
5 file an Excel spreadsheet in electronic form that lists the Assessor's Parcel
6 Number in numerical order in column A, the specific lot number in column B, as
7 well as name(s) and mailing address of the current owner of each parcel in
8 column C, in the row number corresponding to the Assessor's Parcel Number,
9 in accordance with the current Mohave County Assessor's office information
10 on file, reflecting the owners' respective mailing address and/or addresses.

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

13 Further, the Court shall require Plaintiff to include a full set of the
14 Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf
15 Course & Estates Tract 4076-D that overlays the full set of the Declaration of
16 Covenants, Conditions and Restrictions for Tract 4076-B. The Notice must
17 also include a statement that Tract 4163 has no separate Declaration of
18 Covenants, Conditions and Restrictions other than the imposed restrictions in
19 Tract 4076-B that included the lands constituting Tract 4163.

20 **IT IS ORDERED** Plaintiff shall cause to be served in compliance with
21 Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), each and every
22
23
24
25

1 owner identified in accord with the provisions of the immediately preceding
2 paragraph.

3 **IT IS ORDERED** Plaintiff serve those necessary and indispensable
4 parties with a summons, a copy of the Complaint filed with this Court on
5 January 22, 2018, a copy of the Declaration of Covenants, Conditions and
6 Restrictions For Desert Lakes Golf Course and Estates Tract 4076-B
7 (recorded in Official Records of Mohave County on December 18, 1989 at
8 Book 1641, Page 895) and a Notice approved by the court.
9

10
11 The Notice shall be approved by the Court in the manner set forth
12 below.

13 **IT IS ORDERED** the Plaintiff may accomplish service in the following
14 manner:
15

16 1. The Plaintiff first may attempt to obtain an Acceptance of
17 Service from all property owners.

18
19 2. For those property owners who will not sign an Acceptance
20 of Service, the Court authorizes alternative service by mail as provided in Rule
21 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are located within Arizona
22 or outside the State.

23 3. For those lot owners who have not signed a return receipt, the
24 Plaintiff shall cause to be completed in conjunction with ARCP Rules 4, 4.1 and
25 4.2 personal service upon the subject lot owner/s.

1 4. For those property owners who are not served in the ways set
2 forth above, the Court will consider Plaintiffs' request for other forms of
3 alternative service.

4 **IT IS ORDERED** by January 31, 2023, or at the time of filing an initial
5 pleading or motion with the Court, whichever is sooner, all parties and
6 attorneys appearing in this case **SHALL** designate and maintain an e-mail
7 address with the Clerk of the Court **and** the other parties. The e-mail address
8 will be used to electronically distribute any document, including minute entries
9 and other orders, rulings, and notices described in Rule 125, *Rules of the*
10 *Supreme Court* by e-mail or electronic link in lieu of distribution of paper
11 versions by regular mail. The e-mail address shall be designated on each
12 document filed. In the event that a party's e-mail address changes, that change
13 shall immediately be brought to the attention of the Clerk of Superior Court
14 and included on subsequent filings and pleadings.

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

20 **IT IS ORDERED**, after initial service of the Summons, Notice and
21 Plaintiff's Complaint and with the exception that originals of all documents
22
23
24
25

1 must be filed with the Clerk of the Court in electronic format, all parties are
2 authorized to transmit documents to all other parties in electronic format and
3 shall attach to the original document filed with Clerk of Court a notice that the
4 document was transmitted electronically to the other parties along with a list of
5 the names of the parties and e-mail addresses to which electronic transmission
6 was sent.

8 **IT IS ORDERED** any party who declines to provide the Clerk of the
9 Court and the other parties with an e-mail address **SHALL** be assessed the
10 actual cost of mailing.

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

15 The Court has prepared and attached to this Ruling a draft of a Notice to
16 be served upon all landowners together with a Summons and Plaintiff's
17 Complaint. Counsel shall be given an opportunity for input into the form of
18 Notice as follows.

20 **IT IS ORDERED** counsel for both sides shall have until September 30,
21 2022 to file objections and proposals for the Notice.

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT D

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 jjcpllc@gmail.com

8
9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 **NANCY KNIGHT,**

13 **Plaintiff,**

14 **Case No. B8015CV2018 04003**

15 **vs.**

16 **GLEN LUDWIG and PEARL LUDWIG,**
17 **Trustees of THE LUDWIG FAMILY**
18 **TRUST; FAIRWAY CONSTRUCTORS,**
19 **INC.;**
20 **MEHDI AZARMI; JAMES B. ROBERTS**
21 **and DONNA M. ROBERTS, husband and**
22 **wife; JOHN DOES 1-10; JANE DOES 1-**
23 **10; ABC CORPORATIONS 1-10; AND**
24 **XYZ PARTNERSHIPS 1-10.**

25 **PROPOSED ORDER**

Defendants.

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 at the time Plaintiff requests the Clerk of the Court to issue Summons to **the Plaintiff shall provide and input all necessary data**

1 and information for the issuance by the Court system of the Summonses that
2 will be served upon each of the additional parties. The Plaintiff shall
3 simultaneously file with the Clerk of the Court and serve on the existing
4 Defendants an Excel spreadsheet in electronic form that lists the Assessor's
5 Parcel Number in numerical order in column A, the specific lot and tract number
6 in column B, as well as name(s) and mailing address of the current owner of
7 each parcel in column C, in the row number corresponding to the Assessor's
8 Parcel Number, in accordance with the current Mohave County Assessor's
9 office information on file, reflecting the owners' respective mailing address
10 and/or addresses. The spreadsheet shall specifically include those lots that are
11 located in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D
12 and Tract 4163.

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

20 **IT IS ORDERED** Plaintiff shall cause to be served upon each these
21 necessary and indispensable party a set of documents hereinafter referred to as the
22 "Service Packet" that shall include: ~~parties with a~~ (1) their/its personal summons,
23 (2) a copy of the Plaintiff's Complaint filed with this Court on January 22, 2018,
24 (3) a copy of the Declaration of Covenants, Conditions and Restrictions For Desert
25 Lakes Golf Course and Estates Tract 4076-B (recorded in Official Records of

1 Mohave County on December 18, 1989 at Book 1641, Pages 895-901), (4) a copy
2 of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes
3 Golf Course and Estates Tract 4076-D (recorded in Official Records of Mohave
4 County on October 19, 1990 at Book 1808, Pages 509-514), (5) Waiver of Service
5 and Acceptance of Service forms, and (6) a Notice approved and finally prepared
6 by the Court.
7

8 **IT IS ORDERED** the Plaintiff may accomplish service in the following
9 manner:

10 1. The Plaintiff ~~first~~ may attempt to obtain an Acceptance of
11 Service from all property owners. Plaintiff shall comply fully with the
12 provisions of Rule 4.1 and/or Rule 4.2, *Ariz.R.Civ.P.*, regarding transmittal of a
13 proposed "Acceptance of Service" and the legal effects of "waiving service" per
14 Rule 84, Forms 1-2, *Ariz.R.Civ.P.*, and "accepting service" per Rule
15 12(a)(1)(A)(ii), *Ariz.R.Civ.P.* The Service Packet including the "Acceptance of
16 Service" documentation shall be sent via United States Postal Service (USPS)
17 first class mail to the parties. Only the Court approved documentation shall be
18 transmitted.
19

20
21 2. For those property owners who will ~~do~~ not sign an
22 Acceptance of Service, the Court authorizes alternative service by mail as
23 provided in Rule 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are
24 located within Arizona or outside the State.
25

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

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

8 **IT IS ORDERED** by January 31, 2023, or at the time of filing an initial
9 pleading or motion with the Court, whichever is sooner, all parties and
10 attorneys appearing in this case shall designate and maintain an e-mail address
11 with the Clerk of the Court and the other parties. The e-mail address will be
12 used to electronically distribute any document, including minute entries and
13 other orders, rulings, and notices described in Rule 125, *Rules of the Supreme*
14 *Court* by e-mail or electronic link in lieu of distribution of paper versions by
15 regular mail. The e-mail address shall be designated on each document filed.
16 In the event that a party's e-mail address changes, that change shall
17 immediately be brought to the attention of the Clerk of Superior Court and
18 included on subsequent filings and pleadings.
19
20

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

1 **IT IS ORDERED**, after initial service of the ~~Summons, Notice and~~
2 ~~Plaintiff's Complaint~~ "**Service Packet**" and with the exception that originals of
3 all documents must be filed with the Clerk of the Court in electronic format, all
4 parties are authorized to transmit documents to all other parties in electronic
5 format and shall attach to the original document filed with Clerk of Court a
6 notice that the document was transmitted electronically to the other parties
7 along with a list of the names of the parties and e-mail addresses to which
8 electronic transmission was sent.

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

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

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

20 **IT IS ORDERED** that in the event the Plaintiff does not take
21 substantial steps to **have fully complied with the specifics of this Order as set**
22 **forth herein** to join all necessary and indispensable parties within the next **one**
23 **hundred fifty (150) days**, this matter ~~will~~ **shall** be dismissed.

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

1 1. The Declaration of Covenants, Conditions and Restrictions for
2 Desert Lakes Golf Course & Estates Tract 4076-B and Tract 4076-D that
3 overlays the full set of the Declaration of Covenants, Conditions and
4 Restrictions for Tract 4076-B.
5

6 2. Tract 4163 has no separate Declaration of Covenants,
7 Conditions and Restrictions other than the imposed restrictions in-for Tract
8 4076-B that included the lands constituting Tract 4163.
9

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

12 The Court has prepared and attaches to this Ruling a draft of a-the
13 Notice to be included in the “Service Packet” and served upon all landowners.
14 ~~together with a Summons and Plaintiff’s Complaint~~

15 **IT IS ORDERED** counsel shall be given an opportunity for input into
16 the form of Notice as follows: for a period of twenty (20) days after the
17 Court’s proposed form is electronically delivered to Plaintiff’s and
18 Defendants’ counsel.
19

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

21
22 _____
23 Judge of the Superior Court
24
25

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT E

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

**NOTICE OF PROPOSED
FINAL FORM ORDER**

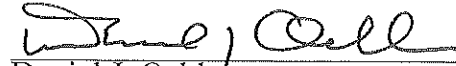
23 COME NOW, the Defendants, by and through their attorney, the undersigned, and
24 submit to this Court a clean copy of the Proposed Order previously filed herein on September
25 28, 2022. The attached final form Proposed Order is identical to the Defendants' September
26 28, 2022, Proposed Order excepting only that the few strikeouts that were included in the
27 September 28, 2022 document have now been removed and the color distinction such that
28 the Court in September could recognize Defendants' proposed additional language that was
added to the Plaintiff's former attorney's language, could be instantly recognized as a result
of its inclusion in blue ink.

///

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1 The attached form of Proposed Order is in final form submitted herewith,
2 RESPECTFULLY SUBMITTED this 9th day of November, 2022.

3 LAW OFFICES OF DANIEL J. OEHLER

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5 

6 Daniel J. Oehler,
7 Attorney for Defendants

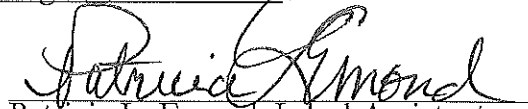
8 **COPY** of the foregoing emailed
9 this 11th day of November, 2022, to:

10 Honorable Lee F. Jantzen
11 Mohave County Superior Court
12 Division 4
13 401 E. Spring Street
14 Kingman, Arizona 86401
15 (928) 753-0785 Danielle
16 dlecher@courts.az.gov

17 Plaintiff

18 Nancy Knight
19 1803 E. Lipan Circle
20 Fort Mohave, Arizona 86426
21 (928) 768-1537
22 nancyknight@frontier.com

23
24
25
26
27
28
By:


Patricia L. Emond, Legal Assistant

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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,)	NO.: CV-2018-04003
)	
Plaintiff,)	PROPOSED ORDER
)	
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.)	
)	

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 January 31, 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 ____ day of _____, 2022.

Judge of the Superior Court

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT F

[Home Table of Contents](#)

Rule 4. Summons
Arizona Revised Statutes Annotated
Rules of Civil Procedure for the Superior Courts of Arizona

Arizona Revised Statutes Annotated

Rules of Civil Procedure for the Superior Courts of Arizona (Refs & Annots)

II. Commencing an Action; Service of Process, Pleadings, Motions and Orders; Duties of Counsel

16 A.R.S. Rules of Civil Procedure, Rule 4

Rule 4. Summons

Currentness

(a) Issuance; Service.

(1) *Pleading Defined.* As used in this rule, Rule 4.1, and Rule 4.2, "pleading" means any of the pleadings authorized by Rule 7 that bring a party into an action--a complaint, third-party complaint, counterclaim, or crossclaim.

(2) *Issuance.* On or after filing a pleading, the filing party may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the filing party for service. A summons--or a copy of the summons if addressed to multiple parties--must be issued for each party to be served.

(3) *Service.* A summons must be served with a copy of the pleading. Service must be completed as required by this rule, Rule 4.1, or 4.2, as applicable.

(b) Contents; Replacement Summons.

(1) *Contents.* A summons must:

(A) name the court and the parties;

(B) be directed to the party to be served;

(C) state the name and address of the attorney of the party serving the summons or--if unrepresented--the party's name and address;

(D) state the time within which the defendant must appear and defend;

(E) notify the party to be served that a failure to appear and defend will result in a default judgment against that party for the relief demanded in the pleading;

(F) state that "requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding";

(G) be signed by the clerk; and

(H) bear the court's seal.

(2) *Replacement Summons.* If a summons is returned without being served, or if it has been lost, a party may ask the clerk to issue a replacement summons in the same form as the original. A replacement summons must be issued and served within the time prescribed by Rule 4(i) for service of the original summons.

(c) Fictitiously Named Parties; Return. If a pleading identifies a party by a fictitious name under Rule 10(d), the summons may issue and be directed to a person with the fictitious name. The return of service of process on a person identified by a fictitious name must state the true name of the person who was served.

(d) Who May Serve Process.

(1) *Generally.* Service of process must be made by a sheriff, a sheriff's deputy, a constable, a constable's deputy, a private process server certified under the Arizona Code of Judicial Administration § 7-204 and Rule 4(e), or any other person specially appointed by the court. Service of process may also be made by a party or that party's attorney if expressly authorized by these rules.

(2) *Special Appointment.*

(A) **Qualifications.** A specially appointed person must be at least 21 years of age and must not be a party, an attorney, or an employee of an attorney in the action in which process is to be served.

(B) **Procedure for Appointment.** A party may request a special appointment to serve process by filing a motion with the presiding superior court judge in the county where the action is pending. The motion must be accompanied by a proposed order. If the proposed order is signed, no minute entry will issue. Special appointments should be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a certified private process server.

(e) Statewide Certification of Private Process Servers. A person seeking certification as a private process server must file with the clerk an application under Arizona Code of Judicial Administration § 7-204. Upon approval of the court or presiding judge of the county in which the application is filed, the clerk will register the person as a certified private process server, which will remain in effect unless and until the certification is withdrawn by the court. The clerk must maintain a register for this purpose. A certified private process server will be entitled to serve in that capacity for any state court within Arizona.

(f) Accepting or Waiving Service; Voluntary Appearance. There are two ways to accomplish service with the assent of the served party--waiver and acceptance. A party also may voluntarily appear without being served.

(1) **Waiving Service.** A party subject to service under Rule 4.1 or 4.2 may waive issuance or service. The waiver of service must be in writing, signed by that party or that party's authorized agent or attorney, and be filed in the action. A party who waives service receives additional time to serve a responsive pleading, as provided in Rule 12(a)(1)(A)(ii).

(2) **Accepting Service.** A party subject to service under Rule 4.1 or 4.2 may accept service. The acceptance of service must be in writing, signed by that party or that party's authorized agent or attorney, and be filed in the action. A party who accepts service does not receive the additional time to serve a responsive pleading under Rule 12(a)(1)(A)(ii).

(3) *Voluntary Appearance.*

(A) **In Open Court.** A party on whom service is required may, in person or by an attorney or authorized agent, enter an appearance in open court. The appearance must be noted by the clerk on the docket and entered in the minutes.

(B) **By Responsive Pleading.** The filing of a pleading responsive to a pleading allowed under Rule 7 constitutes an appearance by the party.

(4) **Effect.** Waiver, acceptance, and appearance under (f)(1), (f)(2), and (f)(3) have the same force and effect as if a summons had been issued and served.

(g) Return; Proof of Service.

(1) **Timing.** If service is not accepted or waived, and no voluntary appearance is made, then the person effecting service must file proof of service with the court. Return of service should be made by no later than when the served party must respond to process.

(2) **Service by the Sheriff.** If a summons is served by a sheriff or deputy sheriff, the return must be officially marked on or attached to the proof of service and promptly filed with the court.

(3) **Service by Others.** If served by a person other than a sheriff or deputy sheriff, the return must be promptly filed with the court and be accompanied by an affidavit establishing proof of service. If the server is a registered private process server, the affidavit must clearly identify the county in which the server is registered.

(4) **Service by Publication.** If the summons is served by publication, the return of the person making such service must be made as provided in Rules 4.1(f) and 4.2(f).

(5) **Service Outside the United States.** Service outside the United States must be proved as follows:

(A) If effected under Rule 4.2(i)(1), as provided in the applicable treaty or convention; or

(B) if effected under Rule 4.2(i)(2), by a receipt signed by the addressee, or other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(6) **Validity of Service.** Failure to make proof of service does not affect the validity of service.

(h) Amending Process or Proof of Service. The court may permit process or proof of service to be amended.

(i) Time Limit for Service. If a defendant is not served with process within 90 days after the complaint is filed, the court--on motion, or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This Rule 4(i) does not apply to service in a foreign country under Rules 4.2(i), (j), (k), and (l).

Credits

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended Aug. 31, 2017, effective Jan. 1, 2018.
16 A. R. S. Rules Civ. Proc., Rule 4, AZ ST RCP Rule 4

State Court Rules are current with amendments received and effective through July 1, 2023. The Code of Judicial Administration is current with amendments received through July 1, 2023.

END OF DOCUMENT

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT G

[Home Table of Contents](#)

Form 2. Waiver of Service of Summons
Arizona Revised Statutes Annotated
Rules of Civil Procedure for the Superior Courts of Arizona

Arizona Revised Statutes Annotated
Rules of Civil Procedure for the Superior Courts of Arizona (Refs & Annos)
X. General Provisions

16 A.R.S. Rules of Civil Procedure, Form 2

Form 2. Waiver of Service of Summons

Currentness

TO: [Name of Plaintiff's Attorney or Unrepresented Plaintiff]

I acknowledge receipt of your request that I waive service of a summons in the action of [Caption of Action], which is case number [Docket Number] in the Superior Court of the State of Arizona in and for the County of [County]. I also have received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

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.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within sixty (60) days after [Date Request Was Sent], or within ninety (90) days after that date if the request was sent outside the United States.

Dated this ____ day of _____, _____.

[Signed] _____
[Printed or Typed Name of Defendant]
as [Title]
of [Name of corporate Defendant, if any]

Form 2. Waiver of Service of Summons (Cont.)

To be printed on reverse side of the waiver form or set forth at the foot of the form:

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 costs 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 in 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 the waiver form, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and also must file a signed copy of the response with the court. If the answer or motion is not 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.

Credits

Added Sept. 2, 2016, effective Jan. 1, 2017.

16 A. R. S. Rules Civ. Proc., Form 2, AZ ST RCP Form 2

State Court Rules are current with amendments received and effective through July 1, 2023. The Code of Judicial Administration is current with amendments received through July 1, 2023.

END OF DOCUMENT

Knight v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Motion for Reconsideration of Final Orders for
Service on Indispensable Parties**

EXHIBIT H

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____
Representing Self, without a Lawyer or Attorney for Plaintiff OR Defendant

SUPERIOR COURT OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

(Name of Plaintiff)

Case No. _____

ACCEPTANCE OF SERVICE

(Name of Defendant)

Read Carefully. By signing your name on the next page in the presence of a Notary Public or a Clerk of the Superior Court, you are stating under oath or affirmation that you have read this document and understand its contents and that you received and voluntarily accepted legal service of the listed court papers. (Rule 4(f)(2), Rules of Civil Procedure for the Superior Courts of Arizona or other applicable Arizona Court Rule.)

Accepting these court papers does not affect your right to disagree with them.

- 1. ACCEPT SERVICE.** I voluntarily accept service of the listed court papers. I understand that by accepting service, it is the same as if I were personally served under Arizona law.
- 2. RESPONSE DEADLINE.** I understand that accepting service of these court papers does not affect my right to file a written Response, Answer, etc., to this court case if I disagree. I understand that if I want to disagree with any relief asked for in the court papers, I must file a written Response, Answer, etc., within the same time limit as if I were personally served under Arizona law.
- 3. DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this court case in court within the time allowed by law, then I may lose my right to be heard in this case. I understand that my failure to file a written Response, Answer, etc., may result in the Court giving the other party any and all things requested in the other party's court papers, such as through a Default Judgment, Order or Decree.

On the following page, list each individual document received.

Case Number: _____

4. **LIST OF DOCUMENTS.** I received and voluntarily accepted service of the court papers listed below: (List name/title of document. Example: "Complaint", "Petition", "Summons".)

5. **MILITARY SERVICE.** I am not covered by the Servicemembers Civil Relief Act (SCRA) or if I am covered by SCRA, I waive the protection of SCRA.

6. **HIGH PROFILE CASE WEBSITE.** The website to view high profile cases in Mohave County is: www.mohavecourts.com/court-departments/clerk-superior-court/high-profile-cases.

UNDER OATH OR BY AFFIRMATION

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

Signature

Date

Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: by _____
(date)

(notary seal)

Deputy Clerk or Notary Public