

1 Nancy Knight
2 1803 E. Lipan Cir.
3 Fort Mohave, AZ 86426
4 Telephone: (951) 837-1617
5 nancyknight@frontier.com

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 and

12 GLEN LUDWIG Trustee of THE LUDWIG
13 FAMILY TRUST; FAIRWAY
14 CONSTRUCTORS, INC.; MEHDI AZARMI;
15 JOHN DOES 1-10; JANE DOES 1-10; ABC
16 CORPORATIONS 1-10; and XYZ
17 PARTNERSHIPS 1-10.

18 Defendants.

Case No.: CV 2018-04003

**PLAINTIFF'S REPLY TO
DEFENDANT'S JULY 6, 2023 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**

Hon. Judge Nielson

19
20
21
22 Comes Now, Plaintiff Pro Per Nancy Knight Replying to the Defendant's July 6,
23 2023 Response to her May 15, 2023 "Motion for Reconsideration of Final Orders...".

24 Considering we did not have a judge assigned to this case for a ruling on the May 15
25 Motion, the matter was stalled until this court had time to review the file and has
26 scheduled Oral Arguments on all matters pending in this case for July 27, 2023. Rules
27 require Plaintiff to Reply to this matter before July 27.
28

FILED 2023 JUL 10 am 11:52 BY

Christina Sparlock SupCrtBerk

JG



1 MEMORANDUM OF POINTS AND AUTHORITES

2 At this point in time all prior Proposed Orders including the signed Feb. 17, 2023
3 Order will need date updates at a minimum. Additional changes includes the need for
4 Plaintiff to include a “Notice to Property Owners” as Mr. Oehler had composed in
5 August 2022, albeit one-sided, and needs revision at this time for Plaintiff’s input. But for
6 Plaintiff not having a copy of that document, much of Plaintiff’s concerns and attempts to
7 instruct the Indispensable Parties (IP) on the Summons and Waiver of Service forms of
8 their duties in this matter could have avoided.
9

10
11 Mr. Oehler also believes full disclosure should also include the Defendants
12 Answer and Plaintiff agrees.
13

14 Both of these items are missing from Plaintiff’s instructions for inclusion in the
15 Service Packet.
16

17 Boilerplate Summons, Waiver of Service and Acceptance of Service can be
18 included as Mr. Oehler wishes with the exception of the issue of the Summons where the
19 IPs are going to be informed that they are being sued. Plaintiff has found no examples of
20 Service Packet contents or case law where Indispensable Parties were being sued. If they
21 are being sued, it is not by Plaintiff Knight but since she is the party who has to serve the
22 Summons, she will be brought into significant harm from that perception. If the parties
23 are being sued by the Defendants, then that needs to be made clear at least in the Notice
24 To Property Owners. **Exhibit A** – Standard Summons as served on Defendant Azarmi in
25 this case
26
27
28

Mr. Oehler’s August 2022 “Notice To Property Owners” (to be revised) was not

1 provided to the Plaintiff until July 6 as an Exhibit in their Response to the Plaintiff's May
2 15 Motion for Reconsideration. If this Court is willing, the Notice To Property Owners
3 could be revised for all of the Defendant's objections that she had intended for the
4 Summons and Waiver of Service language. **Exhibit B** – Partially Revised Notice

5
6 Defendants' 6 page Answer to the Complaint should also be a part of the Service
7 Packet.
8

9 Given that these added pages contributes to the postal delivery costs, Plaintiff
10 believes Leave to Amend the Complaint to remove parts that no longer apply to the case
11 should be allowed. As the Court said during our Status Conference, he believes stricken
12 parts could be removed as long as the original language remains a part of the record. That
13 original language is not only a part of the record but is available online in the High
14 Profile Website tab. All of Count One is not necessary but for adding the words that
15 Count One was dismissed in April 2018. In the Demands for Judgment section, Plaintiff
16 should be allowed to removed parts not allowed by law that was unknown to the Plaintiff
17 when the case was filed such as: Demand B, E, and F.
18
19

20
21 Given that only one lot is affected by the Tract 4076-D CC&Rs, it would reduce
22 costs of mailing significantly if only lot 81 was required to have both the Tract 4076-B
23 and Tract 4076-D Declarations of CC&Rs.
24

25 Regarding the claim that "Plaintiff has poisoned the pool... by improperly sending
26 to each of the property owners in a mass mailing Plaintiff's litigation objectives".
27 Plaintiff denies the allegation. She had cause for the mailing and had cause for need of
28 the Physical Addresses of owners of Assessor Parcel Numbers who were provided the

1 Ballot. Many address are occupied by Tenants and PO Box addresses were used for
2 Property Tax Statements. Plaintiff would be unable to receive a Return Receipt for these
3 mailings. **Exhibit C** – April 5, 2022 Email to attorney Elias for the mass mailing that her
4 clients in the 2021 case, Defendant Hanson/Dube, sent to property owners that was
5 libelous and required prompt rebuttal to all property owners. Plaintiff’s Unincorporated
6 Association Resolution page 1 regarding the Ballot for amending the CC&Rs. “Purpose
7 of the Ballot” sent to property owners. Information on the Court Ordered Pending
8 Summons and request for a current Physical Address.
9
10

11
12 During the status conference on February 17, 2023, the now recused court claimed
13 he was going to review the Plaintiff’s Proposed Order that she had filed on November 14,
14 2022. The Proposed Order included a sample Summons and Waiver of Service Form that
15 was appropriate for the Service Packet given the lack of the now recused Court in
16 addressing the “Notice To Property Owners” that should have been provided to the
17 Plaintiff by attorney Oehler when Plaintiff’s attorney withdrew in October 2022.
18

19
20 Plaintiff provided rationale for her changes and she incorporated most of Mr.
21 Oehler’s language from his Proposed Order that the Court had his staff send to her as her
22 attorney’s Yellow highlighted and Blue Text Drafts. Incomplete information caused
23 much of the delay and confusion in this matter.
24

25 Mr. Oehler was given an opportunity to work with the Plaintiff on the revision and
26 he expressed disgust. As stated during the Status Conference, “Mr. Oehler, you have
27 done some mean things to me and I do not hold a grudge. We can still work together.” He
28 disgustingly refused and therefore it was the now recused Court who was the only party

1 left to work with the Plaintiff on the Final Order. The Court could have just as easily
2 stricken what he considered inappropriate content or marked it up as he did for Mr.
3
4 Oehler's version that became inappropriately a Final Order, in Plaintiff's opinion.

5 The now recused Court could have offered his reasons for denying Plaintiff's
6 marked up Summons and Waiver of Service Forms with the simple explanation that the
7 proper remedy for information to the property owners was the letter "Notice to Property
8 Owners". Clearly, Mr. Oehler expected this to be a Court's duty for it was the Court who
9 was expected to sign his name to the document.
10

11 Mr. Oehler sacrificed his opportunity to work together with the Plaintiff on the
12 Final Order and most likely will not want to work with the Plaintiff on a Notice To
13 Property Owners. Plaintiff does not know how this Court will resolve the needs of both
14 the Defendants and the Plaintiff for instructions to the Indispensable Parties and costs that
15 they will incur if they do not sign the Waiver of Service on first attempted mailing.
16
17

18 Plaintiff feels she can take them to Small Claims Court for her costs and that
19 would be a legal avenue within the court system. What Plaintiff cannot afford is \$38,000
20 for multiple attempts as the signed Order could potentially cost the Plaintiff.
21

22 Many of the other issues in Mr. Oehler's July 6 Response are being addressed in
23 Plaintiff's Response on Clarification of Oral Argument Issues that is being filed this same
24 day of July 10, 2023.
25

26 How the Final Order needs to be further revised at this time should wait for the
27 results of the upcoming Oral Arguments to be held on July 27, 2023 at 9:00 am.
28

If this court finds for Injunctive Relief and abandonment with a Final Judgment,

1 Indispensable Parties will either not be needed or will need to await Appeal either
2 Noticed to this court by the Defendants or the Plaintiff.

3
4 **CONCLUSION**

5 Much work is yet to be done. The Oral Argument hearing and decisions of this
6 court will set the tone as we proceed in this case.

7
8 **RESPECTFULLY SUBMITTED** this 10th day of July, 2023

9 
10 _____
Nancy Knight, Plaintiff Pro Per

11
12 Three Exhibits: A (2 pgs), B (4 pgs), C (6 pgs)

13 Copy of the foregoing was emailed this day to:
14 djolaw10@gmail.com
15 Attorney Daniel Oehler, Counsel for the Defendants
16
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Exhibit A

Exhibit A

1 Nancy Knight
1803 E. Lipan Cir.
2 Fort Mohave, AZ 86426
Telephone: (951) 837-1617
3 nancy@thebugle.com

4 Plaintiff Pro Per

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

7 NANCY KNIGHT,

8 Plaintiff,

9 and

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

16 Defendants.

) Case No.:

) **SUMMONS** CV-2018-04003

) (Breach of Contract)

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

20 **FROM THE STATE OF ARIZONA TO: MEHDI AZARMI**

- 21
- 22 1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers
23 are served on you with this Summons.
 - 24 2. If you do not want a judgment or order taken against you without your input, you must
25 file an "Answer" or a "Response" in writing with the Court, and pay the filing fee. If
26 you do not file an "Answer" or "Response", the other party may be given the relief
27 requested in his or her Petition or Complaint. To file your "Answer" or "Response",
28 take, or send, the "Answer" or "Response" to the **Office of the Clerk of the Superior
Court, 401 East Spring Street, Kingman, Arizona 86401 (P.O. Box 7000,
Kingman, AZ 86402-7000)** or the **Office of the Clerk of the Superior Court, 2225
Trane Road, Bullhead City, Arizona 86442, or Office of the Clerk of Superior**

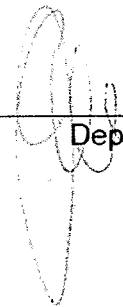
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Court, 2001 College Drive, Lake Havasu City, AZ 86404. Mail a copy of your "Answer" or "Response" to the other party at the address listed on the top of this Summons.

- 3. If this Summons and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS starting the day after you were served. If this "Summons" and other court papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your "Response" must be filed within THIRTY (30) CALENDAR DAYS starting the day after you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete 30 days after the date of the first publication. **WARNING.** If you signed a Waiver of Service, you must file your Response or Answer within 60 days from the date the Waiver of Service was sent to you. You should see a lawyer to help you make sure that you have complied with the Service and Response or Answers rules.
- 4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court at the address listed in Paragraph 2 above.
- 5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the Judge or Commissioner assigned to the case, at least (5) five days before your scheduled court date.

SIGNED AND SEALED this date: 1-22-18

**VIRLYNN TINNELL,
Clerk of the Superior Court**

By:  Deputy Clerk

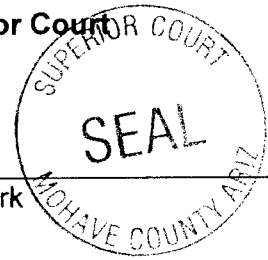


Exhibit B

Exhibit B
Pending Revision

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
13 CORPORATIONS 1-10; and XYZ
14 PARTNERSHIPS 1-10.

15 Defendants.

Case No. B8015CV2018 04003

NOTICE TO PROPERTY OWNERS

16 THIS LAWSUIT MAY AFFECT YOUR DESERT LAKES
17 PROPERTY RIGHTS

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

23 Tract 4163 was developed in 2002 on two parcels that were part of Tract 4076-B
24 when it was recorded as a subdivision in 1989. *Twelve Tract 4076-B lots are*
25 ~~Tract 4076-D was developed in 1997 from~~
26 ~~a third parcel that was in Tract 4076-B.~~ *subject to both the Tract B + Tract D Declarations*
27 A copy of the Declarations are included in this
28 Notice along with Plaintiff's Complaint that is being served upon you, and Defendants'
Answer.

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

32 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.

Insert
N

11 → Plaintiff alleges the non-waiver clause ... and the ...
The Defendants allege that if the Declarations are enforceable against Defendants,
12 ~~to the Plaintiff~~ *Deed Restrictions*
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. *Deed Restriction*

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 *Tract 4076-B + Tract 4076-D*
24 ~~Declarations for Desert~~
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

Tract 4076-B & Tract 4076-D

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 ^{Pro Per} for Plaintiff and Defendants ^{Attorney} 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~~ *Katelin*
12 Post Office Box 7000
13 Kingman, Arizona 86402-7000
14 (928) 753-0785
15 ~~dleoher@courts.az.gov~~ *Kalerna@courts.az.gov*

14 To Plaintiff's ~~Attorney~~ ^{Pro Per}

15 ~~J. Jeffrey Coughlin, Esq.~~ *Nancy Knight*
16 ~~J. Jeffrey Coughlin, PLLC~~
17 ~~1570 Plaza West Drive~~ *1803 E. LIPAN CIR*
18 ~~Prescott, Arizona 86303~~ *FORT MOHAVE, AZ 86426*
19 ~~(928) 445-4400~~ *928-768-1537*
20 ~~(928) 445-6828 fax~~
21 ~~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
24 (928) 758-3988
25 (928) 763-3227 fax
26 ~~djolaw@frontiernet.net~~ *djolaw10@gmail.com*

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.

Exhibit C

Exhibit C

nancyknight

From: "nancyknight" <nancyknight@frontier.com>
Date: Tuesday, April 05, 2022 6:29 PM
To: <tshura@lundberg-elias.com>
Cc: <djolaw@frontiernet.net>
Attach: HansonDube Letter.pdf
Subject: Hanson/Dube Letter with false claims circulating in Desert Lakes

Dear Ms. Elias,

Attached is a letter that was supposedly mailed to property owners in Desert Lakes by "the owners" at 1787 Llan Circle. That would be your clients Hanson/Dube.

The letter has inaccurate information and is libelous to both me and to the property owners of the Fairway Estates Home Owner's Association if not retracted and corrected.

The Developer of Fairway Estates that has an HOA is not the "same" developer of Desert Lakes Golf Course and Estates. And their fees are not a few hundred a month. It is my understanding that their fees are about \$405 per year per lot.

The Unincorporated Association (UA) was organized and recorded mainly to provide fee-based services for variances as were formerly provided by the Committee of Architecture. No annual fees are subject to any property owner's parcel under the Recorded Resolution that formed the UA.

The UA also provides for Amendments to the CC&Rs by ballot if property owners wish to donate funds for this purpose.

The Resolution is available at the Recorder's office at Fee# 2021 004 595. It specifically states, "No mandatory dues are assessed of the members of the Unincorporated Association who are the owners of real property in Subdivision Tract 4076 or are the owners of real property within alphabetically suffixed Tract numbers in the absence of a favorable vote to amend the CC&Rs for the entire Subdivision."

Revoking the CC&Rs appears to be the motive for this letter.

The CC&Rs are intended to be protections. The Arizona Supreme Court supports CC&Rs and adopted the Restatement approach for interpreting restrictive covenants.

Please advise the Hanson/Dube couple to send another letter to the community with corrections.

Respectfully,
Nancy Knight
President of the Desert Lakes Subdivision Tract 4076 Unincorporated Association

7/9/2023

To the Owner.

Do you want to pay a Home Owners Association (HOA) Fee, or be subject to lawsuits for not abiding by the developers Covenants, Conditions, & Restrictions (CC&Rs)? If not keep reading.

If 75% of the owners in Tract 4076-B of Desert Lakes Golf Course & Estates do not revoke the CC&Rs filed by the developer in 1989, a HOA may be formed for our community. Currently, a member of this community has filed for an unincorporated association and is soliciting volunteers for the Board of Directors; this is one step towards our paying future fees. See www.desertlakes.net

There are homes adjacent to the Golf Course that belong to a HOA formed under the same developer which pay a monthly HOA fee of a few hundred a month. Revoking the CC&Rs will make it that much harder for anyone in the future to form a HOA.

The owners have the power to revoke the developers CC&Rs by signing the letter attached. These letters will be filed with the Mohave County Recorder. The developer is claiming abandonment in court which essentially means they no longer have a vested interest in enforcing the CC&Rs but the courts may not agree. The case was heard by Mohave Superior Court, Judge Jantzen on 10 January. The judge ruled that the Plaintiff brings all homeowners in as defendants as a ruling will impact us all.

Additionally, a revocation of the CC&Rs will eliminate controversy with the county Board for Planning and Zoning Ordinances which have changed over the past 32 years in our favor.

*An original physical signature must be provided to the recorder

Send the signed letter to

Owners
1787 E Lipan Cir. Fort Mohave, AZ 86426

Purpose of Your Ballot and Your Pending Summons to Join You in a Law Suit

This is an urgent Ballot measure in rebuttal to a letter with false claims that was mailed to property owners by an anonymous property owner who provided an address of rental property on Lipan Circle. This property owner sought signatures to Revoke the Covenants, Conditions and Restrictions (CC&Rs). Nancy Knight, President of the Desert Lakes Subdivision Tract 4076 Unincorporated Association (UA), did not receive the letter but was provided a copy by a property owner. Nancy forced retraction of the letter. You should have received the retraction in a post card on or about May 8, 2022.

Rules are meant to protect our property values and protect the Subdivision from blight. Revoking the CC&Rs is the goal of those who wish to do as they please regardless of any reduction in our property values.

The high priority of this Ballot for Amendments to the CC&Rs that affects your lot or lots is that no HOA (Home Owner Association) could be formed by the UA that required annual dues from any property owner.

The First Amended Declaration, if approved by owners of 75% of the lots subject to the Tract 4076-B CC&Rs, may eventually supersede all five existing Declarations with Ballots mailed to property owners in Tract 4076-A and Tract 4076-C as well for consistency and protection from Law Suits within the entire Subdivision Tract 4076.

In brief, the proposed amendments are as follows: wrought iron fences will allow more than black in color, minimum livable space square footage will conform to that cited Tract 4076-A CC&Rs, errors that caused less than five foot side yard setbacks allows an exception for a minimum of ten feet (10') between two existing adjacent structures, chain link that is prohibited for boundary fences is allowed on golf ball safety barriers, the minimum garage size dimensions includes a minimum twenty foot (20') depth, trash pickup is modified for times before and after pickup, hauling trailers that need to be hidden from public view is differentiated from recreational vehicle trailers, prohibited business advertising signage is clarified, gate access to the golf course is omitted, the antenna and satellite dish restriction is omitted, fencing all the way to the front yard street setback that does not obstruct views is allowed, the initial Architectural Committee whose term of service expired over twenty years ago clarifies members pursuant to Statute 33-1817 B, the UA President is authorized to prepare, execute and record the written instrument setting forth the approved amendments pursuant to Statute 33-1817 A.

Two volunteers are sought to complete the three-member Committee who define procedures and to fill vacancies by a majority vote of the Committee.

Attached is the Proposed "First Amended Declaration of Covenants, Conditions and Restrictions For Subdivision Tract 4076". If approved, it will be filed with the Mohave County Recorder's Office. Stricken text is language that will be omitted before filing. Underscored text includes additions and replaced text for the prepared and executed instrument that will be recorded.

Attached is a Ballot for your signature and for your insertion of your Assessor's Property Number (APN). Each APN counts as one affirmative vote in the calculation for 75% of the lots approved for filing the instrument.

Contributions to the costs incurred by Nancy Knight in preparing the First Amended Declaration, having it reviewed by an attorney, and mailing it to property owners is greatly appreciated. If 75% of the property owners returned a \$3 contribution enclosed with their signed Ballot, it would reimburse a portion of her costs in her efforts to protect Desert Lakes Golf Course & Estates with these amendments and for the costs incurred in January 2021 for Recording the Resolution that created the Unincorporated Association.

Your pending Summons to be joined in a law suit is by Court Order. See included separate letter for details.

Spread the Word.

Not every property owner will take the time to read and understand the importance of this Amended Declaration.

Encourage every property owner you know to Approve Amendments

For questions or for a PDF of the Original Declaration for any of the five Tracts contact nancyknight@frontier.com

**COURT HAS ORDERED YOU TO BE JOINED IN A LAW SUIT
YOUR SUMMONS NEEDS TO BE DELIVERED TO A PHYSICAL ADDRESS**

Please provide your physical address for Process Service below.

Nancy Knight is the Plaintiff in that law suit.

Mehdi Azarmi, Fairway Constructors, Inc. and the Glen Ludwig Trust are the Defendants.

In brief, the cause of action is Injunctive Relief to stop the Defendants from violating the CC&Rs on the homes they build and sell to unsuspecting buyer and to stop their "build to suit" business advertising in Desert Lakes Subdivision Tract 4076-B. You will be provided with a copy of the Complaint that was filed in 2018. The cause of action for Breach of Contract for one home built in violation of front and rear yard setbacks was dismissed in June 2018. That home is situated in Tract 4076-A. Plaintiff, Nancy Knight, was adjudicated rights to only prosecute violations subject to the Tract 4076-B CC&Rs.

Your Physical Address _____

Your City, State, Zip Code _____

E-mail Optional but Appreciated for purposes of communication updates on this case.

E-Mail Address _____

**Please return in the same envelope as your Official Ballot
even if you chose not to sign for the Amendments.**

POTENTIAL CLASS ACTION LAW SUIT

Are you vulnerable to prosecution for setback violations
on your home as caused by a Developer?

Check your plot plan at the Planning & Zoning annex on Hancock in Bullhead City to see if your home was built in violation of the twenty foot (20') setbacks, front and/or rear.

A Class Action Law Suit has been advised, depending on the number of homes found to be in violation of twenty foot (20') setbacks.

Send an inquiry on how and when to join to: nancyknight@frontier.com

**ORIGINAL RESOLUTION FORMING THE
DESERT LAKES SUBDIVISION TRACT 4076 UNINCORPORATED ASSOCIATION**

I, NANCY KNIGHT, President of the DESERT LAKES GOLF COURSE & ESTATES SUBDIVISION TRACT 4076 UNINCORPORATED ASSOCIATION, organized as a non-profit unincorporated association under the law of the State of Arizona pursuant to A.R.S. §33-1802(1), do hereby certify that the following is a true, full and correct original resolution to provide authority to three (3) volunteer officers of the said Unincorporated Association with duties formerly provided by an Architectural Committee whose terms of service ran over twenty years ago.

The president of the Unincorporated Association has the authority to appoint two officers who are real property owners within the subdivision to voluntarily serve as Secretary and Treasurer until such time as the Declaration of Covenants, Conditions and Restrictions (hereinafter "CC&Rs") have been amended to provide for a ballot and election of three (3) Architectural Committee officers.

Passage of amendments to the CC&Rs is by ballot from the owners of real property and requires a favorable vote of 75% of the property owners as stated in the existing CC&Rs for the three affected tracts 4076-A, 4076-B, and 4076-C whose lots run with the land depicted within the boundaries of the Subdivision as displayed on the 1988 approved Preliminary Plat that created Subdivision Tract 4076 with CC&Rs recorded in Book 1554 Page 197, Book 1641 Page 895, and Book 1724 Page 39 respectively.

The Tract 4076-B CC&Rs, where the president of the Unincorporated Association owns real property, has been adjudicated as valid for rights to prosecution of violations of the CC&Rs in Tract 4076-B. Adjudication is a part of Mohave County Superior Court case CV 2018 04003 presided over by the Hon. Judge Carlisle in open court on April 2, 2018.

The president of the Unincorporated Association has appointed William Knight as Secretary. A Treasurer will be appointed prior to the Unincorporated Association accepting any donations and prior to opening a bank account. The Treasurer will be appointed prior to any action taken in the capacity of the Architectural Committee.

"RESOLVED that this matter of an intent to Amend the Declaration of CC&Rs by ballot will result in one Declaration of CC&Rs for the entire Subdivision Tract 4076 conditional on 75% of the affected residential property owners having voted in favor of Amending the 1989 and 1990 Declarations of CC&Rs for Tract 4076-A, Tract 4076-B, and Tract 4076-C to supersede the recorded CC&Rs for these 753 Assessor Parcel Numbers. 565 favorable votes are needed among the owners of these 753 Assessor Parcel Numbers."

"RESOLVED that this matter of an intent to Amend the Declaration of CC&Rs by ballot will result in Tract 4076-A CC&Rs being amended in the absence of a favorable vote for