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

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

9 NANCY KNIGHT,

10 Plaintiff,

11 vs.

12 GLEN LUDWIG and PEARL LUDWIG, Trustees  
13 of THE LUDWIG FAMILY TRUST; FAIRWAY  
14 CONSTRUCTORS, INC.; MEHDI AZARMI;  
15 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.

16 Defendants.

NO.: CV-2018-04003

**NOTICE OF DEFENDANTS'  
PROPOSED "FIRST  
AMENDED ORDER TO  
PLAINTIFF FOR SERVICE  
OF INDISPENSABLE  
PARTIES"**

17  
18 The Defendants, by and through their attorney, the undersigned, agree that the initial  
19 February 21, 2023, Order for Service of Non Dispensable Parties signed by Judge Jantzen  
20 at a minimum must be amended to adjust the event dates set forth therein.

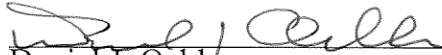
21 In the alternative, Defendants file herewith a proposed "First Amended Order to  
22 Plaintiff for Service of Indispensable Parties" attached hereto as "**Attachment 1**" that sets  
23 forth therein pursuant to the Arizona Rules of Civil Procedure the three options available to  
24 the Plaintiff to serve the necessary and indispensable parties, i.e., (1) waiver of service of  
25 summons (no issuance of summons required) which appears to be the preference of the  
26 Plaintiff; (2) acceptance of service of summons (issuance of summons required); and/or  
27 (3) standard personal service of process by a licensed process server of the summons  
28 (issuance of summons required), with all other packet documents.

1 Each of the three proposed and individualized “Notice to Indispensable Parties” are  
2 provided within the attached exhibits. Each has slightly altered language to conform to the  
3 particular method of service chosen and utilized by the Plaintiff. Defendants believe this  
4 process provides Plaintiff with Plaintiff’s choice of all three methods of completing service,  
5 and will assist the new parties in minimizing confusion that is otherwise likely to occur if  
6 both waiver and acceptance were combined in a single delivery process.

7 In an effort to work with the Plaintiff on this issue, on August 16, 2023, Defendants  
8 provided the Defendants’ proposed First Amended Order and exhibits to the Plaintiff who  
9 in response indicated she wants to include certain language within the documents that are not  
10 factually correct and to which the Defendants do not agree. The Defendants therefore are  
11 submitting herewith Defendants’ proposed First Amended Order for this Court’s review and  
12 decision that does not include Plaintiff’s suggested language.

13 RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of August, 2023.

14 LAW OFFICES OF DANIEL J. OEHLER

15  
16   
17 Daniel J. Oehler,  
Attorney for Defendants

18 **COPY** of the foregoing emailed  
19 this 24<sup>th</sup> day of August, 2023, to:

20 Honorable Dale P. Nielson  
21 Navajo County Superior Court  
22 Post Office Box 668  
23 Holbrook, Arizona 86025  
(928) 524-4220  
24 Katelin Lerma, Judicial Assistant  
25 [kalerma@courts.az.gov](mailto:kalerma@courts.az.gov)

26 Plaintiff  
27 Nancy Knight  
28 1803 E. Lipan Circle  
Fort Mohave, Arizona 86426  
(928) 768-1537  
[nancyknight@frontier.com](mailto:nancyknight@frontier.com)

By:   
Patricia L. Emond, Legal Assistant

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

**Notice of Defendants' Proposed First Amended Order to  
Plaintiff for Service of Indispensable Parties**

**ATTACHMENT 1**

LAW OFFICES  
DANIEL J. OEHLER  
2001 Highway 95, Suite 15  
Bullhead City, Arizona 86442  
(928) 758-3988  
(928) 763-3227 (fax)  
[djolaw10@gmail.com](mailto:djolaw10@gmail.com)  
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,	)	<b>FIRST AMENDED ORDER TO</b>
	)	<b>PLAINTIFF FOR SERVICE OF</b>
vs.	)	<b>INDISPENSABLE PARTIES</b>
	)	
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 Defendants and adopts the following First Amended Order to Plaintiff for Service of Indispensable 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** Plaintiff shall file with the Clerk of the Court and provide a copy to existing Defendants' counsel, Daniel J. Oehler, 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 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 indispensable party who is the owner of any lot or lots located in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract 4163, as follows:

1. **The First Service Attempt.** Plaintiff shall mail via U.S. Mail to each and every indispensable party a copy of the following documents (the “First Service Attempt Packet”):

- (a) A copy of Plaintiff’s Complaint filed January 22, 2018;
- (b) A copy of Defendants’ Answer filed June 19, 2018;
- (c) A copy of the Notice to Parties (First Service Attempt) issued by the Court in the form attached hereto as **Exhibit A**;
- (d) 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);
- (e) 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);
- (f) Notice of Lawsuit and Request for Waiver of Service of Summons (ARCP Rule 84, Form 1) in the form attached hereto as **Exhibit B**;
- (g) Waiver of Service of Summons (ARCP Rule 84, Form 2) in the form attached hereto as **Exhibit C**; and
- (h) Self addressed stamped envelope for the return to Plaintiff of the defendant’s Waiver of Service of Summons.

The Plaintiff shall have up to and including \_\_\_\_\_ (date) to send the First Service Attempt Packet.

The Plaintiff shall file with the Court each signed original Waiver of Service of Summons returned to Plaintiff in response to Plaintiff’s First Service Attempt Packet and provide a copy to Defendants’ counsel, Daniel J. Oehler.

2. **The Second Service Attempt.** If Plaintiff does not receive a Waiver of Service of Summons from any indispensable party within the time prescribed, then and in

that event, Plaintiff may mail via U.S. Mail to each and every indispensable party a copy of the following documents (the “Second Service Attempt Packet”), or go directly to service process No. 3, below:

- (a) A Summons produced by Plaintiff that is then delivered to and issued by the Clerk of the Mohave County Superior Court in the form approved by the Court and attached hereto as **Exhibit D**.
- (b) A copy of Plaintiff’s Complaint filed January 22, 2018;
- (c) A copy of Defendants’ Answer filed June 19, 2018;
- (d) A copy of the Notice to Parties (Second Service Attempt) issued by the Court in the form attached hereto as **Exhibit E**;
- (e) 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);
- (f) 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);
- (g) Acceptance of Service in the form attached hereto as **Exhibit F**.

The Plaintiff shall have up to and including \_\_\_\_\_ (date) to send the Second Service Attempt Packet.

The Plaintiff shall file with the Court each signed original Acceptance of Service received in response to Plaintiff’s Second Service Attempt Packet and provide a copy to Defendants’ counsel, Daniel J. Oehler.

**3. The Third Service Attempt.** If service is not waived or accepted, and no voluntary appearance is made by any indispensable party, then and in that event, Plaintiff must effect service upon those indispensable parties with the following documents (the “Third Service Packet”):

- (a) A Summons produced by Plaintiff that is then delivered to and issued by the Clerk of the Mohave County Superior Court in the form approved by the Court and attached hereto as **Exhibit D**.
- (b) A copy of Plaintiff’s Complaint filed January 22, 2018;

- (c) A copy of Defendants' Answer filed June 19, 2018;
- (c) A copy of the Notice to Parties (Third Service Packet) issued by the Court in a form attached hereto as **Exhibit G**;
- (d) 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);
- (e) 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);

The Plaintiff must file with the Court or cause to be filed by Plaintiff's licensed process server proof of service of each indispensable party that has not signed either a waiver or acceptance served in this manner on or before \_\_\_\_\_ (date), and provide a copy to Defendants' counsel, Daniel J. Oehler.

**4. Additional Service Attempts.** For those indispensable parties who have not waived service and who have not accepted service and 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** Plaintiff shall have no direct nor indirect personal or written contact with the to-be-joined indispensable or necessary parties during the service periods beyond transmittal of the service packets and collecting copies of the waivers and/or acceptances, until further order of this Court.

**IT IS ORDERED** that in the event the Plaintiff does not take substantial steps, as determined by this Court, 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.

DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Judge of the Superior Court

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

**First Amended Order to Plaintiff**

**EXHIBIT A**



1                                   **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

2                                   **IN AND FOR THE COUNTY OF MOHAVE**

3 NANCY KNIGHT,

4                                   Plaintiff,

5                                   vs.

6 GLEN LUDWIG and PEARL LUDWIG,  
7 Trustees of THE LUDWIG FAMILY TRUST;  
8 FAIRWAY CONSTRUCTORS, INC.;  
9 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.

10                                   Defendants.

Case No. B8015CV2018 04003

**NOTICE TO PROPERTY OWNERS**

*First Service Attempt Packet  
Waiver of Service of Summons*

11                                   **THIS LAWSUIT MAY AFFECT YOUR DESERT LAKES**  
12                                   **PROPERTY RIGHTS**

13                                   You are being brought in as an indispensable and necessary party in this lawsuit based  
14 upon your interest in real property subject to the Declarations of Covenants, Conditions and  
15 Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D  
16 (referred to herein collectively as “Declarations”) so that you can decide what action you  
17 wish to take regarding this pending lawsuit.

18                                   Tract 4163 was developed in 2002 on two parcels that were part of Tract 4076-B  
19 when it was recorded as a subdivision in 1989. Tract 4076-D was developed in 1997 from  
20 a third parcel that was in Tract 4076-B. Tract 4163 has no individual declarations, however,  
21 the Court has determined that the 32 lots in Tract 4163 are subject to the Declarations  
22 covering Tract 4076-B. A copy of the Declarations for Tract 4076-B and Tract 4076-D are  
23 included with this Notice along with Plaintiff’s Complaint that is being served upon you, and  
24 the original existing Defendants’ 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 original Defendants and all

1 owners of all lots in the affected three tracts whose homes violate the Declarations for Desert  
2 Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163 must be brought into  
3 compliance with the subject Declarations. Plaintiff believes that the CC&Rs are fully  
4 enforceable against all lots within each Tract and that existing violations must be eliminated.

5 The Defendants have denied the Plaintiff's claim that the Declarations are able to be  
6 enforced claiming that the Declarations have been ignored through multiple violations of:  
7 (a) building within property line setback requirements, (b) insufficient or excessive or  
8 nonexistent wall height limitations, (c) gate access to the golf course, (d) failure to comply  
9 with universal exterior color palette, (e) failures to comply with minimum home and garage  
10 square footage requirements, (f) fencing violations, and others. The Defendants have alleged  
11 that the Declarations have been so thoroughly disregarded as to result in such a change in the  
12 area as to destroy the effectiveness of the restrictions, defeat the purposes for which they  
13 were imposed and consequently the CC&Rs have been abandoned, and are unenforceable  
14 against any lot owners in Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and  
15 4163.

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

21 In the event you choose to file a responsive pleading in this case and have agreed to  
22 waive service of a summons, you must file your responsive pleading within the time set forth  
23 in the Notice of Lawsuit and Request for Waiver of Service of Summons following the  
24 instructions provided therein. The Court will determine from your response whether you  
25 should be joined with the Plaintiff or the Defendants.

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

1           Since you have been joined in this lawsuit, you must comply with the Orders of this  
2 Court as follows:

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

13                   To the Court:

14                               Mohave County Superior Court  
15                               Post Office Box 7000  
16                               Kingman, Arizona 86402-7000  
                                  (928) 753-0713

17                   To Plaintiff (who is not currently represented by legal counsel):

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

20                   To Defendants' Attorney

21                               Daniel J. Oehler, Esq.  
22                               Law Offices of Daniel J. Oehler  
23                               2001 Highway 95, Suite 15  
                                  Bullhead City, Arizona 86442  
                                  (928) 758-3988  
24                               (928) 763-3227 fax  
25                               djolaw10@gmail.com

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

1 of escrow or the date of transfer and file proof of such action with the Court and email a copy  
2 to the Plaintiff and Defendants' counsel.

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

13 **IT IS ORDERED** any party who declines to provide the Clerk of the Court and the  
14 other parties with an email address **SHALL** be assessed the actual cost of mailing.

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

19 **IT IS ORDERED**, after initial service of the "Service Packet" and with the exception  
20 that originals of all documents must be filed with the Clerk of the Court in electronic format,  
21 all parties are authorized to transmit documents to all other parties in electronic format and  
22 shall attach to the original document filed with Clerk of Court a notice that the document was  
23 transmitted electronically to the other parties along with a list of the names of the parties and  
24 e-mail addresses to which electronic transmission was sent.

25 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

26  
27 HONORABLE DALE P. NIELSON  
28

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

**First Amended Order to Plaintiff**

**EXHIBIT B**

Nancy Knight  
1803 E. Lipan Circle  
Fort Mohave, Arizona 86426  
(928) 768-1537  
[nancyknight@frontier.com](mailto:nancyknight@frontier.com)  
Representing Self, without a Lawyer  
Plaintiff

**SUPERIOR COURT OF ARIZONA**

**IN AND FOR THE COUNTY OF MOHAVE**

NANCY KNIGHT,	)	Case No. B8015CV201804003
	)	
Plaintiff	)	<b>NOTICE OF LAWSUIT AND</b>
	)	<b>REQUEST FOR WAIVER OF</b>
vs.	)	<b>SERVICE OF SUMMONS</b>
	)	
GLEN LUDWIG, etc., et al.,	)	
	)	
Defendants.	)	
_____	)	

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the Complaint is attached to this Notice. The Complaint has been filed in the Superior Court for the State of Arizona in and for the County of Mohave and has been assigned Case No. B8015CV201804003.

This is not a formal summons or notification from the Court, but rather my request that you sign and return the enclosed Waiver of Service in order to save the cost of serving you with a judicial summons and an additional copy of the Complaint. The cost for service will be avoided if I receive a signed copy of the waiver within 30 days (60 days if located in a foreign country) after the date designated below as the date on which this Notice of Lawsuit and Request for Waiver of Service of Summons is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the Waiver of service is also attached for your records.

If you comply with this request and return the signed Waiver of Service, the Waiver will be filed with the Court and no summons will be served on you. The action will then proceed as if you had been served on the date the Waiver is filed, and you will be required to answer or otherwise respond to the Complaint within sixty (60) days from the date designated below as the date on which this notice is sent (or within ninety (90) days from the date of your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Arizona Rules of Civil Procedure and then, to the extent authorized by those Rules, I will ask the Court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to avoid unnecessary costs of service of summons, which is set forth on the reverse side (or at the foot) of the enclosed "Waiver of Service of Summons" form.

I affirm that this Notice of Lawsuit and Request for Waiver of Service of Summons is being sent to you on behalf of the Plaintiff on the date indicated below.

NOTICE AND REQUEST SENT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Nancy Knight, Plaintiff

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

**First Amended Order to Plaintiff**

**EXHIBIT C**



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**

NANCY KNIGHT,	)	Case No. B8015CV201804003
	)	
Plaintiff	)	<b>WAIVER OF SERVICE</b>
	)	<b>OF SUMMONS</b>
vs.	)	
	)	
GLEN LUDWIG, etc., et al.	)	
	)	
Defendants.	)	
_____	)	

TO: Plaintiff, Nancy Knight

I, \_\_\_\_\_ (*Plaintiff to insert name of each new defendant*), acknowledge receipt of your request that I waive service of a Summons in the action of Knight v. Ludwig, et al., which is Case No. B8015CV201804003 in the Superior Court of the State of Arizona in and for the County of Mohave. 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 entity 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

**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 actually served when the request for waiver of service was received.

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

**First Amended Order to Plaintiff**

**EXHIBIT D**

Nancy Knight  
1803 E. Lipan Circle  
Fort Mohave, Arizona 86426  
(928) 768-1537  
[nancyknight@frontier.com](mailto:nancyknight@frontier.com)  
Representing Self, without a Lawyer  
Plaintiff

**SUPERIOR COURT OF ARIZONA**

**IN AND FOR THE COUNTY OF MOHAVE**

NANCY KNIGHT,	)	Case No. B8015CV201804003
	)	
Plaintiff	)	<b>SUMMONS</b>
	)	
vs.	)	
	)	
GLEN LUDWIG, etc., et al.,	)	
	)	
Defendants.	)	
_____	)	

TO: \_\_\_\_\_

**WARNING: THIS IS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ CAREFULLY THIS SUMMONS, THE NOTICE TO ALL PROPERTY OWNERS ISSUED FROM THE COURT, THE ORDER TO INDISPENSABLE PARTIES ENTERED BY THE COURT, PLAINTIFF'S COMPLAINT AND THE ORIGINAL DEFENDANTS' ANSWER**

A lawsuit has been filed against you that now includes all property owners in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract 4163. A copy of the lawsuit and other court papers were served on you with this Summons.

YOU ARE HEREBY NOTIFIED that you are being served as a Defendant in the above-captioned action in this Court, and that in case of your failure to appear and defend within the time applicable, judgment by default will be rendered against you for the relief demanded in the Complaint. You are cautioned that in order to appear and defend, you must file an Answer or other proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required. To file your Answer, take or send the papers to the Clerk of the Superior Court, 415, E. Spring Street, Kingman, Arizona 86401, or, if convenient, to the Clerk of the Superior Court, 2225 Trane Road, Bullhead City, Arizona 86442, or, to the Clerk of the Superior Court, 2001 College Drive,

Lake Havasu City, Arizona 86442, or electronically file your Answer through one of Arizona's approved electronic filing at <http://www.azcourts.gov/efilinginformation>. Mail a copy of your Answer to the Plaintiff at the address listed on the top of this Summons.

If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service or the date of your acceptance of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service or the date of your acceptance of service, not counting the day of service.

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.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MOHAVE.

SIGNED AND SEALED this date: \_\_\_\_\_

*Christine Spurlock*  
Clerk of the Superior Court

By:  
Deputy Clerk

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

**First Amended Order to Plaintiff**

**EXHIBIT E**

1                                   **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

2                                   **IN AND FOR THE COUNTY OF MOHAVE**

3 NANCY KNIGHT,

4                                   Plaintiff,

5 vs.

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

14                                   Defendants.

Case No. B8015CV2018 04003

**NOTICE TO PROPERTY OWNERS**

*Second Service Attempt Packet  
Acceptance of Service  
of Summons*

11                                   **THIS LAWSUIT MAY AFFECT YOUR DESERT LAKES  
12                                   PROPERTY RIGHTS**

13                   You are being brought in as an indispensable and necessary party in this lawsuit based  
14 upon your interest in real property subject to the Declarations of Covenants, Conditions and  
15 Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D  
16 (referred to herein collectively as “Declarations”) so that you can decide what action you  
17 wish to take regarding this pending lawsuit.

18                   Tract 4163 was developed in 2002 on two parcels that were part of Tract 4076-B  
19 when it was recorded as a subdivision in 1989. Tract 4076-D was developed in 1997 from  
20 a third parcel that was in Tract 4076-B. Tract 4163 has no individual declarations, however,  
21 the Court has determined that the 32 lots in Tract 4163 are subject to the Declarations  
22 covering Tract 4076-B. A copy of the Declarations for Tract 4076-B and Tract 4076-D are  
23 included with this Notice along with Plaintiff’s Complaint that is being served upon you, and  
24 the original existing Defendants’ 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 original Defendants and all

1 owners of all lots in the affected three tracts whose homes violate the Declarations for Desert  
2 Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163 must be brought into  
3 compliance with the subject Declarations. Plaintiff believes that the CC&Rs are fully  
4 enforceable against all lots within each Tract and that existing violations must be eliminated.

5 The Defendants have denied the Plaintiff's claim that the Declarations are able to be  
6 enforced claiming that the Declarations have been ignored through multiple violations of: (a)  
7 building within property line setback requirements, (b) insufficient or excessive or  
8 nonexistent wall height limitations, (c) gate access to the golf course, (d) failing to comply  
9 with universal exterior color palette, (e) failures to comply with minimum home and garage  
10 square footage requirements, (f) fencing violations, and others. The Defendants have alleged  
11 that the Declarations have been so thoroughly disregarded as to result in such a change in the  
12 area as to destroy the effectiveness of the restrictions, defeat the purposes for which they  
13 were imposed and consequently the CC&Rs have been abandoned, and are unenforceable  
14 against any lot owners in Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and  
15 4163.

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

21 In the event you choose to file a responsive pleading in this case and have agreed to  
22 accept service of the Summons, you must file your responsive pleading within the time set  
23 forth in the Summons. The Court will determine from your response whether you should be  
24 joined with the Plaintiff or the Defendants.

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

28 Since you have been joined in this lawsuit, you must comply with the Orders of this



1 Court as follows:

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

12 To the Court:

13 Mohave County Superior Court  
14 Post Office Box 7000  
15 Kingman, Arizona 86402-7000  
(928) 753-0713

16 To Plaintiff (who is not currently represented by legal counsel):

17 Nancy Knight  
18 1803 E. Lipan Circle  
19 Fort Mohave, Arizona 86426  
(928) 768-1537  
[nancyknight@frontier.com](mailto:nancyknight@frontier.com)

20 To Defendants' Attorney

21 Daniel J. Oehler, Esq.  
22 Law Offices of Daniel J. Oehler  
23 2001 Highway 95, Suite 15  
24 Bullhead City, Arizona 86442  
(928) 758-3988  
(928) 763-3227 fax  
[djlaw10@gmail.com](mailto:djlaw10@gmail.com)

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

1 to the Plaintiff and Defendants' counsel.

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

12 **IT IS ORDERED** any party who declines to provide the Clerk of the Court and the  
13 other parties with an email address **SHALL** be assessed the actual cost of mailing.

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

18 **IT IS ORDERED**, after initial service of the "Service Packet" and with the exception  
19 that originals of all documents must be filed with the Clerk of the Court in electronic format,  
20 all parties are authorized to transmit documents to all other parties in electronic format and  
21 shall attach to the original document filed with Clerk of Court a notice that the document was  
22 transmitted electronically to the other parties along with a list of the names of the parties and  
23 e-mail addresses to which electronic transmission was sent.

24 DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

25  
26 HONORABLE DALE P. NIELSON  
27  
28

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

**First Amended Order to Plaintiff**

**EXHIBIT F**

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**

NANCY KNIGHT,

Plaintiff

vs.

GLEN LUDWIG, etc., et al.,

Defendants.

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Case No. B8015CV201804003

**ACCEPTANCE OF SERVICE**

**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, \_\_\_\_\_ (Plaintiff to insert each defendant's name), 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.

List each individual document received.

- 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".) *(Plaintiff to insert document list)*

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- 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](http://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

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

**First Amended Order to Plaintiff**

**EXHIBIT G**

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

3 NANCY KNIGHT,

4                                   Plaintiff,

5 vs.

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

14                                   Defendants.

Case No. B8015CV2018 04003

**NOTICE TO PROPERTY OWNERS**

*Third Service Packet*

15                                   **THIS LAWSUIT MAY AFFECT YOUR DESERT LAKES**  
16                                   **PROPERTY RIGHTS**

17                   You are being brought in as an indispensable and necessary party in this lawsuit based  
18 upon your interest in real property subject to the Declarations of Covenants, Conditions and  
19 Restrictions for Desert Lakes Golf Course and Estates Tract 4076-B and Tract 4076-D  
20 (referred to herein collectively as “Declarations”) so that you can decide what action you  
21 wish to take regarding this pending lawsuit.

22                   Tract 4163 was developed in 2002 on two parcels that were part of Tract 4076-B  
23 when it was recorded as a subdivision in 1989. Tract 4076-D was developed in 1997 from  
24 a third parcel that was in Tract 4076-B. Tract 4163 has no individual declarations, however,  
25 the Court has determined that the 32 lots in Tract 4163 are subject to the Declarations  
26 covering Tract 4076-B. A copy of the Declarations for Tract 4076-B and Tract 4076-D are  
27 included with this Notice along with Plaintiff’s Complaint that is being served upon you, and  
28 the original existing Defendants’ Answer.

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

                  This lawsuit involves claims by the Plaintiff that the original Defendants and all

1 owners of all lots in the affected three tracts whose homes violate the Declarations for Desert  
2 Lakes Golf Course and Estates Tracts 4076-B, 4076-D and 4163 must be brought into  
3 compliance with the subject Declarations. Plaintiff believes that the CC&Rs are fully  
4 enforceable against all lots within each Tract and that existing violations must be eliminated.

5 The Defendants have denied the Plaintiff's claim that the Declarations are able to be  
6 enforced claiming that the Declarations have been ignored through multiple violations of: (a)  
7 building within property line setback requirements, (b) insufficient or excessive or  
8 nonexistent wall height limitations, (c) gate access to the golf course, (d) failing to comply  
9 with universal exterior color palette, (e) failures to comply with minimum home and garage  
10 square footage requirements, (f) fencing violations, and others. The Defendants have alleged  
11 that the Declarations have been so thoroughly disregarded as to result in such a change in the  
12 area as to destroy the effectiveness of the restrictions, defeat the purposes for which they  
13 were imposed and consequently the CC&Rs have been abandoned, and are unenforceable  
14 against any lot owners in Desert Lakes Golf Course and Estates Tracts 4076-B, 4076-D and  
15 4163.

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

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

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

27 Since you are being served with this lawsuit, you must comply with the Orders of this  
28 Court as follows:



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

11           To the Court:

12                                 Mohave County Superior Court  
13                                 Post Office Box 7000  
14                                 Kingman, Arizona 86402-7000  
                                      (928) 753-0713

15           To Plaintiff (who is not currently represented by legal counsel):

16                                 Nancy Knight  
17                                 1803 E. Lipan Circle  
18                                 Fort Mohave, Arizona 86426  
                                      (928) 768-1537  
                                      nancyknight@frontier.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  
                                      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 and file proof of such action with the Court and email a copy  
28 to the Plaintiff and Defendants' counsel.

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

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

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

17           **IT IS ORDERED**, after initial service of the “Service Packet” and with the exception  
18 that originals of all documents must be filed with the Clerk of the Court in electronic format,  
19 all parties are authorized to transmit documents to all other parties in electronic format and  
20 shall attach to the original document filed with Clerk of Court a notice that the document was  
21 transmitted electronically to the other parties along with a list of the names of the parties and  
22 e-mail addresses to which electronic transmission was sent.

23           DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

24  
25  
26  
27  
28

HONORABLE DALE P. NIELSON \_\_\_\_\_