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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 11/2/23 (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. Ochler.

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 12/8/23 (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 1/10/24 (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 13<sup>th</sup> day of September, 2023.

  
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Judge of the Superior Court

Copies to:  
Nancy Knight  
Daniel Oehler  
Mohave Co. JA