

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 MEHIDI 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**

*First Service Attempt Packet  
Waiver of Service of Summons*

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:  
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  
20                               Fort Mohave, Arizona 86426  
                                  (928) 768-1537  
                                  nancyknight@frontier.com

21                   To Defendants' Attorney

22                               Daniel J. Ochler, Esq.  
23                               Law Offices of Daniel J. Ochler  
24                               2001 Highway 95, Suite 15  
25                               Bullhead City, Arizona 86442  
                                  (928) 758-3988  
                                  (928) 763-3227 fax  
                                  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 02/20/24 (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 13<sup>th</sup> day of September, 2023.

26  
27 Copies to:  
28 Nancy Knight  
Dorice Oehler  
Mehave Co. SA

  
HONORABLE DALE P. NIELSON