

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.

Case No. B8015CV2018 04003

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.

NOTICE TO PROPERTY OWNERS

*Second Service Attempt Packet
Acceptance of Service
of Summons*

14 Defendants.

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 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

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
djolaw10@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 02/20/24 (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 13th day of September, 2023.

25
26 
27 _____
28 HONORABLE DALE P. NIELSON

26 Copies to:
27 Nancy Knight
28 Darlene Dehler
Mehave Co. JA