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CHRISTINA SPURLOCK
CLERK SUPERIOR COURT
BY: VA DEPUTY

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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 MOTION FOR LEAVE
TO AMEND COMPLAINT**

Honorable Dale Nielson

19 Plaintiff Pro Per Nancy Knight (hereinafter "Plaintiff") moves this Court to allow
20 her to amend her Complaint in this matter pursuant to Rule 15(a), Arizona Rules of Civil
21 Procedure and for an Order authorizing the filing of a First Amended Complaint.

22 Amending the Complaint requires Does to be named and Served with a Summons
23 for Cause in the threat to Plaintiff's real property value and nature of her Declaration of
24 Covenants, Conditions and Restrictions (CC&Rs).

25 Amending the Compliant requires Does to be named for their part in the collusion
26 that contributes to the claim of abandonment for setback frequency data as gathered by
27
28



1 the Defendants.

2 The Court has ordered that a high-profile website will display all documents in
3 this case. It is important that full disclosure is available to the Indispensable Parties and
4 readers of these documents and the First Amended Complaint is necessary for full
5 disclosure.
6

7 On September 16, 2022 the now recused Court prohibited the Plaintiff from any
8 contact, directly or indirectly, with the Indispensable Parties. This Court has claimed he
9 cannot reverse the Gag Order requested by attorney Oehler and granted by the former
10 court. The former Court provided no reason for the Gag Order except he “thinks” she did
11 something wrong in her capacity as President of the Desert Lakes Tract 4076
12 Unincorporated Association (UA) by mailing a Ballot for Amendments to protect
13 property owners from law suits and for information that they may have rights to a Class
14 Action law suit. Plaintiff’s hands are tied for any other method of disclosure in this case
15 but for Amending the Complaint.
16
17
18

19 Amending the Complaint for ongoing violations of the Declaration requires Does
20 to be named in this case for judicial economy as opposed to filing a separate case.
21

22 The value and nature of the intent of protections in the Desert Lakes Golf Course
23 & Estates Declaration of Covenants, Conditions and Restrictions (hereinafter
24 “Declaration”) is threatened by these Defendants and the Does in this case.
25

26 But for three existing Defendant’s actions in collusion with other to be named
27 Does, the Declaration would not be subject to jury trial for Abandonment.
28

 But for the former Court’s abuse of discretion, Plaintiff would not be suffering the

1 expense of Service upon the Rule 19 Indispensable Parties.

2 But for Mohave County violating Special Development Zoning, Resolution 93-
3 122, Section 37.P of the Zoning Regulations, and Arizona Section 12-1134, ongoing
4 violations would not have occurred and would not have continued to occur that now
5 contributes to the claim of abandonment.
6

7 The Amended Complaint also strikes errors of assumption that are a part of the
8 original January 2018 Complaint. Amending the Complaint will alleviate confusion when
9 the Indispensable Parties are Noticed.
10

11 Plaintiff expects this Court to amend his Final Order to allow either both the
12 Original 2018 Complaint and the 2023 Amended Complaint to be a part of the Service
13 Packet or only the First Amended Complaint.
14

15 The proposed First Amended Complaint, in the form required by Rule 15(a)(4), is
16 attached hereto for the Court's review. This Motion is supported by the accompanying
17 Memorandum of Points and Authorities.
18

19 **MEMORANDUM OF POINTS AND AUTHORITIES**
20

21 Rule 15(a)(2), ARCP, provides, "Leave to amend shall be freely granted when
22 justice so requires." Thus, "amendments to pleadings shall be liberally granted." *Dewey*
23 *v. Arnold*, 159 Ariz. 65, 68, 764, 2d 1124, 1127 (App.1988).
24

25 Plaintiff believes that denial would unduly injure the Indispensable Parties.
26 Indispensable Parties have a right to full disclosure in their Service Packet and on the
27 website where all existing documents in this case would only provide a half-truth
28 perspective to the viewing public.

1 Indispensable Parties have been threatened for setback violations and they require
2 full disclosure to seek remedy for their homes from those who caused it.

3
4 Plaintiff's years of research and voluminous Requests for Public Information
5 resulted in finding the Does who need to be served with a Summons for contributing to
6 the claim of abandonment. Some of those Does are the Cause of Indispensable Parties'
7 violations that have been made a part of the record without the disclosure of who caused
8 the violations and the relationship of those Does to Defendant Azarmi.

9
10 **LEGAL ARGUMENT**

11
12 Claiming abandonment of the CC&Rs in Tract 4076-B and 4076-D is self-serving
13 on the part of the existing Defendants who caused the setback violations of Section 6 in
14 collusion with Does named in the Amended Complaint's Exhibit.

15
16 To date, the Defendants have not followed Rule 12 (b) (6) and stated a claim of
17 specificity for which Deed Restrictions are expected to be defended by Plaintiff Knight.
18 At this point in time, Plaintiff has cause to believe that the Article II, Section 6 frequency
19 data is one such action that is necessary in defense of an abandonment claim. Setback
20 violations have been mounting since this case began and continues to mount in violation
21 of Res. 93-122 where Mohave County's Ord. 37.C.4. is a continuing violation of
22 Res. 93-122.
23

24
25 The jury and the Indispensable Parties have a right to know the identity of all of
26 the parties who have caused a claim of abandonment of the setback restriction and this
27 needs to be disclosed before Trial.
28

1 Complete abandonment of the "Declaration" was not granted in 2020 for the
2 Defendant's Motion for Summary Judgment on dismissal therefore the non-waiver clause
3 was not abandoned as the Defendant's intended. Plaintiff believes that every "Deed
4 Restriction" that has been claimed as abandoned is arguable at trial and the Indispensable
5 Parties need this information before they decide to join as a plaintiff or defendant.
6

7
8 Plaintiff's Declaration gives her the authority to prosecute violations and the
9 Declaration implies a duty to prevent violations. On October 3, 2016, Plaintiff acted on
10 that implied duty and prevented Defendant Azarmi's Res. 2016-125 from circumventing
11 Res. 93-122 for his proposed fifteen foot setbacks in the entire Subdivision Tract 4076.
12 The Board of Supervisors denied Planning Commissioner Azarmi's proposal.
13

14 Defendant Azarmi's collusion as a Planning Commissioner for Ordinance 37.C.4.
15 has caused a continuing threat for a Section 6 abandonment claim. No Defendant who
16 causes abandonment should be granted an abandonment claim. Defendant Azarmi has
17 unclean hands and the jury needs this information for justice to prevail.
18

19 The non-waiver clause in section 20 protects the entire Declaration from a claim
20 of "complete abandonment". The Defendant's frequency data for violations that are less
21 egregious than Section 6 are not supported by real evidence. Some claims are protected
22 by current law such as Satellite TV antennas. Gate access to the Golf Course has become
23 an acquired possession for many property owners. All gate access from Tract 4163 lots is
24 legal for access to the golf course for the recreation of property owners whose small lot
25 sizes, as platted by Ludwig Engineering Associates in 1998, was required pursuant to
26 Subdivision Regulations. Defendant Azarmi is the Vice President of the Arizona division
27
28

1 of that business entity.

2 ARCP 15 (a)(2) states that “a party may amend its pleading only with leave of
3 court or with the written consent of all opposing parties who have appeared in the action.
4 Leave to amend must be freely given when justice requires.” Emphasis added.
5

6 Justice requires that all Indispensable Parties have full disclosure in conjunction
7 with being Summoned. Justice requires that the Plaintiff recover her loss in the value and
8 nature of her Subdivision if a claim of abandonment is granted by the jury. Justice
9 requires full disclosure of the Does who contributed to the threat of abandonment.
10

11 The Arizona Property Rights Protection Act has been violated by Mohave County
12 and has contributed to the cause of a claim of abandonment that Plaintiff Knight must
13 now defend in this case. Pursuant to Section 12-821 H, this case is prosecutable without
14 a 180 day Notice to the County. And as stated, “This section does not apply to any claim
15 for just compensation pursuant to chapter 8, article 2.1 of this title”.
16
17

18 Article 2.1, Section 12-1134 - Diminution in value; just compensation
19 A. “If the existing rights to use, divide, sell or possess private real property are reduced
20 by the enactment or applicability of any land use law enacted after the date the property
21 is transferred to the owner and such action reduces the fair market value of the property
22 the owner is entitled to just compensation from this state or the political subdivision of
23 this state that enacted the land use law.”
24
25

26 Ordinance 37.C.4. is the land use law that was enacted in 2016 after Plaintiff
27 purchased her home in 2010. Plaintiff has a right to just compensation for any ruling on
28 abandonment. Abandonment of the Declaration or any abandonment of a Deed

1 Restriction reduces the value and nature of Plaintiff's real property. A part of the value of
2 real property in a golf course subdivision is the protective nature of CC&Rs. The right to
3 sell at full market value in the absence of those protections is diminished and will
4 continue to diminish as blight occurs over time if the claim of abandonment is granted.
5 Plaintiff will also suffer losses from attorney fees and costs in defending her Declaration
6 if the CC&Rs are declared abandoned. Plaintiff will state a sum certain minimum lost
7 value as a claim of those losses in the required Exhibit.
8

9
10 Pursuant to Section 12-1134 G, the jury's decision is the first date the reduction
11 of the existing rights sell at full market value will apply to the Plaintiff's two-lot parcel.
12

13 A Defendant in CV 2022 00177 for setback violations built an accessory structure
14 after that case was filed and it did not follow Zoning Regulation 37.P. That second
15 residence needs to be prosecuted in this case for three reasons. First, Hon. Judge Napper
16 denied Plaintiff Leave to Amend the Complaint. Second, it is in the interest of judicial
17 economy that a third concurrent case is not required for Desert Lakes violations. Third, it
18 violates Article II, A, Sections 4, and 5 (v) and B (1) of the CC&Rs.
19
20

21 CONCLUSION

22 Motions to amend pleadings are generally liberally granted in Arizona and must
23 be granted when justice requires.
24

25 The Defendants' multiple dilatory motions have protected the Defendants and
26 served their profit motives for larger building footprints in violation of the CC&Rs and
27 violation of Res. 93-122 for over four years. Those homes are then sold to unsuspecting
28 buyers who are now subject to a Breach of Contract law suit in CV 2022 00177 because

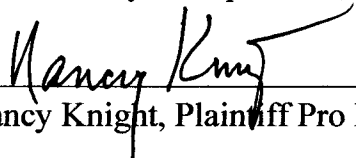
1 the former court in this case denied justice with Attorney Coughlin's Motion for Leave to
2 Amend.

3
4 The Court in CV 2022 00177 has ruled that those property owner's violations
5 would be remedied in this CV 2018 04003 case. The only way that could be true is if
6 Judge Napper of Yavapai County has predetermined an abandonment ruling
7 will prevail in this case.
8

9 Plaintiff has evidence to the contrary that must be vetted at Trial. Case law
10 proves Desert Lakes Tract 4076 does not have "complete abandonment" of the
11 Declaration and remedy to prevent defeat is available for Deed Restriction violations.
12

13 An Amended Complaint is necessary in the interest of justice.

14 **RESPECTFULLY SUBMITTED** this 23rd day of September, 2023

15
16 
17 Nancy Knight, Plaintiff Pro Per

18 Copy of the foregoing was emailed on September 23, 2023 to:

19 djolaw10@gmail.com
20 Attorney for the Defendants
21 The Law Office of Daniel Oehler
22 2001 Highway 95, Suite 15
23 Bullhead City, Arizona 86442
24
25
26
27
28

Exhibit