

1 **LAW OFFICES**
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7 djolaw@frontiernet.net

8 Daniel J. Oehler, Arizona State Bar No.: 002739
9 Attorney for Defendants

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12	NANCY KNIGHT,)	NO.: CV-2018-04003
13)	
14	Plaintiff,)	ANSWER
15)	
16	vs.)	
17)	
18	GLEN LUDWIG and PEARL LUDWIG, Trustees)	
19	of THE LUDWIG FAMILY TRUST; FAIRWAY)	
20	CONSTRUCTORS, INC.; MEHDI AZARMI;)	
21	JAMES B. ROBERTS and DONNA M.)	
22	ROBERTS, husband and wife; JOHN DOES 1-10;)	
23	JANE DOES 1-10; ABC CORPORATIONS 1-10;)	
24	and XYZ PARTNERSHIPS 1-10.)	
25)	
26	Defendants.)	

27 COME NOW, the Defendants, GLEN LUDWIG and PEARL LUDWIG, Trustees of THE
28 LUDWIG FAMILY TRUST, FAIRWAY CONSTRUCTORS, INC., and MEHDI AZARMI, by and
through their attorney, the undersigned, and for their Answer to the Plaintiff's Complaint filed
January 22, 2018, state and allege as follows:

PARTIES AND JURISDICTION

1. These answering Defendants admit the factual allegations contained in paragraph 1
of the Plaintiff's Complaint and affirmatively allege more specifically that the Plaintiff is believed
to be a property owner in Desert Lakes Golf Course & Estates Tract 4163.

2. These answering Defendants admit the factual allegations contained in paragraph 2
of the Plaintiff's Complaint and affirmatively allege that the Defendant, the Ludwig Family Trust

1 (hereinafter “Ludwig”), owns various lots within Deserts Lakes Golf Course & Estates Tract 4076-B.

2 3. These answering Defendants admit the factual allegations contained in paragraph 3
3 of Plaintiff’s Complaint.

4 4. These answering Defendants deny the allegations set forth in the first sentence of
5 paragraph 4 of Plaintiff’s Complaint concerning any alleged violations, however, admit the
6 remainder of the factual allegations set forth in the first sentence of paragraph 4 of Plaintiff’s
7 Complaint. These answering Defendants admit the factual allegations set forth in the second
8 sentence of paragraph 4 of Plaintiff’s Complaint.

9 5. These answering Defendants deny the allegations set forth in paragraph 5 of
10 Plaintiff’s Complaint as the Roberts Defendants have been dismissed.

11 6. These answering Defendants admit the factual allegations contained in paragraphs
12 6 and 7 of Plaintiff’s Complaint.

13 7. These answering Defendants lack sufficient information to form an opinion or belief
14 regarding the allegations set forth in paragraph 8 of the Plaintiffs’ Complaint and therefore deny each
15 of those allegations.

16 8. These answering Defendants lack sufficient information to form an opinion or belief
17 regarding the allegations set forth in paragraph 9 of the Plaintiffs’ Complaint in regard to all
18 allegations concerning DOES 1-10, and therefore deny each of those allegations, and Defendants
19 deny the allegations in paragraph 9 as to these answering Defendants.

20 **ALLEGATIONS COMMON TO ALL COUNTS**

21 9. These answering Defendants reallege and incorporate paragraphs 1 through 8 of this
22 Answer as if set forth in full herein.

23 10. These answering Defendants deny the allegations set forth in paragraph 11 of
24 Plaintiff’s Complaint. These answering Defendants affirmatively state that one or more of the
25 answering Defendants own a “lot” or “lots” in one or more subdivided tracts of land in Mohave
26 County, Arizona, known as Desert Lakes Golf Course & Estates, Tracts 4076-A, 4076-B, 4076-C,
27 Tract 4163, and others.

28 11. These answering Defendants deny the first sentence of paragraph 12 and affirmatively

1 allege that the developer of Desert Lakes Golf Course & Estates, Tract 4076-B, caused to be
2 recorded the Codes, Covenants & Restrictions for Tract 4076-B on the date and at the fee number
3 set forth in Plaintiff's Complaint. These answering Defendants deny all allegations set forth in
4 paragraph 12.

5 12. These answering Defendants deny the allegations of paragraph 13 of Plaintiff's
6 Complaint, and affirmatively allege the quoted text in paragraph 13 of Plaintiff's Complaint is only
7 a portion of the text contained in paragraph 6 of the referenced CC&Rs.

8 13. These answering Defendants deny paragraph 14 of Plaintiff's Complaint as previously
9 dismissed by the Court and reference a lot known as 5732 S. Club House Drive located in Tract
10 4076-A for and in which Plaintiff has no standing and regarding which Plaintiff's Complaint has
11 been dismissed.

12 14. These answering Defendants deny paragraphs 15, 16, 17 and 18 of Plaintiff's
13 Complaint as they specifically reference a Tract 4076-A property to which Plaintiff has no standing
14 and the subject matter of which has previously been dismissed by this Court.

15 15. These answering Defendants admit the factual allegations set forth in paragraph 19
16 of Plaintiff's Complaint.

17 16. These answering Defendants deny the factual allegations set forth in paragraphs 20
18 and 21 of Plaintiff's Complaint.

19 17. These answering Defendants admit the first line of paragraph 22 of Plaintiff's
20 Complaint, and lack sufficient information to form an opinion or belief as to the factual allegations
21 set forth in the balance of line one of paragraph 22 of Plaintiff's Complaint, and therefore deny each
22 of those allegations. Defendants lack sufficient information to form an opinion or belief as to all
23 other factual allegations set forth in paragraph 22 of Plaintiff's Complaint, and therefore deny each
24 of those allegations, and/or deny those allegations as they are or may be specifically referring to
25 Plaintiff's allegations concerning 5732 S. Club House Drive located in Tract 4076-A which has been
26 previously dismissed by this Court.

27 18. These answering Defendants deny the factual allegations contained in paragraphs 23
28 and 24 of Plaintiff's Complaint on the basis that they specifically reference a lot in Tract 4076-A,

1 the subject matter of which has previously been dismissed by this Court.

2 19. These answering Defendants lack sufficient information to form an opinion or belief
3 as to the factual allegations set forth in paragraph 25 of Plaintiff's Complaint, and therefore deny
4 each of those allegations in that it is unknown as to what specific CC&Rs the Plaintiff cites.

5 20. These answering Defendants deny the factual allegations set forth in paragraph 26 of
6 Plaintiff's Complaint. Further, this allegation suggests that it refers to the property located at 5732
7 Club House Drive located in Tract 4076-A referenced by Plaintiff as "the subject parcel" and
8 pursuant to the Court's order, Plaintiff's claim regarding the subject property have been dismissed.

9 21. These answering Defendants deny the factual allegations set forth in paragraph 27 of
10 Plaintiff's Complaint as being relevant as it appears to reference the dismissed Roberts Defendants
11 and the residence owned and occupied by the prior Roberts Defendants.

12 22. These answering Defendants deny the factual allegations set forth in paragraph 28 of
13 Plaintiff's Complaint on the basis that it deals with issues concerning the 5732 S. Club House Drive
14 lot that have been dismissed via prior order of this Court dated June 11, 2018.

15 23. These answering Defendants deny the factual allegations set forth in paragraph 29 of
16 Plaintiff's Complaint.

17 24. These answering Defendants deny the factual allegations contained in paragraphs 30,
18 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 as they specifically reference issues
19 dealing with a lot in Tract 4076-A, the subject matter of which has previously been dismissed by this
20 Court.

21 25. These answering Defendants lack sufficient information to form an opinion or belief
22 regarding the factual allegations set forth in paragraph 47, and therefore deny each of those
23 allegations.

24 26. These answering Defendants deny the factual allegations set forth in paragraph 48 of
25 Plaintiff's Complaint.

26 27. These answering Defendants lack sufficient information to form an opinion or belief
27 as to the factual allegations set forth in paragraphs 49 and 50 of Plaintiff's Complaint and therefore
28 deny each of those allegations.

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COUNT 1
VIOLATIONS OF CODES COVENANTS AND RESTRICTIONS

28. Count 1 having previously been dismissed by the Court, there is no response required as to Count 1 allegations that includes paragraphs 51 through 58.

COUNT 2
INJUNCTIVE RELIEF

29. These answering Defendants reallege and incorporate paragraphs 1 through 28 of this Answer as if set forth in full herein.

30. These answering Defendants deny the factual allegations contained in paragraph 60 of Plaintiff's Complaint.

31. These answering Defendants deny the factual allegations set forth in paragraph 61 of Plaintiff's Complaint, and affirmatively allege that there are no current enforceable signage limitations on any unimproved lots within Tract 4076-B. Answering Defendant Fairway Constructors, Inc., affirmatively alleged that this Defendant owns no unimproved lot located in Desert Lakes Golf Course & Estates Tract 4076-B.

32. These answering Defendants deny the factual allegations contained in paragraphs 62 and 63.

AFFIRMATIVE DEFENSES

At this early stage of the proceedings these answering Defendants, being without information and documentation that would otherwise be necessary to fully answer and respond to Plaintiffs' Complaint, and in an effort to avoid the waiver of any affirmative defenses, allege that the following affirmative defenses in accordance with the provisions of Rule 8 (c) and Rule 12 (b) (6) the Arizona Rules of Civil Procedure apply or may apply:

- a. Abandonment;
- b. Change in circumstance;
- c. Duress;
- d. Estoppel;
- e. Fails to state a claim upon which relief can be granted;
- f. Failure of consideration;

- 1 g. Illegality;
- 2 h. Latches;
- 3 i. License;
- 4 j. Release;
- 5 k. Statute of Frauds;
- 6 l. Statute of Limitations; and
- 7 m. Waiver.

8 WHEREFORE, these answering Defendants pray for the following:

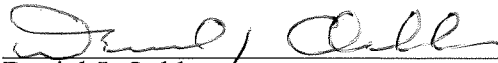
9 A. That Count 2 of Plaintiff's Complaint be dismissed with prejudice; and

10 B. That these answering Defendants obtain a judgment against the Plaintiff for all
11 reasonable attorney's fees and costs incurred in regard to Plaintiff's Complaint and in an amount
12 estimated to be not less than \$20,000.00, the actual amount to be established via the submittal filing
13 of an affidavit of fees and costs incurred, both in regard to actions that have previously been
14 dismissed by this Court regarding Count 1, including the Roberts Defendants, and this Count 2.
15 Authority for an award of Defendants' attorney's fees is called for under the terms of the contract
16 which is the subject matter of the Complaint, Arizona contract law, the provisions of A.R.S. §12-
17 341.01, as well as the provisions of A.R.S. §12-349.

18 C. For such other and further relief as the Court deems just and equitable in the premises.

19 DATED this 18 day of June, 2018.

20 LAW OFFICES OF DANIEL J. OEHLER

21 
22 Daniel J. Oehler,
23 Attorney for Defendants

1 **COPY** of the foregoing emailed
2 this 19th day of June, 2018, to:

3 Honorable Derek Carlisle
4 Mohave County Superior Court
5 Division 2
6 2001 College Drive
7 Lake Havasu City, Arizona 86403
8 (928) 453-0739 Mary
9 making@courts.az.gov

10 Plaintiff Pro Per
11 Nancy Knight
12 1803 E. Lipan Circle
13 Fort Mohave, Arizona 86426
14 (928) 768-1537
15 nancyknight@frontier.com

16 By: Patricia L. Emond
17 Patricia L. Emond, Legal Assistant
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VERIFICATION

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STATE OF ^{California} ARIZONA }
COUNTY OF MOHAVE } ss.

^{San Bernardino}
Glen Ludwig and Pearle Ludwig, Trustees of the Ludwig Family Trust , being first duly sworn, depose and say the following:

That the Ludwig Family Trust is a Defendant herein; that they have read the foregoing and know the contents thereof; and that they are informed and believe and on that ground allege that the matters stated in the foregoing document are true and correct to the best of their knowledge and belief.

Glen Ludwig
GLEN LUDWIG, Trustee
Pearle Ludwig
PEARLE LUDWIG, Trustee

~~SUBSCRIBED and SWORN to before me this ____ day of June, 2018, by GLEN LUDWIG and PEARLE LUDWIG, known or proved to me to be the persons in the within instrument and acknowledged that they executed the same for the purpose therein contained.~~

In witness whereof I hereunto set my hand and official seal.
SEE Attached.

Notary Public
My Commission Expires:

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

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Signature of Document Signer No. 1

Signature of Document Signer No. 2 (If any)

State of California

County of San Bernardino

Subscribed and sworn to (or affirmed) before me on this

19th day of June, 2010, by
Date Month Year

(1) Glen L. Ludwig,
Name of Signer

proved to me on the basis of satisfactory evidence
be the person who appeared before me (.) (,)

(and)

(2) Pearle A. Ludwig,
Name of Signer

proved to me on the basis of satisfactory evidence
be the person who appeared before me.)

Signature [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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VERIFICATION

California
STATE OF ARIZONA }
COUNTY OF MOHAVE } ss.

San Bernardino
Glen Ludwig, President of Fairway Constructors, Inc., being first duly sworn, deposes and says the following:

That he is the President of Defendant Fairway Constructors, Inc., herein; that he has read the foregoing and knows the contents thereof; and that he is informed and believes and on that ground alleges that the matters stated in the foregoing document are true and correct to the best of his knowledge and belief.

FAIRWAY CONSTRUCTORS, INC.

Glen Ludwig

GLEN LUDWIG, President

~~SUBSCRIBED and SWORN to before me this ____ day of June, 2018, by GLEN LUDWIG, known or proved to me to be the person in the within instrument and acknowledged that he executed the same for the purpose therein contained.~~

In witness whereof I hereunto set my hand and official seal.

SEE ATTACHED.

Notary Public
My Commission Expires:

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
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 Signature of Document Signer No. 1

 Signature of Document Signer No. 2 (if any)

State of California
 County of San Bernardino

Subscribed and sworn to (or affirmed) before me on this

19th day of June, 2018, by
Date Month Year

(1) Glen L. Ludwig,
Name of Signer

proved to me on the basis of satisfactory evidence
 be the person who appeared before me (.) (,)

(and

(2) _____,
Name of Signer

proved to me on the basis of satisfactory evidence
 be the person who appeared before me.)

Signature Cadase
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

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Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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RIGHT THUMBPRINT OF SIGNER #2
 Top of thumb here

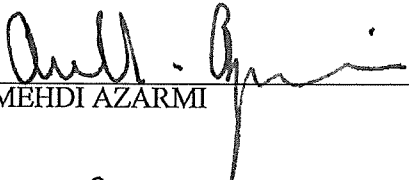
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VERIFICATION

STATE OF ARIZONA)
) ss.
COUNTY OF MOHAVE)

MEHDI AZARMI, being first duly sworn, deposes and says the following:

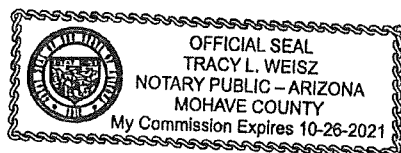
That he is a Defendant herein; that he has read the foregoing and knows the contents thereof; and that he is informed and believes and on that ground alleges that the matters stated in the foregoing document are true and correct to the best of his knowledge and belief.

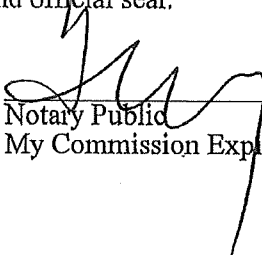


MEHDI AZARMI

SUBSCRIBED and SWORN to before me this 19 day of June, 2018, by MEHDI AZARMI, known or proved to me to be the person in the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.





Notary Public
My Commission Expires: Oct 26, 2021