

FILED
TIME 10:07 AM

OCT 31 2023

CHRISTINA SPURLOCK
CLERK SUPERIOR COURT
BY: VA DEPUTY

1 Nancy Knight
2 1803 E. Lipan Cir.
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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 vs.

12 GLEN LUDWIG and PEARL LUDWIG,
13 Trustees of THE LUDWIG FAMILY
14 TRUST; FAIRWAY CONSTRUCTORS,
15 INC.; MEHDI AZARMI; JAMES B.
16 ROBERTS and DONNA M. ROBERTS,
17 husband and wife; JOHN DOES 1-10;
18 JANE DOES 1-10; ABC
19 CORPORATIONS 1-10; and XYZ
20 PARTNERSHIPS 1-10.

21 Defendants.

Case No.: CV 2018 04003

**PLAINTIFF'S REPLY TO
DEFENDANT'S OCTOBER 25, 2023
OBJECTION FOR THIS COURT TO
FOLLOW THE RULE OF LAW AND
HAVE THE DEFENDANTS JOIN
INDISPENSABLE PARTIES**

**Hon. Judge Nielson
Visiting Judge**

21 COMES NOW, Plaintiff Pro Per, NANCY KNIGHT, hereby submitting her Reply
22 to Defendant's objections for her October 14, 2023 Motion for Defendants to Join Rule
23 19 Parties. It is in the interest of justice and judicial economy that this Court not be
24 trapped by Mr. Oehler's trickery that has been ongoing in this case for years. Mr. Oehler
25 violates his Oath to be truthful and has now resorted to the false claim that Plaintiff has
26 intended to refuse to accept and abide in orders by this Court. He fraudulently also claims
27
28



1 Plaintiff had no intention of following the former Court's Rule 19 Order. As this Court
2 and Mr. Oehler are aware, as was ruled during this Court's Oral Argument hearing, that
3 former Court failed to provide the Plaintiff with the Notice to Property Owners for the
4 Service Packet. Plaintiff did not avoid anything. The former Court failed the Plaintiff and
5 Mr. Oehler attempted to trick the Plaintiff into mailing a Summons for suing all of the
6 Indispensable Parties. Plaintiff has no grounds for so doing and worked diligently with
7 the former Court to correct that error so she could proceed with a Service Packet mailing.
8

9
10 Fraud upon the Court is Mr. Oehler's modus operandi on multiple points in this
11 case. He is a Trespasser.
12

13 The evidence is clear that Plaintiff fully intended to abide in this Court's Order for
14 her to serve the Rule 19 Parties until she became aware of the travesty of justice that
15 would have occurred, at the hands of Mr. Oehler, when this Court's Order was finalized
16 with the Court's signature on September 13, 2023. It included an unconstitutional Gag
17 Order and was again forcing the Plaintiff to mail a Notice to the Property Owners that
18 claimed she was suing these owners of over 200 APNs when she had no grounds for so
19 doing. Plaintiff has already had to leave her home for protection from a minor few
20 disgruntled property owners. Suing everyone was putting the Plaintiff in a state of serious
21 jeopardy.
22
23

24
25 The evidence of intent to follow a pending Court Order is the Excel Spreadsheet
26 that was emailed to Mr. Oehler and to the Clerk of Mohave County Superior Court where
27 the Plaintiff had spent hours of research time at the County Assessor's office looking up
28 over 200 Assessor Parcel Numbers for verification of the name and address of the current

1 owner(s) that were to be subject to this Court’s “Notice To Property Owners”. That
2 spreadsheet was emailed on September 9, 2023 at 7:20 am. Plaintiff has forwarded that
3 spreadsheet to this Court’s judicial assistant as proof of the date of completion of the
4 research and mailing to Mr. Oehler and the Clerk. **Exhibit 1** – Email October 26, 2023

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7
8 The July 2023 Minutes of the Status Conference that was provided to the Plaintiff
9 was wrought with error including naming the defense counsel as Lenkowsky. Plaintiff
10 has been instructed to not record proceedings and yet it appears Attorney Oehler has done
11 just that for his claims in his October Response.
12

13 Plaintiff is not attempting to execute a “horizontal appeal”. Nor is Rule 104
14 inconsistent with Federal Law. It was however, the closest Arizona Rule Plaintiff could
15 find on Void Judgments.
16

17 It was the US Supreme Court Case Number 18-7070 (2018) that caused Plaintiff
18 to look up Void Judgments. That case included due process violations and Fraud Upon
19 the Court. All of which apply to this case. Plus the issue of racketeering was raised in that
20 case by the Court aside from the Petitioner’s Appeal.
21

22 Plaintiff has reported the apparent Real Estate Shell Game that Plaintiff believes
23 would be considered racketeering if this case goes to Appeal. See Plaintiff’s September
24 2023 Motion for Leave to Amend the Complaint.
25

26 The 14th amendment of the United States Constitution gives everyone a right to
27 due process of law, which includes judgments that comply with the **rules and case law**.
28

1 Emphasis Supplied.

2 When a rule providing for relief from void judgments is applicable, relief is not
3 discretionary matter, but is mandatory, *Omer. V. Shalala*, 30 F.3d 1307 (Cob. 1994).

4 Judgment is a void judgment if the court that rendered judgment lacked
5 jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with
6 due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Cönst. Amend.
7
8 5 —*Klugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985).

9
10 The law is well-settled that a void order or judgement is void even before reversal,
11
12 *VALLEY v. NORTHERN FIRE & MARINE INS. CO.*, 254 U.S. 348,41 S. Ct. 116 (1920).
13 "Courts are constituted by authority and they cannot go beyond that power delegated to
14 them. If they act beyond that authority, and certainly in contravention of it, their
15 judgements and orders are regarded as nullities; they are not voidable, but simply void,
16 and this even prior to reversal." *WILLIAMSON v. BERRY*, 8 HOW. 945, 540 12 L. Ed.
17 1170, 1189 (1850).

18
19 It has also been held that "It is not necessary to take any steps to have a void
20 judgment reversed, vacated, or set aside, It may be impeached in any action direct or
21 collateral". *Holder v. Scott*, 396 S.W.2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref.,
22 n.r.e.).
23

24
25 This court cannot make a void proceeding valid which is why Plaintiff's claim of a
26 Void Judgment or Order is not a "horizontal appeal" to be burdened upon this Court.

27 "It is clear and well established law that a void order can be challenged in any
28 court", *OLD WAYNE MUT. L. ASSOC. v. McDONOUGH*, 204 U. S. 8,27 S. Ct. 236

1 (1907).

2 FRCP Rule 60(b) provides that the court may relieve a party from a final judgment
3 and sets forth the following three of six categories of reasons for which such relief may
4 be granted: (1) mistake, inadvertence, surprise, or excusable neglect; (3) fraud,
5 misrepresentation, or misconduct by an adverse party; or (6) any other reason justifying
6 relief from the operation of the judgment. To be entitled to relief, the moving party must
7 establish facts within one of the reasons enumerated in Rule 60(b).
8

9
10 **Facts: Plaintiff is not suing the Rule 19 parties** because she has no grounds to do
11 so. The Gag Order is not only an abuse of discretion by both Courts, as presided over by
12 Judges Jantzen and Nielson, but is a violation of Mrs. Knight's first amendment right to
13 free speech. The Gag Order is also a violation of due process whereby the Plaintiff has
14 been provided with no legal charges for the Gag Order. Mrs. Knight did nothing wrong in
15 her capacity as President of the Desert Lakes Tract 4076 Unincorporated Association. It
16 is clear she did nothing wrong in her capacity as Plaintiff in this case.
17

18
19 This Court has a responsibility to correct a Void Judgment. In two cases cited by
20 the US Supreme Court, *People v. Massengale* and in re *Sandel*, the courts confirmed the
21 judicial power and responsibility to correct void judgments.
22

23
24 Plaintiff and her former attorney have had to go to great lengths to seek justice in
25 the matter of Rule 19 and for following the law of cases. The Order written by Mr.
26 Oehler and signed by Judge Jantzen should not have been an unappealable Order entered
27 and signed as a Rule 54 (b) Final Judgment. It appears to have been written with the
28 deliberate intent to be unappealable. Plaintiff's attorney was denied his attempt at Appeal

1 since no parties or claims were dismissed with the Rule 54 (b) Final Judgment for the
2 Plaintiff who filed the Complaint to join the Rule 19 parties.

3
4 Final Judgments are necessary for Appeal in order to seek justice from a higher
5 court. It is well established that lower courts make errors. It was an error and an abuse of
6 discretion to not follow the law of cases for Judge Jantzen's Rule 19 Order. That Order
7 should be considered Void for failing to provide the Plaintiff with a Notice to the
8 Property Owners for the Service Packet. An Order that cannot be fulfilled due to
9 inadvertence by the Court is Void. Plaintiff did not avoid the Court Order.
10

11
12 It is also a Void Order for inadvertence to following the Constitution by including
13 a Gag Order that was imposed on the Plaintiff for no cause.

14 Knight's legal actions and fiduciary duty as President of the Unincorporated
15 Association has been violated by the Gag Order. She acted legally to defend a malicious
16 letter that was mailed to property owners, she sought an Amendment to the Declaration
17 that cleared the waters of any claim made in that letter regarding the CC&Rs or fees by
18 the association, she included Amendments that could have protected property owners
19 from law suits, and she provided information regarding a Class Action that was
20 recognized as a possibility by legal authorities. It now appears that the Class Action may
21 involve these Defendants and Defendant Azarmi's relatives and close ties who
22 deliberately built homes in violation of setbacks and sold those homes to unsuspecting
23 buyers.
24
25
26

27 Justice is not served by this Court if he intends to likewise continue to impose a
28 Gag Order on the Plaintiff without just cause being given to the Plaintiff. Plaintiff was

1 not acting in any capacity as a party to this case when she mailed her packet of
2 documents to the property owners in Desert Lakes Tract 4076-B, Tract 4076-D and Tract
3 4163. There exists no basis of law for the Gag Order that two Courts have now imposed
4 on the Plaintiff at the hands and request of Attorney Oehler and in violation of the First
5 Amendment of the Constitution.
6

7
8 Mr. Oehler likewise used deception in writing the Order for dismissal of Count
9 One in this case when the record is clear that Judge Carlisle had no intention of
10 dismissing all claims in Count One and, as captured in the Transcript, the dismissal was
11 for the Roberts' home only. These are the great lengths attorney Oehler goes to for relief
12 of his client's misdeeds and in violation of an attorney's Oath.
13

14 Since the trial court's dismissal "with prejudice" was void due to fraud,
15 it may be attacked either by direct appeal or collateral attack. When
16 appeal is taken from a void judgment, the appellate court must declare the
17 judgment void.

18 In the United States, when an officer of the Court is found to have
19 fraudulently presented facts to the court so that the court is impaired
20 in the impartial performance of its legal task, the act, known as
21 "fraud upon the court", is a crime deemed so severe and fundamentally
22 opposed to the operation of justice that it is not subject to any statute of
23 limitation. Officers of the court include: lawyers, judges, et. al. and any
24 others whose influence are part of the judicial mechanism.

25 Fraud upon the court has been defined by the 7th Circuit Court of Appeals
26 to "embrace that species of fraud which does, or attempts to, defile the
27 court itself, or is a fraud perpetrated by officers of the court so that the
28 judicial machinery cannot perform in the usual manner its impartial
task of adjudging cases that are presented for adjudication.

Attorneys are officers of the court who owe the court a duty of candor
and obedience to court rules. Thus, an attorney owes duties to a court
separate from the duties owed to the attorney's client and the attorney
may be disciplined by a court in its judicial operations. [Last updated in
July of 2023 by the Wex Definitions Team]

1 Attorney Oehler fooled the Plaintiff for years and effectively stopped Count Two
2 for Injunctive Relief on advertising signage for this attorney's claim that the "build to
3 suit" signs were "for sale" signs protected by Statute §33-441. That was fraud.
4

5 A trial judge's legal conclusions that are based on fraud, inadvertence, abuse of
6 discretion, defy the law of the case doctrine and violated a party's constitutional rights
7 does not prevent another trial court judge from conducting an independent legal analysis
8 of the issues. It is not a horizontal appeal. It is a matter of a Void Judgment(s).
9

10
11 **Void judgment.** One which has no legal force or effect, invalidity of
12 which may be asserted by any person whose rights are affected at any
13 time and at any place directly or collaterally. Black's Law Dictionary,
Sixth Edition, P. 1574

14
15 *Wahl v. Round Valley Bank*, 38 Ariz. 411, 300 P.955 (1931) *Tube City*
16 *Mining & Milling Co. v. Otterson*, 16 Ariz. 305, 146 P. 203 (1914)
17 *Milliken v. Meyer*, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940)
18 A void judgment which includes judgment entered by a court which lacks
19 jurisdiction over the parties or the subject matter, or lacks inherent power
20 to enter the particular judgment, or an order procured by fraud, can be
attacked at any time, in any court, either directly or collaterally, provided
that the party is properly before the court.

21 *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999) A void
22 judgment is one which, from its inception, was a complete **nullity** and without
legal effect.

23 **Loss of Jurisdiction of the Court**

24 When a judge does not follow statutory procedure or exceeds its statutory
25 authority; When unlawful activity of a judge exists; When a violation of due
26 process occurs; When there is an absence of a complaint that would invoke
27 the court's authority to exercise its jurisdiction; When a complaint states no
28 cognizable cause of action against that party.

1 Where is the Plaintiff's Complaint against the Rule 19 Parties that the Court says
2 she is suing? Where is the Defendant's Complaint with a cognizable cause of action for
3 the Gag Order imposed on the Plaintiff? How did the Courts not violate Rule 19 with
4 abuse of discretion for a Plaintiff who files a Breach of Contract Complaint to join
5 Indispensable Parties? How is the Court not following statutory law in sanctioning Mr.
6 Oehler for Fraud in claiming "build to suit" signs were protected by Statute §33-441.
7 Why does every CC&R case in Arizona to date follow the law of cases that this Court
8 fails to follow when it involves a serious precedent setting matter in Arizona?
9
10

11 This Court accepted this case from Judge Moss, a close friend of Defendant
12 Azarmi, when the now recused Court's jurisdiction was in question and he was accused
13 of bias and therefore recused himself.
14

15 This Court could have denied taking the case. This Court has continued to accept
16 this case by not granting a Change of Venue. This Court has failed its duty to rule on
17 Plaintiff's Motions in over 60 days. Some motions have been waiting a decision for over
18 five months.
19

20 An independent legal analysis by this Court would necessarily cause this court to
21 set aside the Gag Order immediately.
22

23 This Court's Order for Plaintiff to mail a Service Packet to the owners of over 200
24 Assessor Parcel Numbers would be reversed immediately and to follow the law of cases
25 for the LFA Defendants to join the Rule 19 parties rather than allow a precedent to be
26 established in Arizona that would chill any future Breach of Contract law suits for
27 violations of CC&Rs. That precedent is dangerous and does not follow the intent of the
28

1 Arizona Legislature for orderly real property development and protection of real property
2 values.

3
4 This Court has the authority for an independent analysis of the Defendant's
5 Motion for Summary Judgment on "complete abandonment" of the Declaration and rule
6 on whether the Defendants have proven "complete abandonment" with their frequency
7 claims that were supported by Affidavit Fraud and for which they themselves built homes
8 in violation to purposely cause frequency claims.
9

10 If "complete abandonment" of the Declaration has not occurred, as the Plaintiff
11 has argued with the law of cases, the Injunctive Relief sought by the Plaintiff should be
12 granted. End of Case. End of the travesty of Fraud upon this Court and the Plaintiff.
13

14 If this Court chooses to determine that the Declaration has been "completely
15 abandoned", this Court can provide Plaintiff with a Rule 54 (c) Final Judgment that can
16 be Appealed or a Rule 54 (b) if Leave to Amend is granted whereby Rule 12(b)(6) would
17 apply. It is time to stop the nonsense and trickery that has been imposed upon the
18 Plaintiff for years in this matter.
19
20

21 CONCLUSION

22 Whether mistake, inadvertence, fraud, misrepresentation, or misconduct by an
23 opposing party, judgments in this case are void. We have a fresh start for lawful Orders
24 and Judgments by this Court without any interference by Attorney Oehler who has a
25 proven record of Fraud upon the Court and the Plaintiff. Federal Law on Void Judgments
26 is applicable in all states.
27
28

1 Constitutional Laws that deal with the Plaintiff's fundamental rights were violated.

2 Void Judgments constitute no justification and all persons concerned in executing
3 such judgments or sentences, are considered, in law, as trespassers.
4

5 A void judgment which includes judgment entered by a court which lacks
6 jurisdiction over the parties or the subject matter, or lacks inherent power to enter the
7 particular judgment, or an order procured by fraud, can be attacked at any time, in any
8 court, either directly or collaterally, provided that the party is properly before the court.
9

10 This Court cannot make a void proceeding valid and he does not have to abide in
11 any order by the biased and now recused Judge Jantzen. Due process requires that the
12 procedures by which laws are applied must be evenhanded, so that individuals are not
13 subjected to the arbitrary exercise of government power.
14

15
16 The Final Judgment written by Mr. Oehler and signed by Judge Jantzen was an
17 abuse of discretion for the Plaintiff to serve the Rule 19 parties and was a Void Order
18 with inadvertence by the Court. It must be set aside as a Void Rule 54 (b) Final Judgment
19 that was not appealable. This Court's Order for the Plaintiff to join Rule 19 parties needs
20 to be set aside. The Gag Order needs to be set aside. The claim that the Plaintiff is suing
21 Rule 19 Parties needs to be set aside. The claim of abandonment was procured by
22 Affidavit Fraud and needs to be set aside. But for the abandonment claim, no Rule 19
23 parties would need Notice of their rights. Injunctive Relief needs to be granted.
24
25

26 **RESPECTFULLY SUBMITTED** this 28th day of October, 2023.

27 
28 NANCY KNIGHT
Plaintiff Pro Per

1 **Exhibit 1** – Email to Judicial Assistant Lerma with the Excel Spreadsheet of the names
2 and addresses of the owners of over 200 APNs attached and as sent to Mr. Oehler as
3 proof of Plaintiff’s intent to follow a pending Court Order.

4 **COPY** of the foregoing was e-mailed on October 28, 2023 to:

5 djolaw10@gmail.com Daniel Oehler, Attorney for the Defendants

6 kalerma@courts.az.gov Judicial Assistant to Hon. Judge Nielson
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Knight v. Ludwig et. al.
Mohave County Superior Court
Docket No. CV 2018 04003

**Plaintiff's Reply To Defendant's
Objection for them to Join Rule 19 Parties**

EXHIBIT 1

Extrinsic Evidence

**October 26, 2023: Copy of Email and attached Excel Spreadsheet
of over 200 APNs as sent to attorney Oehler and the Clerk of the Court on
September 9, 2023 as proof of Plaintiff's intent to follow the pending
Court Order.**

nancyknight@frontier.com*Exhibit 1*

From: <nancyknight@frontier.com>
Date: Thursday, October 26, 2023 4:50 AM
To: "Katelin Lerma" <kalerma@courts.az.gov>
Cc: "Daniel Oehler" <djolaw10@gmail.com>
Attach: Excel List for Court Clerk and Oehler.xlsx
Subject: Fw: CV 2018 04003 Court Order _Excel Spreadsheet Attached

Dear Ms. Lerma,

As the Court's judicial assistant with important responsibilities for pushing paper to the Court for signatures, it is crucial that you be apprised of errors that you may have caused, directly or indirectly.

It is my understanding that you have not attended the Status Conference nor the Oral Arguments in this case and therefore you are not fully aware of the situation and false claims and violations of the opposing Counsel's Oath to be truthful.

The opposing counsel has made a serious accusation against me in his most recent tirade that was filed with the Court on October 25, 2023. The Court needs the attached extrinsic evidence that proves I fully intended to abide in his pending Order. That evidence is the attached Spreadsheet that Mr. Oehler was fully aware of on September 9, 2023 at 7 am, four days before the Court made the serious mistake of signing an Order written by Mr. Oehler pursuant to Rule 19.

The spreadsheet took significant time to compile. No person who intended to violate an Order would have gone to this extreme for looking up over 243 APNs on the Assessor's website. Just as I never intended to violate the Order signed in February 2022 that was imposed on me by the former Court who had not provided me with the "Notice" for the property owners that I was supposed to include in the Service Packet mailing.

This Hon. visiting Judge finally agreed that a mistake in procedure had been made by the former Court. During his Oral Argument hearing that took almost the full scheduled hour for the arguments on the Notice, he looked up the case record to see that the Notice by Judge Jantzen was absent in the record. He then gave Mr. Oehler and I time to come to a stipulation for the language of the Notice or to each draft one ourselves for the Service Packet. A stipulation could not be reached primarily because Mr. Oehler is claiming that I am suing these property owners. We both provided the Court with our draft Notice by the deadline of late August.

The other outcome of that Oral Argument hearing was that I agreed for the Court to take my written word on my pending motions for his decisions due to time that had run out and my need to get back to work as my employer had expected. The Court then made the commitment to make decisions on my motions by early September.

Plaintiff never expected this Court to continue to violate the Arizona Constitution by not making decisions on my Motions within 60 days. But for delay in those pending decisions, much of the controversy in this case may have been avoided.

The Court also claimed, during the first hearing that was a Status Conference, that he always provides his reasons in his decisions. The former Court never did so and it was one of the first issues that I raised during the Status Conference. The other issue was this Court's agreeing to a change in the Order written by Judge Moss. The Court agreed that I did not have to mail a copy to the judge at the Holbrook address and that I just needed to file by documents with the Mohave Courthouse and copy you on those documents. Well over sixty days has passed on my motions. I believe it is your responsibility to keep the Court's schedule of decisions that are due which is why he wanted you to be copied on my filings.

I will never know if you pushed through the Notice and Order as written by Mr. Oehler that may not have even been read by the Court, but a serious civil rights issue has been imposed by the Court in his signings.

Plaintiff never expected this Court to continue to violate my Constitutional Right to free speech and violate due process by not even providing me with the charges for violating my civil rights.

Plaintiff never expected this Court to allow such a violation to be one-sided in favor of the defendants whose right to free speech has not been violated.

Plaintiff never expected this Court to continue the travesty of making the claim that I was suing over 400 property owners when the Plaintiff has no grounds for so doing. The Summons needs to be removed from the Service Packet that I am required to mail.

If this case must go to Appeal, all of this information must be made a part of the Record. This email will be included in my Reply to the Defendant's October 25, 2023 Response.

Respectfully,
 Nancy

From: nancyknight@frontier.com
Sent: Saturday, September 09, 2023 7:20 AM
To: Christina Spurlock ; Daniel Oehler

10/26/2023

Page 2 of 2

Subject: CV 2018 04003 Court Order _Excel Spreadsheet Attached

Please see attached for Service Packet and Summons