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6 Plaintiff Pro Per

Christina Spurlock Support Clerk

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

20 Defendants.

Case No.: CV 2018 04003

21 **ACTION FOR**
22 **DECLARATORY JUDGMENT ON**
23 **COMPLETE ABANDONMENT OF**
24 **DESERT LAKES TRACT 4076-B**
25 **DECLARATION OF CC&Rs**

26 **Hon. Judge Nielson**
27 **Visiting Judge**

28 COMES NOW Plaintiff Pro Per, NANCY KNIGHT, respectfully requests a
29 Declaratory Judgment, pursuant to Rule 57, to end the controversy over whether the
30 Defendants have proven the Tract 4076-B Declaration of Desert Lakes Golf Course &
31 Estates Covenants, Conditions and Restrictions have been "completely abandoned" and
32 therefore the non-waiver clause is no longer valid and enforceable for any of the Sections
33 of the Declaration.



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Plaintiff has submitted several citations of case law where “complete
3 abandonment” of a Declaration is well defined.
4


5 2. To that end, Plaintiff has Motioned for the Defendants to follow Rule 12
6 (b)(6) for stating a claim on what Section or Sections of the Declaration they are claiming
7 as completely abandoned as we prepare for Trial and for Notice to Indispensable Parties
8 who will be affected by the outcome in this case.
9

10 3. A Declaratory Judgment is necessary to end any controversy over whether
11 the Defendants have proven Complete Abandonment of the Declaration which is a
12 contract. This Court has authority to rule on Contracts. This Court has a copy of the
13 Declaration of CC&Rs.
14

15 4. Plaintiff respectfully requests this Court to Declare whether the Declaration
16 has been “completely abandoned”.
17

18 5. If Complete Abandonment is this Court’s opinion, then the Court must
19 provide his Findings for a Final Judgment pursuant to Rule 54 (c) that is appealable.
20

21 **RESPECTFULLY SUBMITTED** this day of November 20, 2023.

22 
23 _____
24 Nancy Knight, Plaintiff Pro Per

25 Copy emailed on this day to:
26 djolaw10@gmail.com Attorney for the Defendants
27 kalerma@courts.az.gov Judicial Assistant to the Court
28