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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 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

**ACTION FOR
DECLARATORY JUDGMENT
ON CHAIN LINK GOLF BALL
BARRIERS**

**Hon. Judge Nielson
Visiting Judge**

21 COMES NOW Plaintiff Pro Per, NANCY KNIGHT, respectfully requests a
22 Declaratory Judgment, pursuant to Rule 57, to end the controversy over chain link
23 material used on Golf Ball Barriers. Defendants have claimed that Plaintiff's golf ball
24 barrier safety netting is a violation of the fence restriction at Article II, Section 8 of the
25 Desert Lakes Golf Course & Estates Declaration of Covenants, Conditions and
26 Restrictions.
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MEMORANDUM OF POINTS AND AUTHORITIES



1 1. Desert Lakes Subdivision Tract 4046 established Covenants, Conditions,
2 and Restrictions (“CC&Rs”) for Desert Lakes Golf Course and Estates Tract 4076-A,
3 Tract 4076-B, et. al over time as the 300+ acre subdivision was developed in phases.
4 Plaintiff’s property is situated in Tract 4163 that runs with the land for Tract 4076-B. The
5 Tract 4076-B CC&Rs were recorded in the official records of the Mohave County
6 Recorder on December 18, 1989 at Fee No. 89-67669 – Book 1641, Page 895. Section 8
7 for fences and walls is located on pages 897-898.
8

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10 2. The Declaration of CC&Rs has no provision for restrictions on golf ball
11 barriers for either height nor safety materials to be used for the protective netting.
12

13 3. The fence and wall provisions at Article II, Section 8 of the CC&Rs is
14 intended for boundary fences only and has restrictions for height and materials to be used
15 such as cement blocks and wrought iron rails.
16

17 4. Fences are not to be confused with golf ball barriers that by necessity, for
18 safety reasons, must be higher than the six foot maximum restriction for boundary fences.
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20 5. The Section 8 restriction that no fence can be made of wire, chain link, or
21 wood does not apply to golf ball barriers.

22 6. Plaintiff has argued that her golf ball barrier is not a fence. It is free
23 standing that is separate and inside her boundary fence.
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25 7. Defendants have provided this Court with a photo of Plaintiff’s golf ball
26 barrier showing the chain link netting.
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