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1 Nancy Knight
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4 Plaintiff Pro Per

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
6 **IN AND FOR THE COUNTY OF MOHAVE**

7 NANCY KNIGHT,
8
9 Plaintiff,
10 and
11 GLEN LUDWIG and PEARL LUDWIG,
Trustees of THE LUDWIG FAMILY TRUST;
12 FAIRWAY CONSTRUCTORS, INC.;
MEHDI AZARMI; JAMES B. ROBERTS and
13 DONNA M. ROBERTS, husband and wife;
JOHN DOES 1-10; JANE DOES 1-10; ABC
14 CORPORATIONS 1-10; and XYZ
15 PARTNERSHIPS 1-10.
16 Defendants.

Case No.: **CV 2018-04003**

**REPLY TO DEFENDANT'S OBJECTION
TO AN AMENDED COMPLAINT**

**Division II
Honorable Derek Carlisle**

19 COMES NOW, Plaintiff Pro Per Nancy Knight (hereinafter "Plaintiff"), in Reply
20 to the Defendant's July 9, 2018 Objection to an Amended Complaint. The Plaintiff has
21 not filed a July 2018 Motion for Leave to Amend the Complaint. Until the Plaintiff files
22 such a Motion, there exists no basis for the Defendant's Objection.
23

24 The Plaintiff's May 2018 Motion for Leave to Amend the Complaint was already
25 denied by the Court.
26

27 The June 29, 2018 Motion to Amend Court Orders 3 and 4 used language that
28 included the word reconsideration and the Court ruled that the Motion would be



1 considered as a “motion to amend”. It was not a Motion to Amend the Complaint but a
2 motion to amend court orders as was consistent with the Title of the Document, namely
3 “Plaintiff’s Motion to Alter or Amend Orders 3 and 4 Dated June 11, 2018”.
4

5 In that Motion, the Plaintiff had cited new home construction that “appeared” to be
6 an additional violation of the CC&Rs for setbacks in Tract 4076-B by the Defendants.
7 The Plaintiff understands that an “appearance from her rear yard” is not proof.
8

9 Upon research and discovery of the permit for the address for this home, the
10 Plaintiff filed “New Evidence” for the Court’s consideration. The permit shows the
11 setback violation of 12 feet from the rear property line. The permit did not show the
12 square footage of livable space as is customary for New Home Construction as livable
13 space permit fees are higher than non-livable space fees such as for garage space, patio
14 space, or foyer/entry space. The livable space was determined by the Plaintiff based on
15 calculations of the garage and other non-livable space to be short of the 1600 sq. ft. of
16 livable space required for homes adjacent to the golf course as cited in 4076-B CC&Rs.
17
18

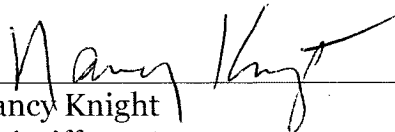
19 Additional evidence is mounting that the home may have been modified for a
20 additional livable space. The County has not responded as to whether the permit has been
21 modified for additional livable space in order to be compliant with the CC&Rs.
22

23 Given that a new potential Defendant has been identified, the owner of the lot on
24 which the home was being constructed, the Court was requested to include a sentence in
25 the Court’s Amended Orders 3 and 4 that would give the Plaintiff a specific amount of
26 time to file a Leave to Amend the Complaint - if so desired by the Plaintiff. The
27 conditions of remedy for this home would eliminate the need for an Amended Complaint.
28

1 To date the Plaintiff still awaits indications of the requested remedy of removal of
2 the protruding roof and assurance of the required livable space.

3
4 The Defendant's Objection to an Amended Complaint at this time is therefore
5 vexatious.

6 RESPECTFULLY SUBMITTED this 10th day of July, 2018

7
8 
9 _____
10 Nancy Knight
11 Plaintiff Pro Per

12 Copy of the foregoing was hand delivered
13 on July 10, 2018 to:

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