

Carlisle

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VALIYNN TINNELL  
SUPERIOR COURT CLERK

1 Nancy Knight  
1803 E. Lipan Cir.  
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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;  
14 JOHN DOES 1-10; JANE DOES 1-10; ABC  
CORPORATIONS 1-10; and XYZ  
15 PARTNERSHIPS 1-10.  
16 Defendants.

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

**MOTION FOR INJUNCTIVE RELIEF**

**Division II**  
**Honorable Derek Carlisle**

19 Oral Arguments were heard on April 2, 2018 for an MSJ and the Court found the  
20 Plaintiff had rights to Count 2 of her Complaint. On June 11, 2018, the Court signed a  
21 "Findings and Order..." submitted by Defendant's attorney Oehler which included the  
22 Order for the Plaintiff's rights and standing for Count 2. The section entitled "NOW  
23 THEREFORE, THE COURT ENTERS THE FOLLOWING ORDERS:", cited on page  
24 3, paragraph 4 that "The Plaintiff has standing to prosecute this action as an owner of  
25 land in Tract 4163 which is a resubdivision of a parcel of land originally within Tract  
26 4076-B and therefore is an owner of land in Tract 4076-B, and pursuant to Tract 4076-



1 B's CC&Rs as an owner or person owning property is authorized to bring an action to  
2 enforce the CC&Rs governing Tract 4076-B as complained of in Count 2 of the  
3 Plaintiff's Complaint."  
4

5 **INJUNCTIVE RELIEF SOUGHT**

6 A. Plaintiff seeks Preliminary and Permanent Injunctive Relief for the removal of  
7 all of the Defendant's "Build to Suit" advertising signage on unimproved lots in Tract  
8 4076-B within ten (10) days of the signing of the Order.  
9

10 B. Plaintiff seeks Preliminary and Permanent Injunctive Relief for any future new  
11 construction by the Defendants in violation of the CC&Rs.  
12

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 On advertising signage, the Plaintiff refers the Court to Article II, Land Use,  
15 paragraph 12 "No sign, advertisement, billboard or advertising of any kind shall be  
16 erected or allowed on any of the unimproved lots..." Supra Exhibit  
17

18 For future violations, the Plaintiff refers the Defendants to follow all paragraphs of  
19 the CC&Rs including but not limited to the front and rear setbacks and fencing conditions  
20 and restrictions.  
21

22 The Defendants have continued to "Build to Suit" in the Plaintiff's neighborhood  
23 in violation of the 20 foot setback as evidenced by the new home construction on Lipan  
24 Blvd. dated May 2018 for which Plaintiff has provided plot plans in Supra exhibits.  
25

26 This advertising must stop in the public interest who become either innocent or  
27 complicit victims of violations of the CC&Rs at the hands of Fairway Constructors Inc.  
28

1 and its principals and in the interest of the Plaintiff who is continually subjected to the  
2 filing of Complaints against these complicit or innocent victims.

3  
4 **WHEREFORE**, Plaintiff prays Judgment against the Defendants as follows:

5 **A.** Finding that Defendants violated paragraph 12 of the Declaration of Covenants,  
6 Conditions and Restrictions for Desert Lakes Golf Course & Estates Tract 4076-B.

7  
8 **B.** For a preliminary injunction, and a permanent injunction, enjoining defendants  
9 and all other persons acting under them, in concert with them, or for them:

10 1. For removal of all signage on unimproved lots in Tract 4076-B within  
11 ten (10) days of the signing of the Order.

12 2. Order enjoining Defendants from any future violations of the CC&Rs in  
13 Tract 4076-B.

14  
15 **C.** For recovery of Plaintiff's attorney fees and costs incurred, in the event  
16 this action is contested, pursuant to law and A.R.S. SS 12-349 and Rule 11, A.R.C.P.

17  
18 **D.** For such other and further relief as the Court deems just and equitable  
19 in the premises.

20  
21 **RESPECTFULLY SUBMITTED** this 13th day of November, 2018

22  
23   
\_\_\_\_\_  
Nancy Knight  
Plaintiff Pro Per

24  
25 Copy of the foregoing was emailed on  
26 November 13, 2018 to:  
27 djolaw@frontiernet.net  
28 The Law Office of Daniel Oehler  
2001 Highway 95, Suite 15,  
Bullhead City, Arizona 86442  
Attorney for the Defendants