

ORIGINAL




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1 BEFORE THE ARIZONA CORPORATION COMMISSION  
2 RECEIVED

3 COMMISSIONERS  
4 GARY PIERCE, Chairman  
5 BOB STUMP  
6 SANDRA D. KENNEDY  
7 PAUL NEWMAN  
8 BRENDA BURNS

2013 APR 29 P 4: 27  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**  
APR 29 2013

DOCKETED BY 

8 IN THE MATTER OF THE  
9 INVESTIGATION OF THE FAILURE OF  
10 BELLEMONT WATER COMPANY, AN  
11 ARIZONA PUBLIC SERVICE  
12 CORPORATION, AND BELLEMONT  
13 WATER COMPANY SHAREHOLDERS  
14 BRAD NESS, GLORIA NESS, ERIK NESS,  
DIANAH NESS, (AKA DIANA NESS),  
OPERATING AS AN ARIZONA PUBLIC  
SERVICE CORPORATION IN FACT, TO  
COMPLY WITH ARIZONA STATUTES  
AND COMMISSION RULES AND  
REGULATIONS.

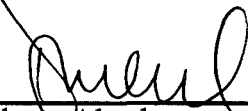
Docket No. W-02526A-10-0499

**NOTICE OF FILING  
JUDGMENT**

15 This Notice of Filing is to advise the Arizona Corporation Commission that  
16 Steven D. Adams and Janet A. Adams, husband and wife, were awarded Default  
17 Judgment against Elliott Ness in the Coconino County Superior Court on Wednesday,  
18 April 17, 2013, in Case No. CV2012-00590. A copy of the signed Judgment is  
19 attached hereto as Exhibit A.

20 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of April, 2013.

21 BURCH & CRACCHIOLO, P.A.

22  
23 By   
24 Andrew Abraham  
25 David M. Villadolid  
26 Steven J. Lippman  
702 E. Osborn Road, Suite 200  
Phoenix, AZ 85014  
Attorneys for Adams

1 **ORIGINAL and 13 COPIES** of the foregoing  
2 **FILED** this 29<sup>th</sup> day of April, 2013 with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 W. Washington  
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing hand-delivered this same day to:

8 Bridget Humphrey, Staff Attorney, Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington St.  
11 Phoenix, AZ 85007-2927

12 **COPIES** of the foregoing were **MAILED**  
13 this 29<sup>th</sup> day of April, 2013 to:

14 Bellemont Water Company  
15 c/o Klaudia Ness  
16 5303 East Cortland Blvd. D-5  
17 Flagstaff, Arizona 86004

18 Klaudia Ness  
19 5303 East Cortland Blvd. D-5  
20 Flagstaff, Arizona 86004

21 Brad & Gloria Ness  
22 Erik & Dianah Ness  
23 Elliott Ness  
24 3960 North Pinal Street  
25 Kingman, Arizona 86409

26 M.E. Belnak

# EXHIBIT A

1 **BURCH & CRACCHIOLO, P.A.**  
702 EAST OSBORN ROAD  
2 PHOENIX, ARIZONA 85014  
TELEPHONE (602) 274-7611  
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5 Laura Meyer, SBA 028755  
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6 *Attorneys for Plaintiffs Adams*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF COCONINO**

9 STEVEN D. ADAMS and JANET A.  
ADAMS, husband and wife

10 Plaintiffs,

11 v.

12 BRAD NESS and GLORIA NESS, husband  
13 and wife; ERIK NESS and DIANA NESS,  
14 husband and wife; ELLIOTT NESS and  
15 KLAUDIA NESS, husband and wife;  
BELLEMONT WATER COMPANY, an  
Arizona corporation

16 Defendants.

No. CV2012-00590

**JUDGMENT AGAINST  
DEFENDANTS BRAD NESS,  
GLORIA NESS, ERIK NESS AND  
DIANA NESS**

17 Upon Plaintiffs Steven D. Adams and Janet A. Adams ("Plaintiffs") having  
18 filed a motion pursuant to Rule 12(c), Ariz. R. Civ. P., requesting the entry of  
19 judgment on the pleadings against Defendants Brad Ness, Gloria Ness, Erik Ness and  
20 Dianah Ness and their respective marital communities, and the Court having entered  
21 an order on December 18, 2012 granting Plaintiffs' Motion for Judgment on the  
22 Pleadings; and there being no just reason for the delay of entry of judgment against  
23 such Defendants; and the Court now directs that final judgment be entered in favor of  
24 Plaintiffs and against such Defendants.

25 **THEREFORE, IT IS ORDERED, JUDICATED, DIRECTED AND**  
26 **DECREED** that judgment be entered in favor of Plaintiffs and against Defendants

1 Brad Ness and Gloria Ness, husband and wife and also against Erik Ness and Dianah  
2 Ness, husband and wife in the amount of \$104,480.47 together with interest at the rate  
3 of 7% per annum and late fees from the date of demand, July 26, 2011 through the  
4 date of Judgment in the total amount of \$ 141,014.58.

5 IT IS FURTHER ORDERED JUDICATED, DIRECTED AND DECREED  
6 that all right, title and interest of Defendants Brad Ness, Gloria Ness, Erik Ness and  
7 Dianah Ness in Bellemont Water Company as evidenced by stock certificates or other  
8 documents, be and hereby are transferred to Plaintiffs in partial satisfaction of this  
9 judgment;

10 IT IS FURTHER ORDERED JUDICATED, DIRECTED AND DECREED  
11 that Plaintiffs are also awarded their attorneys' fees and costs in the amount of  
12 \$ 8307.00.

13 DONE this 17 day of April, 2013.

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17 The Honorable Dan R. Slayton  
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