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1 BEFORE THE ARIZONA CORPORATION COMMISSION

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3 COMMISSIONERS

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GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

AZ CORP COMMISSION
DOCKET CONTROL

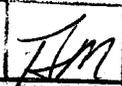
Arizona Corporation Commission
DOCKETED

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DOCKETED BY 

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IN THE MATTER OF THE
INVESTIGATION OF THE FAILURE OF
BELLEMONT WATER COMPANY, AN
ARIZONA PUBLIC SERVICE
CORPORATION, AND BELLEMONT
WATER COMPANY SHAREHOLDERS
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**

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

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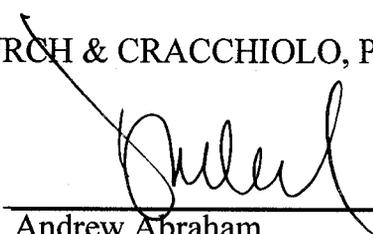
RESPECTFULLY SUBMITTED this 29th day of April, 2013.

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BURCH & CRACCHIOLO, P.A.

22

23

By 

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Andrew Abraham
David M. Villadolid
Steven J. Lippman
702 E. Osborn Road, Suite 200
Phoenix, AZ 85014
Attorneys for Adams

26

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

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
5 1200 West 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 Street
11 Phoenix, AZ 85007-2927

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

14 Belmont 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 Belmont Water Company
c/o Tevis Reigh
7350 Hutton Ranch Road
Flagstaff, Arizona 86004

27 *M.E. Belnak*
28 _____

EXHIBIT A

1 **BURCH & CRACCHIOLO, P.A.**
702 EAST OSBORN ROAD
2 PHOENIX, ARIZONA 85014
TELEPHONE (602) 274-7611
3 Andrew Abraham, SBA 007322
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4 David M. Villadolid, SBA 011340
dvilladolid@bcattorneys.com
5 Laura Meyer, SBA 028755
lmeyer@bcattorneys.com
6 *Attorneys for Plaintiffs Adams*

2012-07-17 PM 2:34

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

No. CV2012-00590

10 Plaintiffs,

DEFAULT JUDGMENT

11 v.

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

16 Defendants.

17 Upon Plaintiffs Steven D. Adams and Janet A. Adams (the "Plaintiffs") Motion
18 for Entry of Default Judgment under Rule 55(b)(2), Ariz. R. Civ. P., and it appearing
19 to the Court that the Defendant Elliott Ness (the "Defendant") has been served with
20 process as required by law; the Defendant has failed to appear and plead within the
21 time allowed by law and a default has occurred; that there is no just reason for
22 delaying entry of judgment against the Defendant; and the Court now directs that final
23 judgment be entered in favor of the Plaintiffs and against the Defendant.

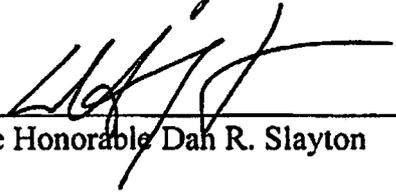
24 THEREFORE, IT IS ORDERED, JUDICATED, DIRECTED AND
25 DECREED that judgment be entered in favor of Plaintiffs and against Defendant
26 Elliott Ness in the amount of \$104,480.47 together with interest at the rate of 7% per

1 annum and late fees from the date of demand, July 26, 2011 through the date of
2 Judgment in the total amount of \$ 141,014.58.

3 IT IS FURTHER ORDERED JUDICATED, DIRECTED AND DECREED
4 that all right, title and interest of Defendant Elliott Ness in Bellemont Water Company
5 as evidenced by stock certificates or other documents, be and hereby are transferred to
6 Plaintiffs in partial satisfaction of this judgment;

7 IT IS FURTHER ORDERED JUDICATED, DIRECTED AND DECREED
8 that Plaintiffs are also awarded their attorneys' fees and costs in the amount of
9 \$ 8307.00.

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11 DONE this 17 day of April, 2013.

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15 The Honorable Dan R. Slayton

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