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MARY ELLEN
CLERK OF SUPERIOR COURT

DEPUTY

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9 IN AND FOR THE SUPERIOR COURT OF THE COUNTY OF COCHISE

10 DANNY R. HATCH, JR. and DENICE R.
11 HATCH, husband and wife,

12 Plaintiffs,

13 vs.

14 RONALD J. KLUMP and JANE DOE KLUMP,
15 husband and wife, ROY J. KLUMP and JANE
16 DOE KLUMP, husband and wife, and DAYLA
17 HEAP and JOHN DOE HEAP, wife and
18 husband,

19 Defendants.

CASE NO. CV 2014 00128

ANSWER TO COMPLAINT

20 Ronald A. Klump and individual and Dayla Heap and individual, by and through
21 undersigned counsel, for their Answer to Plaintiff's Complaint, admit, deny and allege as
22 follows:

23 1. Ronald A. Klump and Dayla Heap admit the allegations contained in
24 Paragraphs 1 and 15 of the Complaint.
25

1 2. Ronald A. Klump and Dayla Heap deny the allegations contained in
2 Paragraphs 7, 8, 9, 10, 11, 12, 13, and 14 of the Complaint.

3 3. As to the allegations contained in Paragraph 2 of the Complaint, Ronald A.
4 Klump and Dayla Heap admit that Roy J. Klump owns land located south of Plaintiff's
5 land located in Cochise County.
6

7 4. As to the allegations contained in Paragraph 3 of the Complaint, Ronald A.
8 Klump and Dayla Heap admit that Ronald A. Klump owns or is a tenant of real property
9 located at 3840 N. Johnson Saddle Road, Wilcox, Arizona.
10

11 5. As to the allegations contained in Paragraph 4 of the Complaint, Ronald A.
12 Klump and Dayla Heap admit that Dayla Heap owns or is a tenant of real property
13 located at 3840 N. Johnson Saddle Road, Wilcox, Arizona.
14

15 6. As to the allegations contained in Paragraph 5 of the Complaint, Ronald A.
16 Klump and Dayla Heap admit that Continental Sevice Corporation did convey an
17 easement to the public and allege that the grant of easement speaks for itself. Ronald A.
18 Klump and Dayla Heap deny the characterization of the easement as stated in the
19 Complaint.
20

21 7. Ronald A. Klump and Dayla Heap are without sufficient knowledge and
22 information to admit or deny Paragraph 6 of the Complaint and therefore deny the
23 allegations.
24
25

1 A. Denying the Plaintiff's request to Quiet Title to the easement;

2 B. Forever barring and estopping the Plaintiff from having or claiming
3 any right, title or interest in and to the easement beyond the rights granted the public in
4 the public easement and roadway easement;

5
6 C. Award attorney's fees pursuant to A.R.S. §12-1103 and any other
7 applicable statute;

8 D. Affirm the easement and its purpose as ingress and egress for public
9 use;

10
11 E. The costs of defending the action, including reasonable attorney's
12 fees; and

13 F. Such other relief as the court deems fair and just.
14

15 DATED this 14 day of March, 2014.

16 Williams Melo, PLC

17 

18 Paul W. Melo
19 Attorney for the Ronald A. Klump
20 and Dayla Heap
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