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Superior Court  
MAY ELLEN DUNLAP  
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Sierra Vista, Arizona 85635  
520-458-2022  
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FILED

2015 MAY 26 PM 3:36

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT  
BY *[Signature]*  
DEPUTY

Paul W. Melo, 027705  
Attorney for: Defendants Ronald Klump, Dayla Heap, and Roy Klump

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

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

CASE NO. CV 201400128

**FINAL JUDGMENT**

Plaintiffs,

vs.

RONALD J. KLUMP and JANE DOE  
KLUMP, husband and wife, ROY J.  
KLUMP and JANE DOE KLUMP,  
husband and wife, and DAYLA HEAP  
and JOHN DOE HEAP, wife and husband,

Defendants.

The issues between Danny R. Hatch, Jr. and Denice R. Hatch ("the Plaintiffs"),  
and Ronald J. Klump, Roy J. Klump and Dayla Heap, ("Defendants"), having been  
presented to this Court on summary judgment, pursuant to Rule 56, Arizona Rules of  
Civil Procedure, and this Court having thoroughly reviewed all of the pleadings,  
motions and memoranda presented by these parties; and having considered the  
arguments of both parties and good cause appearing therefore,

1 THE COURT HEREBY FINDS THAT:

2 1. Plaintiffs have failed to demonstrate to the Court that there is a genuine issue  
3 of material fact or any other issue precluding summary judgment on these  
4 issues, as required by Rule 56(c)(3) of the Rules of Civil Procedure. Plaintiffs  
5 have failed to present any specific facts showing a genuine issue for trial, as  
6 required by Rule 56(4), to prevent the entry of summary judgment in favor of  
7 the Defendants.  
8

9 2. Plaintiffs are record owners of the following described real property:

10 Parcel 32 as shown on the Report of Survey, in Book 1 of Surveys,  
11 Pages 56 and 56A, Records of Cochise County, Arizona, being a portion  
12 of the northwest corner of Section 14, Township 13 South, Range 25  
13 East of the Gila and Salt River Base and Meridian, Cochise County,  
14 Arizona.

15 3. There is a public easement for ingress and egress on the North 30 feet, East  
16 60 feet and South 60 feet of Parcel 32 as shown on the Report of Survey, in  
17 Book 1 of Surveys, pages 56 and 56A, records of Cochise County, Arizona.  
18

19 4. Pursuant to A.R.S. §12-341, there is good cause to allow the Defendants to  
20 recover their costs and attorney's fees, as fixed by the Court in this matter.  
21

22 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

23 1. Judgment on the Motion for Summary Judgment is hereby granted in favor of  
24 the Defendants, Ronald J. Klump, Roy J. Klump and Dayla Heap.  
25

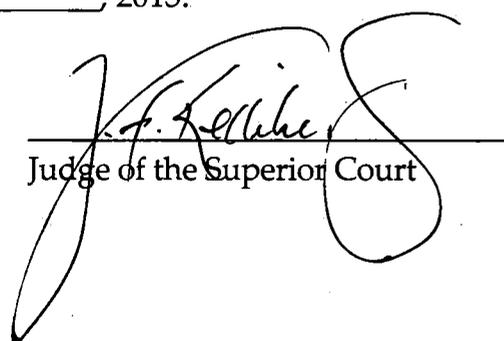
1 2. Defendants, Ronald J. Klump, Roy J. Klump and Dayla Heap, are hereby  
2 awarded all rights for use of the easement.

3  
4 3. Plaintiffs, Danny R. Hatch, Jr. and Denice R. Hatch, and their successors in  
5 interest, are hereby barred and forever estopped from interfering with use of the  
6 easement for purpose of ingress and egress.

7  
8 4. Defendants, Ronald J. Klump, Roy J. Klump and Dayla Heap, are hereby  
9 awarded judgment against Plaintiffs, Danny R. Hatch, Jr. and Denice R. Hatch,  
10 for their taxable costs in the amount of \$ 206.88 and for their  
11 attorney's fees incurred in this matter in the amount of \$  
12 ~~\$~~ 5,000<sup>00</sup>.

13  
14 5. There is no just reason for delay in the entry of a final judgment on all issues  
15 between these two parties. No further matters remain pending between these  
16 parties and this is a final judgment for purposes of all claims named in this  
17 matter pursuant to and in accordance with Rules 54(b) and 54(c).

18  
19  
20 DATED this 26<sup>th</sup> day of May, 2015.

21  
22   
23 \_\_\_\_\_  
24 Judge of the Superior Court  
25

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Clerk's Office