

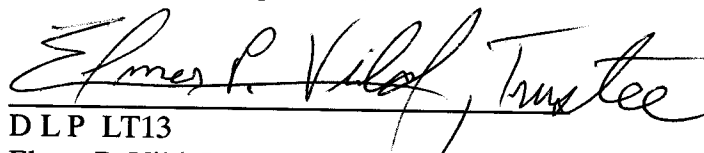
the Plaintiff's attention that there was an indispensable party to the lawsuit who had not been served. Upon the May 30, 1990 public notice of the transfer of the subject property at 5640 East Duane Lane, Cave Creek, Arizona a beneficiary was listed according to law. The beneficiary was listed as another trust. The ultimate beneficiary(s) of that trust have not been officially notified of this lawsuit.

Maria D. Forman who is the primary Defendant in this lawsuit has no property rights or rights to the property which is the subject of this lawsuit. Neither does she hold a Life Tenancy to the subject property. D L P LT13 is the true title holder and is responsible for any distribution of contractual trust assets to the ultimate beneficiary(s) of the entity.

Common sense would seem to dictate that after this notification of the lack of indispensable parties, that the Plaintiff would again amend their complaint. However, the ultimate beneficiary(s) have contacted this Defendant for a possible settlement. Therefore, this Defendant would ask that no action be taken by anyone (unless the Court wishes to issue an Order) until this Defendant has contacted the ultimate beneficiary(s) and obtained permission to negotiate a settlement on their behalf. D L P LT13 believes that their permission can be obtained within the next 10 days and negotiations begun. D L P LT13 believes that with the cooperation of everyone an agreement can be presented to this Court within 30 days.

Wherefore, above premises considered, this Court is hereby notified that indispensable parties were not named in the Complaint or Amended Complaint, but that defendants, including the unnamed parties, desire to pursue a settlement as quickly as possible.

Respectfully submitted this 28th day of September, 2010.


D L P LT13
Elmer P. Vild, Trustee

CERTIFICATE OF SERVICE

Original for the Clerk of the Court and one copy for the Honorable Susan R. Bolton mailed this 28th day of September, 2010 via first class mail to:

Clerk of the Court
Sandra Day O'Connor U.S. Courthouse
SPC 1
401 W. Washington Street, Suite 130
Phoenix, AZ 85003-2118

Copies mailed this 28th day of September, 2010 via first class mail to:

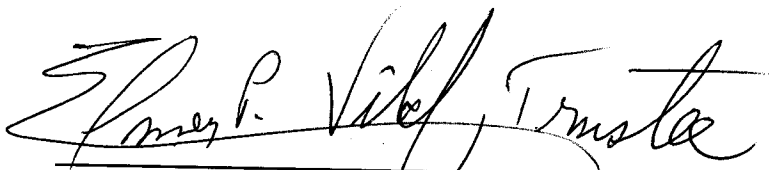
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