

1 Timeless Windsor Ventures  
2 Elmer P. Vild, Trustee  
3 989 S. Main St., #A-269  
4 Cottonwood, AZ 86326  
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7  
8 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
9 **DISTRICT OF ARIZONA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff - Appellee,  
12 v.  
13 JOSEPH J. LIPARI, EILEEN H.  
14 LIPARI and EXETER TRINITY  
15 PROPERTIES, L.L.C.,  
16 Defendants,  
17 and  
18 TIMELESS WINDSOR  
19 VENTURES,  
20 Proposed  
21 Defendant-Intervenor.

**No. 3:10-CV-08142 JWS**

**MEMORANDUM  
IN SUPPORT OF THE  
MOTION TO INTERVENE**

**Honorable John W. Sedwick**

22 **MEMORANDUM IN SUPPORT**  
23 **OF THE MOTION TO INTERVENE**

24 Exeter Trinity Properties' (Exeter's) attorney of record, John  
25 Friedeman, was kind enough to agree to re-enter this case in order to  
attempt to facilitate a settlement between the United States and Exeter.  
Exeter had previously made an offer that was immediately rejected and  
Exeter was advised by Charles Duffy, the United States Attorney, to

1 offer a specific, higher amount that might be accepted. Exeter did so  
2 reluctantly, and the settlement offer was countered, approximately three  
3 months later, with a figure that Exeter was unable to meet or counter.  
4 Thus, the negotiations have failed. Exeter's attorney has fulfilled his  
5 promise to assist through the settlement process and is preparing to  
6 leave the case.  
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10 According to Rule 24(c), the grounds for intervention must be  
11 stated and must be accompanied by a pleading that sets out the claim or  
12 defense for which intervention is sought along with proper service to the  
13 parties of this case in accord with Rule 5(a)(1)(C).  
14

15 Timeless, with the full knowledge of this court, purchased the  
16 subject property from Exeter maintaining the same ultimate beneficiary  
17 of the property, *Guiding Eyes for the Blind*. The purpose for the  
18 transfer was to simplify the ownership from a Limited Liability Company  
19 with two trusts as members to a single, simple trust and to provide a  
20 statutory and logical basis for the Trustees to represent the Trust in this  
21 matter. (See Document Number 65, Pages 5 and 6 – Sales Agreement &  
22 Quitclaim Deed).  
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1 Timeless believes that, as the properly identified owner of the  
2 property under Arizona law, Timeless must intervene as a defendant in  
3 this case as the only asset of Timeless is the subject property. Arizona  
4 law recognizes Timeless Windsor Ventures as the lawful owner of the  
5 subject property.  
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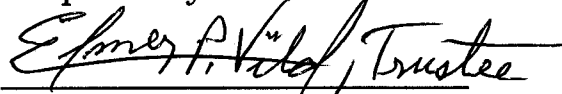
7  
8 According to Rule 24(a)(2), Timeless is making this timely motion  
9 because Timeless claims an interest in the subject property. Disposal of  
10 this action without Timeless' participation in the defense, would be to  
11 deny Timeless of its' due process rights. In addition, Exeter Trinity  
12 Properties LLC has no further interest in the subject property and is an  
13 entity with no assets remaining.  
14  
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16  
17 According to Rule 17(a)(1) the real party in interest may sue in  
18 their own names without joining the person for whose benefit the action  
19 is brought. Sub-part (E) designates the Trustee of an Express Trust and  
20 sub-part (F) specifies a party with whom or in whose name a contract has  
21 been made for another's benefit. This describes the contract in the form  
22 of a trust named Timeless Windsor Ventures, a Nevada Trust.  
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1 Thus, because Timeless is the owner of record of the subject  
2 property and thus the real party in interest, Timeless moves this court  
3 for the intervention of Timeless as a matter of right or in the alternative  
4 to permit such intervention.  
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6 Dated this 25<sup>th</sup> day of March, 2013

7 Respectfully Submitted

8  Elmer P. Vild, Trustee

9 Elmer P. Vild, Trustee

10 *in Pro Per*

11 Timeless Windsor Ventures Trust  
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## Certificate of Service

I HEREBY CERTIFY that on the 25<sup>th</sup> of March, 2013 the original of the **Motion to Intervene** with the **Memorandum in Support** was hand delivered and filed with the Clerk of Court along with the appropriate filing fee. In addition, a copy was hand delivered to the Clerk of Court for the Honorable Judge John W. Sedwick.


A copy of the documents was mailed by U.S. Postal Service on the same day to each of the attorneys listed below:

Charles M. Duffy  
P.O. Box 683  
Ben Franklin Station  
Washington, D.C. 20044-0683

John Friedeman, P.C.  
5103 E. Thomas Road  
Phoenix, Arizona 85018

In addition, a copy of the documents was mailed by U.S. Postal Service on the same day to a party who is not represented by counsel:

Joseph J. Lipari  
156 Johnson Hill Drive  
Waynesville, NC 28786

  
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Mike Macek, Trustee  
Timeless Windsor Ventures