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UNITED STATES DISTRICT COURT

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DISTRICT OF ARIZONA

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9 Cuprite Mine Partners, L.L.C., an Arizona
limited liability company,

CIV 12-286 TUC DCB (LAB)

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Plaintiff,

11

v.

ORDER

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John H. Anderson, a married man acting in his
sole and separate capacity; et al.,

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Defendants.

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Pending before the court is a motion, filed by the defendant, Margaret Jane Anderson
Liljenquist, on August 10, 2012, to expunge the plaintiff's first amended notice of pendency
of action. (Doc. 54)

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Also pending is a similar motion to expunge filed by the defendant, Peter Haakon
Anderson, on November 26, 2012. (Doc. 83)

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This action concerns sixteen patented lode mining claims located in the Copper Mountain
Mining District of Greenlee County, AZ. (Doc. 14) The plaintiff owns a 5/6 fractional interest
in each of the sixteen mining claims. *Id.* The remaining 1/6 fractional interest is owned by one
of the five individual defendants. *Id.* The plaintiff filed this action pursuant to A.R.S. §§ 12-
1211 and 12-1218 to have the sixteen mining claims partitioned by sale. *Id.* Apparently, the
plaintiff would like to sell the mining claims to the owners of the copper mine next door, but
the defendants refuse to agree.

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The case has been referred to Magistrate Judge Bowman for all pretrial matters pursuant
to the local Rules of Practice. LRCiv 72.2.

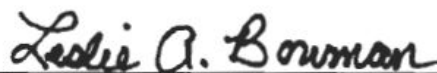
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1 The Arizona Revised Statutes' rules of statutory construction specifically state that
2 "words in the singular number include the plural, and words in the plural number include the
3 singular." A.R.S. § 1-214(B). Therefore, the singular word "property" in A.R.S. § 12-1191
4 may be construed as referring to *properties*, in the plural.

5 The court further finds that combining all sixteen properties within a single notice is the
6 most efficient and economical method for giving prospective purchasers notice of the pending
7 action. Accordingly, extending the singular term to include the plural here is consonant with
8 the legislative intent. *See Estate of McGill ex rel. McGill v. Albrecht*, 203 Ariz. 525, 529, 57
9 P.3d 384, 388 (2002) (Our courts have always construed A.R.S. § 1-214 as a permissive statute,
10 permitting us to interpret the singular as the plural . . . when such an interpretation will enable
11 us to carry out legislative intent.) It was not error to reference all sixteen mining claims in the
12 same *lis pendens* notice. *See, e.g., In re Ryan A.*, 202 Ariz. 19, 25, 39 P.3d 543, 549 (App.
13 2002) (The singular word "parent" in restitution statute applies to both parents.); *but see Estate*
14 *of McGill ex rel. McGill*, 203 Ariz. at 529, 57 P.3d at 388 (The plural phrase "negligent acts or
15 omissions" does not include the singular where that interpretation would not be "consistent with
16 the legislature's obvious intent.").

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18 IT IS ORDERED that the defendants' motions to expunge the plaintiff's first amended
19 notice of pendency of action are DENIED. (Doc. 54, 83)

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21 DATED this 20th day of December, 2012.

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24 Leslie A. Bowman
25 United States Magistrate Judge
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