

**DISTRICT COURT, PARK COUNTY, COLORADO**  
300 Fourth Street  
Fairplay, Colorado 80440

**Plaintiffs: ELK FALLS PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation, KATHRYN WELLS, THE PAUL J. VASTOLA AND SUZANNE G. NELSON LIVING TRUST, U/A, ROBERT W. PHELPS, and KEVIN O'CONNELL**

v.

**Defendants: VERA B. DUNWODY, DRAYTON D. DUNWODY, and FARM CREDIT OF SOUTHERN COLORADO, ACA, an agricultural credit association**

Frederick B. Skillern, #7983  
Nathan G. Osborn, #38951  
MONTGOMERY LITTLE & SORAN, P.C.  
5445 DTC Parkway, Suite 800  
Greenwood Village, Colorado 80111  
Phone Number: (303) 773-8100  
Fax Number: (303) 220-0412  
E-mail: fskillern@montgomerylittle.com  
E-mail: nosborn@montgomerylittle.com

Case Number: 2010cv65

Div: B

**PLAINTIFFS' AMENDED AND RESTATED COMPLAINT**

Plaintiffs Elk Falls Property Owners Association, Kathryn Wells, The Paul J. Vastola and Suzanne G. Nelson Living Trust, U/A, Robert W. Phelps, and Kevin O'Connell, by their attorneys Montgomery Little & Soran, P.C., state for their Amended and Restated Complaint:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Elk Falls Property Owners' Association (the "**Association**") is a Colorado nonprofit corporation in good standing, formed in 1965 to serve as the association of homeowners for the Elk Falls subdivision. The Elk Falls subdivision is located in Jefferson County and Park County, Colorado, just north of Shaffers Crossing

where Elk Creek Road crosses Highway 285. The Association's mailing address is 11119 Elk Creek Road, Pine, Colorado 80470. The Association is a unit owners association of a common interest community organized under C.R.S. § 38-33.3-301, and has standing in this lawsuit pursuant to C.R.S. § 38-33.3-302(1)(d).

2. The Elk Falls subdivision consists of three blocks, subdivided at different times by means of three separate subdivision plats, referred to as Block 1, Block 2, and Block 3. Block 1 is located in Jefferson County and Park County. When Block 1 was originally platted, it was believed to lie entirely in Jefferson County. A later survey revealed that the platted boundary line was incorrect. As a result, several Block 1 lots originally assessed in Jefferson County are now assessed in Park County. Park County still uses the original Block 1 plat map which shows, incorrectly, the entirety of Block 1 in Jefferson County. Block 2 is located in Jefferson County. Block 3, which lies immediately to the west of Block 1, is located in Park County. A map showing the location of the lots, blocks and streets in Elk Falls is attached as **Exhibit 1**.

3. Plaintiff Kathryn Wells ("**Wells**") owns and maintains a residence in Elk Falls at 35541 Upper Aspen Lane, Pine, Colorado 80470.

4. Plaintiff The Paul J. Vastola and Suzanne G. Nelson Living Trust, U/A ("**Vastola Trust**") owns and maintains a residence in Elk Falls at 33629 Berg Lane, Pine, Colorado 80470. The co-trustees of the Vastola Trust, and parties authorized to execute instruments effecting title to real property on behalf of the Vastola Trust, are Paul J. Vastola and Suzanne G. Nelson. Both Paul J. Vastola and Suzanne G. Nelson reside at 33629 Berg Lane, Pine, Colorado 80470.

5. Plaintiff Robert W. Phelps (“**Phelps**”) owns and maintains a residence in Elk Falls at 11502 Elk Creek Road, Pine, Colorado 80470.

6. Plaintiff Kevin O’Connell (“**O’Connell**”) owns and maintains a residence in Elk Falls at 34676 Circle Drive, Pine, Colorado 80470.

7. Defendants Vera and Drayton Dunwody reside in Jefferson County and own property that straddles Park County and Jefferson County. They have resided adjacent to the Elk Falls subdivision since approximately November of 2002. Currently, they reside in a private residence in Jefferson County located at 11903 South Elk Creek Road, Pine, Colorado 80470 (“**Dunwody Residence**”). They also own a residence at 34900 Juniper Road, Pine, Colorado 80470, purchased on October 23, 2006. The Dunwodys’ son resides at this address and since 2006 the Dunwodys have used the Disputed Roads to access this residence. The Dunwodys also own approximately 200 acres of unsubdivided land, most of which lies in Park County. (“**Dunwody Property**”). The Dunwody Property surrounds the Dunwody Residence. The Dunwodys run a business on their property called The Lower Lake Ranch. They purchased the Dunwody Property on January 21, 2008 from the Elk Falls Development Company – one of the original developers of Block 3.

8. Defendant Farm Credit of Southern Colorado, ACA (“**Farm Credit**”) is an agricultural credit association doing business in Colorado. Its business address is 3625 Citadel Drive South, Colorado Springs, Colorado 80932. Farm Credit operates under the Farm Credit Administration. Farm Credit provided the mortgage to the Dunwodys to purchase the Dunwody Property on January 21, 2008.

9. The portion of roads that are in dispute lie in Park County and involve sections of the following roads: Elk Creek Road, a/k/a South Elk Creek Road, a/k/a CR 1184, Juniper Road, and Jensen Rd<sup>1</sup>. (See: **Exhibit 7**) (“**Disputed Roads**”).

10. Venue is proper in this Court pursuant to C.R.C.P. 98(a) because this is an action affecting rights to real property situated in Park County, Colorado.

### GENERAL ALLEGATIONS

11. The Association is made up of the homeowners of the Elk Falls subdivision, which consists of three blocks platted more than forty years ago. In 1959, the property encompassing Blocks 1, 2, and 3, Elk Falls, and the Dunwody property were all owned by Alice E (Sally) Berg (“**Ms. Berg**”). Prior to subdivision, the area was known as the Elk Falls Ranch.

12. Elk Falls - Block 1 was platted by Ms. Berg in 1959. A true copy of the plat for Elk Falls, Block 1 is attached as **Exhibits 2 and 2(a)**. Ms. Berg dedicated the roads on the plat to Jefferson County. The county, by and through the Chairman of the Board of County Commissioners, approved the plat and accepted the dedication of the roads. In addition, Ms. Berg included on the plat two easements, styled “50 FOOT RIGHT OF WAY,” that crossed her adjoining, unsubdivided land immediately to the west of Block 1. This land was apparently not included within the plat because it was located in Park County. The rights of way were designated on the plat because, at that time, the roads provided the only access to the lots in Block 1. As a result, access to these lots by way of these “50 Foot Right of Way(s)” increased the value of the lots in Block 1. Ms Berg had the legal authority to convey easements across her adjoining land. The two “50 Foot Right of Way(s)” shown on the Block 1 Plat, are today extensions of Juniper and Jensen

---

<sup>1</sup> “Jensen Road” is spelled “Jenson Road” on Exhibit 7. The correct spelling is “Jensen.”

Road. Ms. Berg recorded a Map, Dedication and Protective Covenants for Elk Falls – Block 1 on December 22, 1959, at Book 1243, Page 400 in the records of the Park County Clerk and Recorder. A copy is attached as **Exhibit 2(b)**.

13. When first dedicated, Block 1 was only a few small cabins. Eventually, Block 1 grew into many private residences. As the Elk Falls subdivision continued to grow – new blocks were added and dedicated.

14. The “West gate” – a gate near the intersection of Juniper and South Elk Creek Road, near the aforementioned 50-foot right(s) of way, was used and referred to as the main entrance to the Elk Falls subdivision from at least 1940 until at least 1960. The Elk Falls subdivision residents had to enter through the West gate to access to their properties until approximately 1960.

15. Ms. Berg subdivided the land to the east of Block 1 as Elk Falls Block 2 in 1963, dedicating the roads on the plat as public roads. This subdivision was approved by Jefferson County and recorded in 1963. A true copy of this plat is attached as **Exhibits 3 and 3(a)**.

16. The development of Block 2 provided Block 1 residents with additional roads to access their homes. These additional roads were steeper in grade and less convenient than the Disputed Roads. Hence, the Block 1 residents (as well as the Block 2 residents) continued using the Disputed Roads to access their homes even after Block 2 was developed.

17. After Ms. Berg’s husband passed away in 1963, several homeowners living in the Elk Falls subdivision started a homeowners association in efforts to take on the tasks that the Berg’s had historically provided the residents. The Association was

incorporated in 1965 to serve as the association of homeowners for the Elk Falls subdivision. Specifically, the Association was formed to promote the integrity of the area, promote and protect property values in the area, and to repair all roads and ongoing maintenance. It has acted in that capacity since that date, and collects annual assessments from the owners in Blocks 1, 2 and 3 to pay for road maintenance and improvements of the roads within the three blocks, including the two roads noted as a "50 FOOT RIGHT OF WAY" on the plat for Block 1.

18. Soon after the Association was established, a group of investors formed the Elk Falls Ranch Development Company to purchase the unsold portions of the Elk Falls Ranch. Many of these investors were at the time or eventually became Elk Falls subdivision residents.

19. On December 30, 1966, Ms. Berg conveyed to the Elk Falls Ranch Development Company all of her unsubdivided land, which includes the present-day Block 3 and the Dunwody Property. This conveyance did not include the "Berg Property," a property located near the southeast corner of Block 3 on both sides of Elk Creek Road; nor did it include the "Bye Property," a property south of Elk Creek Road across from the lodge - also located near where South Elk Creek Road and Juniper Road intersect. A copy of the deed is attached as **Exhibit 4**. The deed excepts from the conveyance the land platted as Block 1, and was subject to existing "rights of way, easements, conveyances and reservations for roads."

20. On March 30, 1968, the Elk Falls Ranch Development Company subdivided the land to the west of Block 1 as Elk Falls - Block 3, dedicating the roads on the plat to Park County. Park County, through its Chairman of the Board of County

Commissioners, approved the plat and accepted the dedication of the roads subject to a reservation concerning maintenance of the roads. A true copy of this plat is attached as **Exhibits 5 and 5(a)**.

21. Plaintiffs Wells, the Vastola Trust, Phelps, and O'Connell each own and maintain private homes within the Elk Falls subdivision.

22. The Elk Falls Ranch Development Company conveyed the Dunwody Property to the Dunwodys on January 21, 2008 via a warranty deed. A true copy of this deed is attached as **Exhibit 6**. The deed excepts from the conveyance the two "50 Foot Right of Way(s)" shown on the Plat of Block 1, which are today extensions of Juniper Road and Jensen Road, which connect those public roads in Block 1 to Elk Creek Road, the public road traversing the south end of the Elk Falls subdivision.

23. The deed to the Dunwody's, by its terms, also excepts the "[r]ight of way for Park County Road No. 1184 and all roadways as depicted on the recorded plats of Blocks 1, 2 and 3." **Exhibit 6**, page B-1.

24. Farm Credit of Southern Colorado FLCA, a wholly owned subsidiary of Farm Credit of Southern Colorado, ACA, provided the mortgage to the Dunwodys to purchase the Dunwoody Property by way of a January 22, 2008 - \$1,498,000.00 Deed of Trust and Security Agreement. Farm Credit of Southern Colorado FLCA later merged with Defendant Farm Credit of Colorado, ACA. As a result, Defendant Farm Credit of Colorado, ACA currently holds the Dunwody Property note.

25. Prior to the Dunwody's purchase of the Dunwody Property, and since the Disputed Roads were built, the Disputed Roads were treated as public roads by the Elk

Falls subdivision residents and their predecessors, the Elk Falls Ranch residents and their predecessors, Ms. Berg, and the Elk Falls Development Company.

26. Numerous Elk Falls subdivision residents, and their predecessors, have, continuously and without interruption, used the Disputed Roads as their main avenue of ingress and egress to the Elk Falls subdivision since before 1959. All of the Elk Falls subdivision residents and their predecessors have used the Disputed Roads openly, continuously, and notoriously since at least 1959.

27. Since at least 1959, Elk Falls subdivision residents have used the Disputed Roads to drive their cars upon, to walk upon, to jog upon, to ride their bikes upon, and for other recreational activities.

28. Prior to Elk Falls Ranch being subdivided, the Elk Falls Ranch residents used the Disputed Roads as their only avenue of ingress and egress to their homes.

29. Prior to Elk Falls Ranch being subdivided, access to the Disputed Roads was a necessity for the Elk Falls Ranch residents because it was their only avenue of ingress and egress to their homes.

30. The Association has exercised sole control of the maintenance of the Disputed Roads since approximately 1968. Prior to 1968, Ms. Berg and her husband exercised control of the maintenance of the Disputed Roads.

31. Maintenance has included: building culvert markers, putting up roadside sand boxes, building speed bumps, building and maintaining road signs, grading the roads, snow removal, and fixing potholes.



32. The Elk Falls subdivision residents housed mail boxes on the land adjacent to the Disputed Roads since approximately the 1950's until they were moved in December of 2008 after a dispute with the Dunwodys over their location.

33. Jefferson County and Park County use portions of Elk Creek and Juniper Road on their regular bus route to pick up and drop off the school children of Elk Falls subdivision residents. The Jefferson County bus service has used this route since 1978. So that the Disputed Roads better accommodated their busses, Jefferson County paved approximately 300 feet of Juniper Road. Currently, Jefferson County snow plows some of the parking area in front of the Lodge off of Elk Creek Road and unloads the snow in and around the intersection of Elk Creek and Juniper.

34. The Elk Falls subdivision residents and their predecessors have never paid for the use of the Disputed Roads or ever received permission to use the Disputed Roads in any way. They have maintained the Disputed Roads with private funds.

35. The Elk Falls subdivision residents use of the Disputed Roads for over 50 years, if it was not by public right or by easements granted in the subdivision plats, was adverse to each of the owners of the land on which the Disputed Roads sat.

36. At various times since their purchase of the Dunwody Property in 2008, the Dunwodys have maintained that the portion of the roads used by Elk Falls subdivision residents on or across the Dunwody Property that lie in Park County (i.e. Elk Creek Road, South Elk Creek Road, CR 1184, Juniper Road, and Jensen Road) (See: **Exhibit 7**) ("**Disputed Roads**") are private roads and that Elk Falls subdivision residents cannot legally use them.

37. Sometime after 2008, the Dunwody's took down the Elk Falls subdivision road signs and put up "Enter at your own risk" and "Private Road" signs. These signs are intimidating to Elk Falls subdivision residents and make the residents reluctant to use the Disputed Roads.

38. Approximately within the last year, the Dunwody's placed rocks on the Disputed Roads to limit the Elk Falls subdivision residents' access to a "Historic Use" area of the Disputed Roads. The Historic Use area includes a portion of Jensen Road where it joins Juniper Road, and a portion of Juniper Road that was used by residents as a turn around area and an area where motorists could safely avoid other vehicles during icy road conditions. Although the rocks did not eliminate access to Juniper – they did eliminate access to the two Historic Use areas that Elk Falls residents had used openly, adversely, and continuously for over 18 years.

39. When Ms. Berg made the Block 1 and Block 2 conveyances – Ms. Berg conveyed the lots in a subdivision by reference to a plat.

40. When the Elk Falls Development Company made the Block 3 conveyance – the Elk Falls Development Company conveyed the lots in subdivision by reference to a plat.

41. Within the Block 1, Block 2, and Block 3 conveyances, each plat contained and listed numerous streets and common areas. Regardless of whether the grant was effective or not, Ms. Berg and the Elk Falls Development Company both intended that each and every road shown and listed on said plats– including the Disputed Roads – were to be used as public roads by the Elk Falls subdivision residents in perpetuity.

42. Regardless if it was an effective grant or not, it was Ms. Berg's intent that the "50 Foot Right[s] of Way" noted on the plat for Block 1 was the conveyance of a non-exclusive access easement across her adjoining lands, for the benefit of all owners in the Elk Falls subdivision in perpetuity.

43. Regardless if it was an effective grant or not, within her Block 2 conveyance, Ms. Berg clearly intended that the Disputed Roads were to be used as non-exclusive access easements by the Elk Falls subdivision residents in perpetuity.

44. All homeowners purchasing lots in Elk Falls, and particularly the owners in Block 1 and Block 3, purchased their lots and built homes relying on the right to use the "50 Foot Right[s] of Way", Jensen Road and Juniper Road in order to access South Elk Creek Road and Highway 285.

45. It was the Elk Falls Development Company's intent to dedicate South Elk Creek Road and all other roads shown on the Plat for Block 3 as public roads, and the dedication clearly states the Disputed Roads are public roads.

46. Regardless if it was an effective grant or not, it was the Elk Falls Development Company's intent that the Disputed Roads be used as non-exclusive access easements by the Elk Falls subdivision residents in perpetuity.

47. Surveys of residences near the Disputed Roads, including the Alice Berg residence, have referred to the Disputed Roads as "County Roads" for approximately over 40 years. Numerous documents filed with Jefferson County and Park County have referred to the Disputed Roads as "County Roads" for approximately over 40 years.

48. Neither the Elk Falls Development Company nor the Bergs ever claimed that the Disputed Roads were private roads, or that residents of Elk Falls subdivision had no right of access across these roads.

49. Neither Ms. Berg nor the Elk Falls Development Company ever restricted use of the Disputed Roads to Elk Falls subdivision and/or Elk Falls Ranch residents.

50. On or about February 23, 2010, the Dunwodys placed a saw horse in the middle of Elk Creek Road at the location of the “West gate” (See: **Exhibit 1 and Exhibit 8**) with a sign on it that said “Road Closed, Call 303-838-6622.” This sawhorse precluded convenient access for Elk Falls subdivision Block 3 residents to use South Elk Creek Road and Juniper and Jensen Roads to access their homes as they have for approximately the past forty two years. Further, this sawhorse precluded Elk Falls subdivision Block 1 residents from conveniently using Juniper Road and Jensen Road to access their homes as they have for approximately the past fifty years. Finally, this sawhorse prevented some Block 2 residents from conveniently using their preferred route to access their homes as they have for approximately the past forty seven years.

51. Additionally, the Dunwodys placed a pole barrier across Elk Creek Road, a public road, with a sign which read: “Private Road Closed.” (See: **Exhibit 8**). Said pole barrier precluded convenient access for Elk Falls subdivision Block 3 residents to use South Elk Creek Road and Juniper and Jensen Roads to access their homes as they have for approximately the past forty two years. Further, this pole barrier precluded Elk Falls subdivision Block 1 residents from conveniently using Juniper Road and Jensen Road to access their homes as they have for approximately the past fifty years. Finally, this pole

barrier prevented some Block 2 residents from conveniently using their preferred route to access their homes as they have for approximately the past forty seven years.

52. On or about February 23, 2010, the Dunwodys placed multiple large boulders on the “50 Foot Right[s] of Way” at the bottom of Juniper Road and Jensen Road, just north of South Elk Creek Road. (See: **Exhibit 9**). Said large boulders precluded Elk Falls subdivision Block 1 residents from using Juniper Road and Jensen Road to access their homes as they have for approximately the past fifty years. Further, the large boulders precluded some Elk Falls subdivision Block 3 residents from accessing their homes as they have for approximately the past forty two years. Finally, the large boulders prevented some Block 2 residents from using their preferred route to access their homes as they have for approximately the past forty seven years. Moreover, the boulders created hazardous road conditions for all the Elk Falls subdivision residents – even contributing to a car accident.

53. Each of the aforementioned barriers placed by the Dunwodys were in direct violation to the Elk Falls subdivisions’ covenants that were listed in or accompanied with the plats of Block 1, 2, and 3, because the Dunwodys denied the use of the Elk Falls subdivision’s roads to Elk Falls residents.

54. The continuation of access to the Disputed Roads is necessary and imperative for each of the Elk Falls subdivision residents in order to enjoy their property as they and their predecessor owners have for decades. Namely, access is necessary so that Elk Falls subdivision residents can conveniently access their respective parcels, and can utilize these roads for recreational activities. Residents of 115 of the 167 lots are negatively impacted by inability to use the Disputed Roads. If Block 3 residents are

allowed to use Elk Creek Road to access their homes, but access to Jensen and Juniper Road is still restricted, 98 lots have no convenient and safe access to their parcels.

55. Without access to the Disputed Roads, the Elk Falls subdivision Block 1 and Block 3 residents, and some Block 2 residents, face a hardship to get to and from their homes, because the alternate road to their homes includes a steep grade, and it is extremely difficult to navigate during inclement weather. Specifically, because of the grade of the road, even four wheel drive vehicles get stuck in the snow when attempting to drive on it.

56. The aforementioned barriers, precluded convenient access for Elk Falls subdivision Block 3 residents to use South Elk Creek Road to get to their homes, precluded Block 3 residents living on Upper and Lower Aspen Lanes to use Juniper Road to get to their homes, precluded Elk Falls subdivision Block 1 and Block 2 residents to use Juniper Road and Jensen Road to access their homes, and/or caused Elk Falls subdivision residents great discomfort and annoyance to access their homes in the Elk Falls subdivision. Additionally, if the Dunwodys eliminate access to Elk Creek Road, 17 parcels (i.e. lots 30-46 in Block 3) have no other means of ingress and egress to their residences. Finally, the aforementioned barriers restrict access for the Elk Falls subdivision residents to use the Disputed Roads for walking, jogging, biking, and other recreational activities as they have for at least the past forty years.

57. The aforementioned barriers, eliminate any secondary access to approximately over 100 Elk Falls residents in case of fire, emergency, washout, or other emergency situations.

58. On or about February 24, 2010, forced to take the alternate road to and from the Elk Falls subdivision due to the Dunwodys aforementioned actions, numerous Elk Falls residents were involved in traffic accidents because of the difficulties associated with the alternate road. In addition to the accidents, there were numerous near miss accidents.

**FIRST CLAIM FOR RELIEF**  
**(Action for Trespass)**

59. Plaintiffs incorporate and repeat the allegations contained in paragraphs 1 through 58.

60. On or about February 23, 2010, the Dunwodys physically intruded upon the easement rights of Plaintiffs and/or their rights to use public roads by placing a sawhorse, large boulders, and a pole barrier onto the Disputed Roads – thereby impeding Plaintiffs’ use of the Disputed Roads.

61. Said barriers were placed onto the Disputed Roads without Plaintiffs’ permission.

62. Said barriers caused Plaintiffs great discomfort and annoyance in that some could not conveniently access their private homes and some faced great hardship, discomfort, and annoyance to access their private homes.

**SECOND CLAIM FOR RELIEF**  
**(Action for Quiet Title and Complete Adjudication of Rights Under C.R.C.P. 105)**

63. Plaintiffs reallege paragraphs 1 through 58 as if set forth fully herein.

64. Plaintiffs claim exclusive right, title, or interest in and to the Disputed Roads.

65. The Dunwodys and Farm Credit each claim some right, title, or interest in and to the Disputed Roads.

66. A controversy exists between Plaintiffs, the Dunwodys, and Farm Credit concerning their respective rights, title or interest in and to the Disputed Roads.

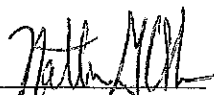
67. Plaintiffs demand a complete adjudication of their right, title, or interest in and to the Disputed Roads pursuant to C.R.C.P. 105, including a determination that the Disputed Roads are either public roads, or alternately that Plaintiffs and all homeowners have the right to use these access roads as easements granted or created for the benefit of the Plaintiffs and all residents of Elk Falls, by virtue of prescriptive use, necessity, pre-existing use, and estoppel, or that these are easements granted specifically or by inference by virtue of the recorded subdivision plats.

WHEREFORE, Plaintiffs, seek a permanent injunction requiring that the Dunwodys remove each of the aforementioned obstructions they placed on the Disputed Roads, and that they be enjoined from blocking the Disputed Roads or taking other steps to threaten or intimidate the Plaintiffs and other homeowners from exercising their rights to use the Disputed Roads, which includes maintaining the Disputed Roads. Plaintiffs seek such damages that will be proven at trial, and attorney fees pursuant to C.R.S. § 38-33.3-123, and Plaintiffs seek a complete adjudication of Plaintiffs' rights, title and interest to the Disputed Roads, as provided by C.R.C.P. 105 as well as any additional remedy the court deems necessary and appropriate.

Dated: July 9, 2010.

Respectfully submitted,

MONTGOMERY LITTLE & SORAN, P.C.

By s/ Nathan G. Osborn   
Frederick B. Skillern, #7983  
Nathan G. Osborn #38951



**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2010, a true and correct copy of the foregoing was duly served to the following via LexisNexis:

Victor F. Boog  
3333 S. Wadsworth Blvd., Suite D201  
Lakewood, CO 80227

Monica Lester  
1125 17<sup>th</sup> Street  
Denver, CO 80202

Kirk B. Holleyman  
1050 17<sup>th</sup> Street, Suite 1700  
Denver, CO 80203

*s/Vicki Fields* \_\_\_\_\_

*In accordance with C.R.C.P. 121 § 1-26(9) a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the court upon request.*