

DISTRICT COURT, PARK COUNTY  
COLORADO  
300 – 4<sup>th</sup> Street  
Fairplay, Colorado 80440

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

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

**Plaintiffs in Intervention:** PETER J. BRAUN and RENAE J. BRAUN

▲ COURT USE ONLY ▲

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Case Number: **2010 CV 65**  
Div.: 1

**AFFIDAVIT OF SAMUEL SHAPIRO AND KAREN SHAPIRO**

STATE OF COLORADO      )  
  )ss  
County of Jefferson      )

Samuel Shapiro and Karen Shapiro, being duly sworn upon their oath, depose and state as follows:

1. Samuel Shapiro and Karen Shapiro (hereinafter the “Shapiros”), are owners of Lot 51, Elk Falls, Block 2, County of Jefferson, State of Colorado, also known by street and number as 11969 Upper Ranch Drive, Pine, Colorado 80470.

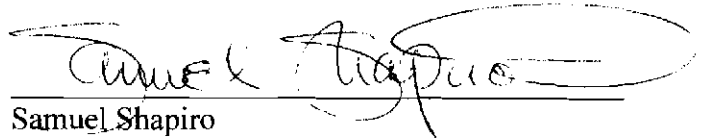
2. The Shapiros are members of the Elk Falls Property Owners Association, Inc. (the “EFPOA”).

3. The Shapiros disclaim any interest in all or any part of the Disputed Roads referred to in paragraph 9 of the Plaintiffs' Amended and Restated Complaint.

4. The Shapiros make no claim that the Disputed Roads are public roads; that the Plaintiffs and all other homeowners have the right to use the Disputed Roads as easements granted or created for the benefit of the Plaintiffs and all residents of Elk Falls by virtue of prescriptive use, necessity, preexisting use, or estoppel; or that Plaintiffs and all homeowners in the Elk Falls subdivision were granted easements to the Disputed Roads specifically or by inference by virtue of recorded subdivision plats.

5. The Shapiros also find objectionable, the assessments levied by the EFPOA to fund the above-referenced litigation on behalf of itself and members of the EFPOA.

Further affiants sayeth naught.

  
Samuel Shapiro

  
Karen Shapiro

Subscribed and sworn to before me this 16 day of September, 2010, by Samuel Shapiro and Karen Shapiro.

  
Notary Public

My commission expires:

3/2/14