

DISTRICT COURT, PARK COUNTY COLORADO 300 – 4 th Street Fairplay, Colorado 80440	EFILED Document CO Park County District Court 11th JD Filing Date: Sep 10 2010 2:26PM MDT Filing ID: 33174466 Review Clerk: Delia Moreno
<p>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</p> <p>Defendants: VERA B. DUNWODY, DRAYTON D. DUNWODY, and FARM CREDIT OF SOUTHERN COLORADO, ACA, an agricultural credit association</p> <p>Plaintiffs In Intervention: PETER J. BRAUN and RENAE J. BRAUN</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Victor F. Boog, No. 2561 Amanda B. Cruser, No. 30601 Boog & Cruser, P.C. 3333 S. Wadsworth Blvd., Suite D201 Lakewood, CO 80227 303-986-5769 Fax 303-985-3297 <i>Attorneys for Defendants Vera B. Dunwody and Drayton D. Dunwody</i>	Case Number: 2010 CV 65 Div.: B
<p style="text-align: center;">DEFENDANTS' INTERROGATORIES TO THE ELK FALLS PROPERTY OWNERS ASSOCIATION</p>	

Please take notice that the Plaintiff Elk Falls Property Association (hereinafter "EFPOA") is required to serve answers to the following interrogatories on the undersigned counsel, pursuant to C.R.C.P. 33, 34, and 36. In responding to these discovery requests, please refer to the Instructions and Definitions set forth below.

Instructions

1. Please serve all responses and documents requested by these discovery requests to:
 Victor F. Boog, Boog & Cruser, P.C.

3333 S. Wadsworth Blvd., #D201
Lakewood, Colorado 80227

2. These requests are to be deemed continuing, and responses to these discovery requests must be supplemented in accordance with C.R.C.P. 26(e).

3. For the convenience of the Court and the parties, please restate the discovery request to which each discovery response relates.

Definitions

1. "Communication" means a written, oral, electronic or telephonic conveyance of information.

2. "Concern" or "concerning" means referring to, stating, mentioning, demonstrating, evidencing, describing, recording, noting, containing, pertaining to, or discussing.

3. "Describe" or "explain" means to set forth in detail the subject matter, and the full content, substance, and context of each communication, act, omission, or event, relevant to or concerning the subject matter of an interrogatory.

4. "Document" means any written material of whatever kind or nature, whether printed, typed, computer-generated or handwritten, as well as any photographs, computer tapes, disks or hard-drive information, computer printouts, tape recordings and graphic material, videotaped material, compilations, and any other electronically or manually maintained or recorded material.

5. "Identify", when used with regard to a person, means to state the person's full name, last known address and telephone number, and relationship to you, and if the person is not a natural person, to state in addition the person's organizational nature (i.e., corporation or partnership), and to state the name of the officer, agent or employee acting on behalf of the non-natural person.

6. "Person" means any natural person, business organization, or governmental entity.

7. "Relating to" means showing or indicating knowledge of, reflecting, constituting, comprising, consisting of, mentioning, pertaining to, regarding or in any manner referring to, either directly or indirectly.

Interrogatories

1. Identify each member of the EFPOA for which the Plaintiffs' Amended and Restated Complaint has been filed and the lots within the Elk Falls subdivision which are owned by such members.

2. For each member identified in response to Interrogatory 1 above, identify the 18 year period during which it is claimed such member obtained prescriptive rights across the Disputed Roads for the benefit of their respective lots.

3. Identify each person whose use of the Disputed Roads forms the basis for the EFPOA's claim that the Disputed Roads are public roads; and identify the twenty-year time frame within which such public use allegedly occurred.

4. Identify each member of the EFPOA for which it is claimed that such members have a right to use the Disputed Roads by pre-existing use; and for each member identify the persons in such member's chain of title to lots within the Elk Falls subdivision upon which such alleged pre-existing use is based.

5. For each member of the EFPOA for which it is alleged that such member is entitled to use the Disputed Roads based upon estoppel, identify such persons, the lots they own within the Elk Falls subdivision, and the documents, if any, upon which such alleged estoppel is based.

Dated this 10th day of September, 2010.

BOOG & CRUSER, P.C.

*/s/ Victor F. Boog – original signature on file
at the offices of Boog & Cruser, P.C.*

Victor F. Boog, No. 2561

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2010, a true and correct copy of the foregoing **DEFENDANTS' INTERROGATORIES TO THE ELK FALLS PROPERTY OWNERS ASSOCIATION** was sent electronically via LexisNexis File and Serve, properly addressed to:

Kirk B. Holleyman
Kirk Holleyman, P.C.
1050 – 17th St., Suite 1750
Denver, CO 80265

Frederick B. Skillern
Montgomery Little Soran & Murray PC
5445 DTC Parkway, Suite 800
Greenwood Village, CO 80111

Michael W. Jones
Monica Lester
Hall & Evans LLC
1125 – 17th St., Suite 600
Denver, CO 80202

*/s/ Bonnie J. Cowell – original signature on file
At the offices of Boog & Cruser, P.C.*
