

DISTRICT COURT, PARK COUNTY COLORADO 300 – 4 <sup>th</sup> Street Fairplay, Colorado 80440	<b>EFILED Document</b> <b>CO Park County District Court 11th JD</b> <b>Filing Date: Sep 10 2010 2:26PM MDT</b> <b>Filing ID: 33174466</b> <b>Review Clerk: Delia Moreno</b>
<p><b>Plaintiffs:</b> 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><b>Defendants:</b> VERA B. DUNWODY, DRAYTON D. DUNWODY, and FARM CREDIT OF SOUTHERN COLORADO, ACA, an agricultural credit association</p> <p><b>Plaintiffs In Intervention:</b> PETER J. BRAUN and RENAE J. BRAUN</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Victor F. Boog, No. 2561 Amanda B. Crusier, No. 30601 Boog & Crusier, 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: <b>2010 CV 65</b>  Div.: B
<b>DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS</b>	

Defendants, Vera B. Dunwody and Drayton D. Dunwody (hereinafter the "Dunwodys"), pursuant to C.R.C.P. 34, request that the Plaintiff, Elk Falls Property Owners Association (hereinafter "EFPOA"), produce the following documents:

1. Any surveys setting forth the legal descriptions of the Disputed Roads and Historic Use Area of Disputed Roads referred to in paragraph 9 of the Amended and Restated Complaint,

2. All documents reflecting financial transactions between the EFPOA and the Elk Falls Ranch Development Company for use of the swimming pool and other facilities on the Elk Falls Ranch Development property.

3. All documents reflecting financial transactions between the EFPOA and the Elk Falls Ranch Development Company relative to payment of costs associated with maintenance of the Disputed Roads.

4. All documents reflecting expenses incurred by the EFPOA in maintenance of the Disputed Roads.

5. For each of the members of the EFPOA for which you see to quiet title to an interest in the Disputed Roads, produce the following documents:

- a. the names of such owners and the lots within the Elk Falls subdivision which they own; and
- b. all deeds in the chain of title to the lots owned by the aforesaid owners identified in subparagraph a. above, for continuous periods of not less than twenty years during which it is alleged that such lot owners obtained prescriptive rights over the Disputed Roads.

6. All documents supporting the allegation that the EFPOA is entitled to use the Disputed Roads based upon estoppel.

7. All documents supporting the allegation that members of the EFPOA are entitled to use the Disputed Roads based on estoppel.

Dated this 10<sup>th</sup> day of September, 2010.

BOOG & CRUSER, P.C.

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

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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' REQUEST FOR PRODUCTION OF DOCUMENTS** was sent electronically via LexisNexis File and Serve, properly addressed to:

Kirk B. Holleyman  
Kirk Holleyman, P.C.  
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Michael W. Jones  
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Denver, CO 80202

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

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