

RECORDED IN
COUNTY OF JEFFERSON
STATE OF COLORADO
RECEPTION NO. 06134079
10/31/06 12:00 219.00

2/19.00

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO
Civil Action No. ~~79CV1085~~ 79CV1085

FINDINGS OF FACT AND ORDER

RECEIVED

JUDICIAL CLERK
Jefferson County

CHARLES AND MARIAN BOTTINELLI, et al.,

Plaintiffs,

Filed in the District Court

MAY 14 1986

vs.

MAURICE "MO" DAVIS, et al.,

MAY 14 1986

Division 2

Enter

File

Defendants.

of Jefferson County, Colorado

THIS MATTER coming on to be heard this 14th day of May, 1986, and the Court, having heard the testimony of the parties and received the evidence and memoranda submitted by the parties, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. This court has determined that a prescriptive road easement, known as the Sampson and Ridge Road exists in a continuous right-of-way starting at the county road known as the Phillipsburg Deermont Road and extending to the north and east as more fully described on the following exhibits:

(A) Exhibit A - constitutes a written legal description of the road as it exists from the county road to the quarter section line south of the plat of the Smith Subdivision

(B) Exhibit B - constitutes a map depicting the centerline of the Sampson and Ridge Road described in Exhibit A, commencing at Point A and continuing to Point B

(C) Exhibit C - constitutes a plat plan of the Smith Subdivision and depicts the location of the Sampson and Ridge Road as it traverses Smith Subdivision, commencing at Point C and continuing to Point D along the east fork and commencing at Point C and continuing to Point E along the north fork

(D) Exhibit D - constitutes a survey depicting the continuation of Sampson and Ridge Road from Point E (same reference point as shown on Exhibit C) and continuing to Point F and from Point G continuing to Point H (same reference point as shown on Exhibit F)

206406

(E) Exhibit E - constitutes a survey depicting the continuation of Sampson and Ridge Road from Point F (same reference point as shown on Exhibit D) and continuing to Point G.

(F) Exhibit F - constitutes a survey depicting the continuation of Sampson and Ridge Road from Point H (same reference point as shown on Exhibit D) and continuing to Point I where the Sampson and Ridge Road terminates for purposes of this proceeding

2

That portion of the Sampson and Ridge Road lying between Point B on Exhibit B and Point C on Exhibit C has not been surveyed or described herein, but is physically in existence and is being used for access. The Sampson-Ridge Road Association, Inc. (hereinafter "Association") reserves the right to submit an additional legal description of the roadway as it exists between Points B and C, if it so desires, and have that legal description appended to the other legal descriptions attached to the Court's Order herein for the purpose of confirming the location of Sampson and Ridge Road.

2. Attached hereto as Exhibit G is a multi-columned list. Said Exhibit # shows:

SRT *DRB* *HAH* *JTM*
a) In Column 1, a listing of all owners of real property abutting said roadway per the written report of Land Title Guarantee Company, dated September 16, 1982.

b) In Column 2, a listing of the address/legal description of land owned by the party shown on Column 1 as of the date of the Land Title Guarantee Report.

c) In Column 3, a listing of the mortgagee or mortgagees, if any, of the real property denoted in Column 2 above as of the start of this litigation.

3. This court has found the Sampson or Ridge Road Association to be the "de facto" agent for the easement owners to provide for road maintenance.

4. Venue is proper pursuant to C.R.C.P. 98a in that this action deals with interests in real property, which real property is located within Jefferson County, Colorado.

5. The hearing herein is a final disposition of this case respecting all contestants. No contestant is shown to be exempt herefrom as being either a minor, an incompetent, an officer or agency of the State of Colorado, or subject to relief due to military service.

ORDER

1. The owners of the foregoing properties, as listed on Exhibit G, for

themselves, their assigns and their successors in interest (hereinafter collectively referred to as Landowners) are confirmed to have or own a dominant easement estate for the use of the roadway described on Exhibits A-F inclusive, for access to and from the real properties described in Exhibit G* Such right shall not be personal to the Landowners, but is appurtenant to the real property described on Exhibit G. *for themselves and their guests and invitees

3

2. In the event of a foreclosure by the mortgagees listed at Exhibit G, Column 3, such mortgagee shall have the right to use the roadway for access to and from the real property in which it has an interest. The lien of the mortgage or deed of trust of such mortgagee is superior to any lien or assessment later set forth herein for road maintenance costs which accrue prior to any listed mortgagee acquiring title to real property by foreclosure. Following acquisition of title, a mortgagee in ownership shall be charged for proportionate road maintenance costs in the same manner as any other Landowner.

WAT
Elias
SRP
12/13
DUMA

3. With respect to the Association:

a) The Association has been incorporated as a Colorado not-for-profit corporation.

b) Each Landowner shall have a right to become a member of the Association having voting powers as set forth in the Association's Articles of Incorporation and Bylaws; provided, however, that for each assessment imposed by the Association there shall be one (1) vote.

c) The Association shall own the right to use the road on behalf of and in trust for its members and have the responsibility for maintenance of same as more specifically defined in Bylaws to be adopted. Members of the Association shall convey the access rights appurtenant to their land described in Exhibit G to the Association.

d) The Association shall adopt Bylaws providing for:

1) The adoption of an annual budget to cover costs of snow plowing, grading, maintenance and administrative costs.

2) The billing of those costs to Landowners upon a formula which:

a) Charges in proportion to the length of road used, with Landowners closer to the county road paying a lesser portion of expenses than those more distant from the public road.

b) Recognizes that improved lots or land parcels shall be charged at a higher rate than unimproved, vacant land, to reasonably reflect the greater use and impact on the roadway by Landowners of improved lots.

c) Takes into account such other factors as may be equitable.

3) The initial Bylaws shall conform to this order. Changes in the Bylaws relating to budgeting procedures, cost allocation and voting rights shall not be changed without approval by:

a) Two-thirds vote of the Owners of improved land and

b) Approval by the Owners of unimproved vacant land on the

following basis:

1) Notice of a proposed change in budgeting procedure, cost allocation, or voting rights shall be given to the Owners of all unimproved land at their last known address by certified mail, return receipt requested

2) A vote of two-thirds of those Owners of unimproved, vacant land who respond to the notice shall be sufficient to approve a change in budgeting procedure, cost allocation or voting rights

c) The Bylaws shall provide a fair and reasonable procedure whereby Landowners may withdraw from or join the Association

4. Changes in Road Location and Maintenance:

a) Neither the Association nor any Landowner shall intentionally or materially change the location of the surveyed centerline of the Sampson and Ridge Road, as denoted on Exhibits A and B or the width of the Sampson Ridge Road as it presently exists without the express written consent of the Landowners of the land across which the proposed relocated or widened road is to pass and of the Association under such procedures as are specifically defined in the Bylaws to be adopted.

b) Neither the Association nor any Landowner shall change the location or width of the Sampson and Ridge Road shown on Exhibits C, D, E and F without the express written consent of the Landowners of the land on which the proposed relocation or widening is to occur and without the consent of the Landowners who pay for maintenance of the road segment in question.

c) The Association shall be entitled to collect the costs of road maintenance and Association costs and expenses from its members, under such procedures as are defined in Bylaws to be adopted. Such amounts shall be the personal obligation of respective members of the Association and their heirs, successors and assigns. The Association shall also be entitled to assess for the costs of future improvements or major maintenance to the Sampson and Ridge Road; provided such improvements are approved by two-thirds of the members of the Association owning improved land whose access is impacted by the proposed future improvements or major maintenance and also by two-thirds of the members of the Association owning unimproved vacant land whose access is impacted by the

proposed future improvements or major maintenance, under such procedures as are defined in Bylaws to be adopted. If any such charge is not paid within sixty (60) days of billing, the Association may file a lien upon the property of the member failing to pay same. Such lien shall be subject to foreclosure in the same manner as a mortgage lien. The prevailing party in any such foreclosure shall be entitled to recover its costs, including attorney's fees.

Landowners who do not elect to join the Association shall nevertheless be personally liable for their fair share of expenses related to that portion of the Sampson and Ridge Road which they use. The Association shall have the right to sue, on behalf of its members, such non-member Landowners for such contribution, and to seek reimbursement of costs and attorneys fees incurred in connection with such action.

d) The Association shall adopt Bylaws providing for temporary maintenance, road relocation, repair and snow plowing for emergency situations.

5. The plaintiffs herein, in pursuing the orders of this court have incurred certain expenses or costs. Such costs respecting survey costs and title search shall be allocated as shown on Exhibit G. In addition to costs as shown on Exhibit G:

a) The cost of incorporating the Association shall be assessed by the Association.

b) Plaintiffs have expended attorneys fees to obtain and confirm easement rights for Landowners. A number of Landowners have retained independent counsel or otherwise represented their own interest. These are Ebers (attorney Moyle), Prior (attorney Brockmeier), Bishop (attorney Lutz), Claussen (attorney Fox), Near (attorney Silverstein), PYG Ltd., Plymouth Mtn. Ltd., and John & Edna Havens. Attorneys fees relative to the confirmation of easement rights shall be allocated equally to such Landowners, excepting those listed above who have born their own fees.

IT IS SO ORDERED this 14 day of May, 1986.

BY THE COURT:

[Signature]
District Court Judge

DISTRICT COURT
County of Jefferson, Colorado
Certified to be full, true and correct copy
of the original in my custody.
Jaclyn Sencos
Clerk of the District Court
By *[Signature]*
Deputy Clerk

The foregoing Findings of Fact and Order are hereby approved
as to form by the undersigned.

E. Rick Watrous
E. RICK WATROUS
3333 South Wadsworth Blvd.
Suite D318
Lakewood, Colorado 80227
ATTORNEY FOR PLAINTIFF

*Daniel T. Moyle Jr. objecting
to 5(b)*

DANIEL T. MOYLE
601 - 10th Street, Suite 104
Golden, Colorado 80401
ATTORNEY FOR DEFENDANTS JAMES D.
EBERS AND MARY ALICE EBERS

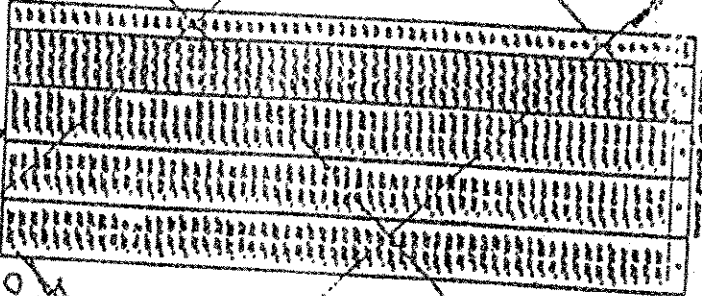
Dale R. Brockmeier
DALE R. BROCKMEIER
2600 Petro-Lewis Tower
717 Seventeenth Street
Denver, Colorado 80202
ATTORNEY FOR DEFENDANTS FRANK O.
PRIOR AND ROBERT CHANCELLOR

RECEPTION NO. 86134079

Harold D. Lopez
HAROLD D. LOPEZ
7903 Ralston Road
Arvada, Colorado 80002
ATTORNEY FOR DEFENDANT LLOYD W. BISHOP
and Harold W. Beckup

Susan Rocan Fox
SUSAN ROCAN FOX
633 Seventeenth Street, Suite 1960
Denver, Colorado 80202
ATTORNEY FOR DEFENDANTS BONNIE A.
CLAUSSEN AND CHARLOTTE J. CLAUSSEN

RICHARD SILVERSTEIN
1515 Arapahoe Street
Building 3, #1000
Denver, Colorado 80202
ATTORNEY FOR DEFENDANT RAY NEAR



EXISTING ALIGNMENT

SAMPSON SCHOOL ROAD

LOCATED IN SECTIONS 23 & 24 OF T6S, R70W,
OF THE 6TH PM. COUNTY OF JEFFERSON, STATE OF COLORADO

SMITH SUBDIVISION
(UNRECORDED)

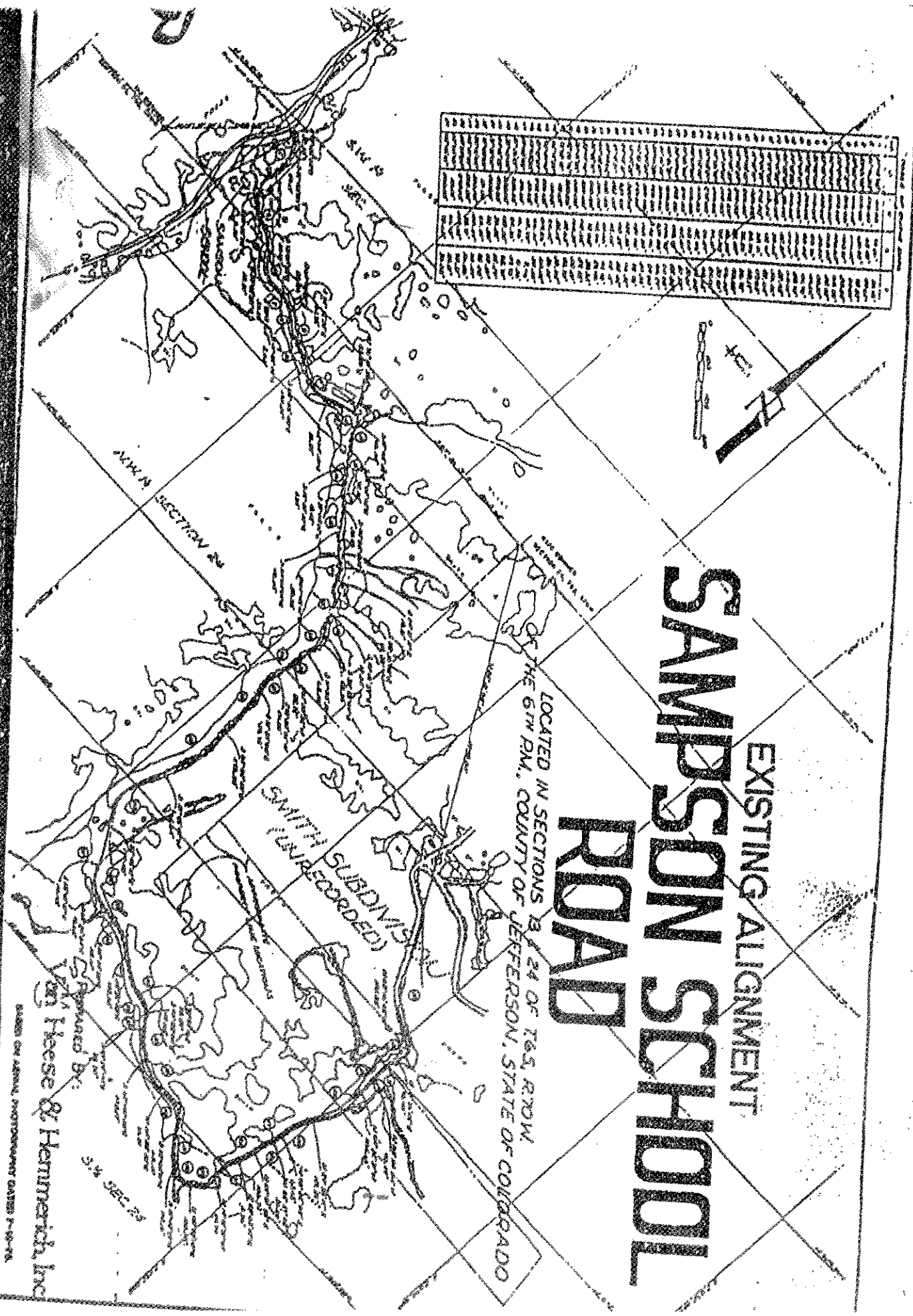
SECTION 23

SEC 24

R

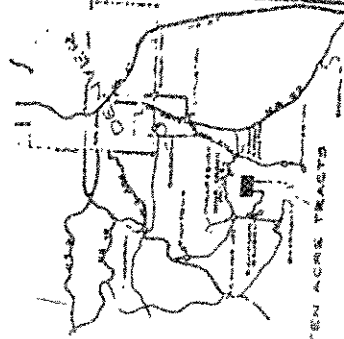
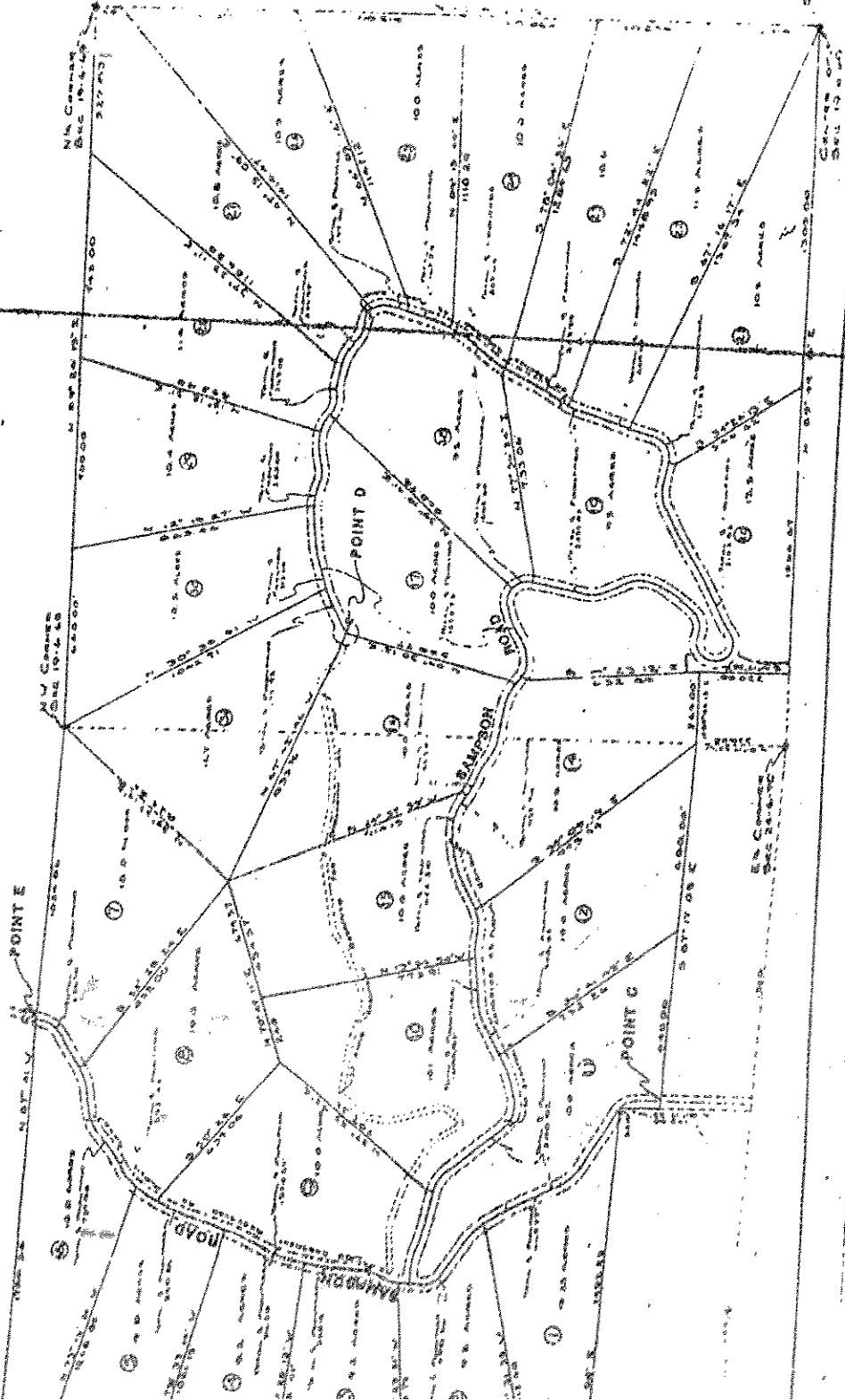
Prepared By:
Van Heese & Hemmerich, Inc

BASED ON AERIAL PHOTOGRAPHY DATED 7-16-74



RECEPTION NO. 8613-079

LAN OF TRACTS LOCATED IN THE NE 1/4 OF SECTION 24-6-70 AND IN THE NW 1/4 OF SECTION 19-6-69



FOR INFORMATION
CALL
JERRY AXTELL
(owner)
293 Shaw Street, P.O. Box
S. Elgin, Colorado
761-1410

BOOK 1808, PAGE 99, 100

CERTIFICATE

I, Don A. Varnum, Surveyor of the State of Colorado, do hereby certify that the above plat was filed in my office on this 19th day of June, 1969, and that the same is a true and correct copy of the original as filed in my office. The above plat was filed in my office on this 19th day of June, 1969, and that the same is a true and correct copy of the original as filed in my office.

Don A. Varnum
Surveyor of the State of Colorado
211 West 1st Street
Denver, Colorado 80202

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H

15

D

SURVEY SHOWING CENTERLINE OF
EXISTING COMMON USE ACCESS
ROAD LOCATED IN EAST 1/2,
SOUTHEAST 1/4, SECTION 13, T 6 S,
R 70 W, OF THE 6TH P.M. JEFFERSON
COUNTY, COLORADO.

CHANCELLOR & PRIOR
PROPERTY
W.M. S.E. 1/4, Sec 13-6-70

SURVEYOR'S CERTIFICATE

I BOB E. WILSON AND CLYDE E. POYER BOTH BEING REGISTERED
LAND SURVEYORS IN THE STATE OF COLORADO DO HEREBY CERTIFY
THAT DURING THE MONTH OF AUGUST 1970 WE SURVEYED AND
ESTABLISHED THE CENTERLINE OF AN EXISTING ACCESS ROAD
LOCATED IN THE E1/2, SE1/4, SECTION 13, T. 6 S., R. 70 W. OF THE 6TH
P.M. JEFFERSON, ALL IN JEFFERSON COUNTY, COLORADO. THE
ACCOMPANYING PLAN SHOWS SAID SURVEY.
THE SURVEY AND PLAN ARE TRUE AND ACCURATE TO THE BEST OF
OUR KNOWLEDGE AND BELIEF.

Bob E. Wilson
BOB E. WILSON, REGISTERED LAND SURVEYOR NO. 4743
Clyde E. Poyer
CLYDE E. POYER, REGISTERED LAND SURVEYOR NO. 4049

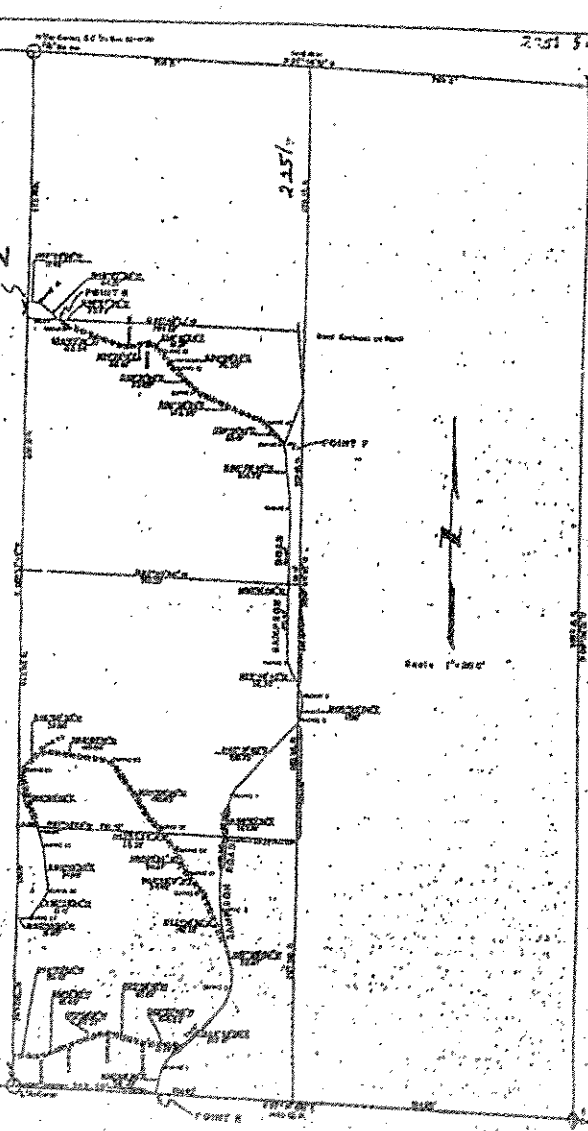


TABLE OF DISTANCES

LINE	BEARING	DISTANCE
1	N 89° 15' 00\"	120.00
2	S 89° 15' 00\"	120.00
3	N 00° 00' 00\"	120.00
4	S 00° 00' 00\"	120.00
5	N 89° 15' 00\"	120.00
6	S 89° 15' 00\"	120.00
7	N 00° 00' 00\"	120.00
8	S 00° 00' 00\"	120.00
9	N 89° 15' 00\"	120.00
10	S 89° 15' 00\"	120.00
11	N 00° 00' 00\"	120.00
12	S 00° 00' 00\"	120.00
13	N 89° 15' 00\"	120.00
14	S 89° 15' 00\"	120.00
15	N 00° 00' 00\"	120.00
16	S 00° 00' 00\"	120.00
17	N 89° 15' 00\"	120.00
18	S 89° 15' 00\"	120.00
19	N 00° 00' 00\"	120.00
20	S 00° 00' 00\"	120.00

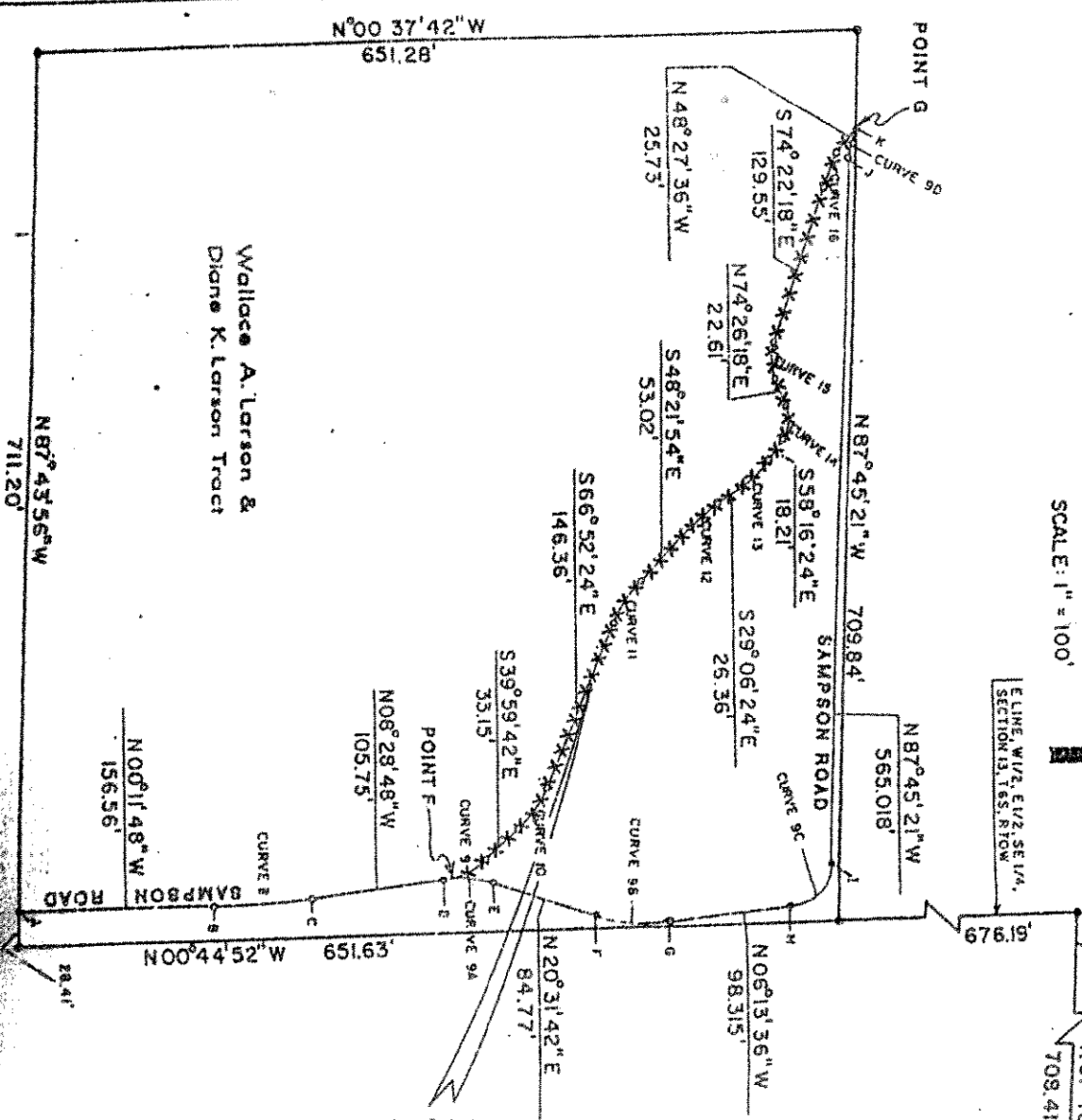
CERTIFICATE OF SURVEY

SCALE: 1" = 100'



E/W CENTERLINE SECTION 13, T.6S., R.70W

E/W CORNER SEC. 13 T.6S., R.70W



CURVE DATA ON CENTERLINE			
NO.	DELTA	RADIUS	ARC LENGTH
8	08 17 00"	552.40'	79.86'
9	31 30 54"	70.88'	38.99'
9A	23 00 30"	77.31'	39.14'
9B	26 45 18"	126.147'	58.905'
9C	81 31 45"	34.739'	49.517'
9D	38 17 45"	30.956'	21.23'
10	26 52 42"	83.70'	39.65'
11	18 30 30"	122.75'	39.65'
12	19 15 30"	88.41'	29.71'
13	29 10 00"	57.66'	29.35'
14	47 17 18"	34.26'	28.27'
15	31 11 24"	53.74'	29.25'
16	23 54 42"	65.20'	23.48'

All rights, title interest and right of way for this existing road easement granted, or otherwise, derived from Grant Orison, Jr., Robert E. Chancellor, Keith Peterson Davis, Robert L. Sobey & Berry Jean Sobey, to Wallace A. Larson & Diane K. Larson, by agreement executed _____, 1975 attached hereto

Wallace A. Larson & Diane K. Larson Tract

N87°43'55"W 711.20'

N00°1'48"W 156.56'

N00°44'52"W 651.63'

28.41'

84.77'

98.315'

676.19'

565.018'

709.84'

709.84'

53.02'

22.51'

25.73'

129.55'

25.73'

651.28'

651.63'

146.36'

33.15'

105.75'

108°28'48"W

539°59'42"E

S39°59'42"E

S29°06'24"E

S48°21'54"E

S74°22'18"E

N74°26'18"E

N48°27'36"W

N87°45'21"W

N87°45'21"W

N06°13'36"W

N87°46'51"W

N00°01'48"W

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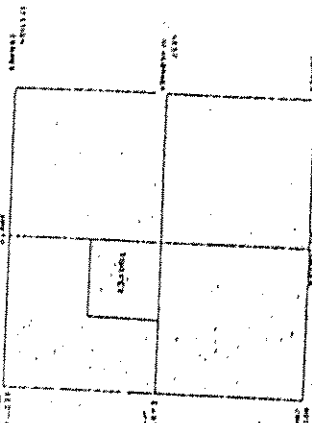
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N00°01

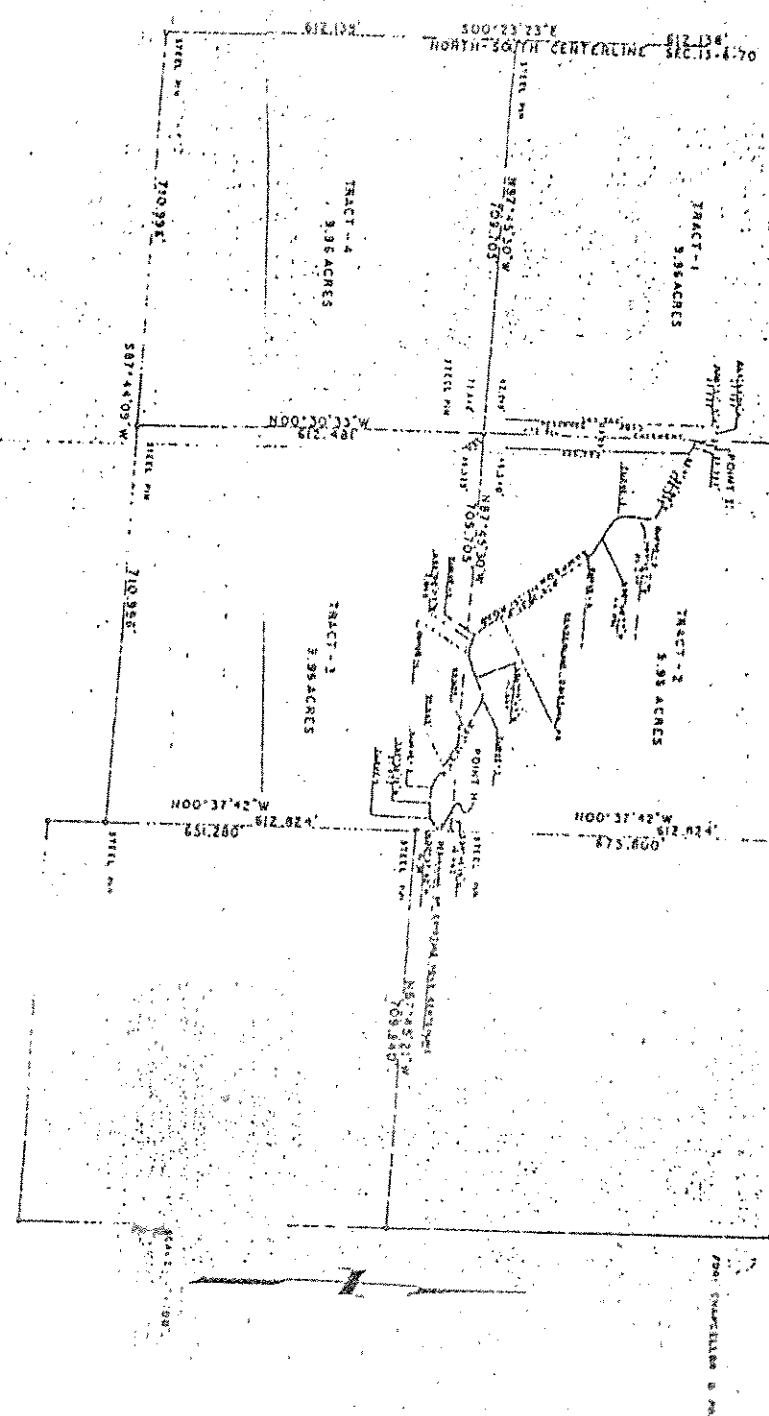
SWEEP LOCATION IN SECTION



NO.	BEARING	DISTANCE	ACRES
1	N 87° 45' 10" W	108.415	3.98
2	S 87° 45' 10" W	108.415	3.98
3	N 87° 45' 10" W	108.415	3.98
4	S 87° 45' 10" W	108.415	3.98
5	N 87° 45' 10" W	108.415	3.98
6	S 87° 45' 10" W	108.415	3.98
7	N 87° 45' 10" W	108.415	3.98
8	S 87° 45' 10" W	108.415	3.98
9	N 87° 45' 10" W	108.415	3.98
10	S 87° 45' 10" W	108.415	3.98

ROAD ALIGNMENT SURVEY

LOCATED IN S.E. 1/4 SEC. 13, T6S, R70W



CERTIFICATE OF SURVEY

I, JOHN E. MOHR, a registered land surveyor in the State of Colorado do hereby certify that during the month of November 1971 I performed a survey of the East-West Centerline of an existing access road, as the same is shown on the plat hereto attached, located in S.E. 1/4, Sec. 13, T6S, R70W, State of Colorado. All being located in the County of Anderson and State of Colorado.

7/10/71

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Column 1 Owner of Real Property <i>Marjorie Sampson Ross</i>	Column 2 Address/Legal Description	Column 3 Mortgage	Survey Fee	Attorneys Fees	Column 4 Costs (For Service of Process see Exhibit #5. G- Title Fee
1. Flore K. Antrosio	See Attachment #1	None	\$31.92	\$13.53	\$50.00
2. Robert S. Behr	See Attachment #2	Marilyn J. Bader	31.92	13.53 None for title.	50.00
3. Lloyd W. Bishop and Naomi U. Bishop, as joint tenants	See Attachment #3	None	31.92	-0- paid for own representation	50.00
4. John A. Borvach and Sue E. Borvach	See Attachment #4	Fred G. Neumann and/or Rose M. Neumann	31.92	Defendant	50.00
5. Charles A. Bottinelli and Marian J. Bottinelli	See Attachment #5	None	31.92	13.53	50.00
6. Donald C. Burr	See Attachment #6	Ed C. Sealy, Gerald F. Anzell and Darrell W. Bluff	31.92	13.53	50.00
7. Bonnie A. Claussen and Charlotte J. Claussen	See Attachment #7	Security Pacific Mortgage Corporation (assigned by Western Pacific Financial Corporation); First National Bank of Englewood	31.92	-0- paid for own representation	50.00
8. Martin-Tarjetta	See Attachment #8	Megapolitan Mortgage Company; Lakewood Colorado National Bank	31.92	13.53	50.00
9. Alton Cook DeVore	See Attachment #9	United Bank of Litchter, assignment of leases and rents	31.92	13.53	50.00
10. Donald P. Dolenz and Julia Dolenz, as Tenants in Common	See Attachment #10	American Home Life Insurance Company (assigned by Megapolitan Mortgage Company) Assignment of Rents	31.92	13.53	50.00

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11. James D. Beers and Mary Alice Beers	See Attachment <u>Ex-11</u>	None	31.92	-0- paid for own representation	50.00
12. James D. Beers and Mary Alice Beers	See Attachment <u>Ex-12</u>	Bl G. Smith	31.92	-0- paid for own representation	50.00
13. William W. Ezell and Linda R. Ezell	See Attachment <u>Ex-13</u>	None	31.92	13.53	50.00
14. Robert J. Fusilier	See Attachment <u>Ex-14</u>	None	31.92	Defendant	50.00
15. Leland V. Green, Vereta J. McBride, Verell L. Green and Dorra R. Ryel, as Tenants in Common	See Attachment <u>Ex-15</u>	None	31.92	13.53	50.00
16. Leland V. Green, Vereta J. McBride, Verell L. Green, and Dorra R. Ryel	See Attachment <u>Ex-16</u>	None	31.92	Defendant	50.00
17. Francis J. Hart and Isobel J. Hart	See Attachment <u>Ex-17</u>	None	31.92	13.53	50.00
18. John E. Havens and Etha V. Havens, as Joint Tenants	See Attachment <u>Ex-18</u>	None	31.92	-0- paid for own representation	50.00
19. Robert E. Head and Anita F. Head	See Attachment <u>Ex-19</u>	None	31.92	13.53	50.00
20. L. Lew Hill and Helena V. Hill, as Joint Tenants	See Attachment <u>Ex-20</u>	None	31.92	Defendant	50.00
21. Doris J. Kollman aka Doris J. Smith	See Attachment <u>Ex-21</u>	None	31.92	13.53	50.00

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22. Derek K. Kathol and Gail I. Kathol	See Attachment #22	Dennis C. Kathol and Doris Kathol	31.92	13.53	50.00
23. William K. Fautz and Ade R. Kautz	See Attachment #23	Evans Financial Corp.; Disburser's Notice	31.92	13.53	50.00
24. Wallace A. Larson and Diane K. Larson	See Attachment #24	Littleton National Bank	31.92	13.53	50.00
25. Merton J. P. Lawson and Ernestine R. Lawson	See Attachment #25	United Bank of Denver National Association	31.92	13.53	50.00
26. Richard Lazere	See Attachment #26	None	31.92	13.53	50.00
27. Michael R. Lubbig and Evonne K. Lubbig	See Attachment #27	Norman D. Paedwell, Darrell W. Blair, Donald E. Hollman	31.92	13.53	50.00
28. Michael L. Harpman and Sally J. Harpman	See Attachment #28	United Bank of Littleton; Assignment of Leases and Rents; Disburser's Notice	31.92	13.53	50.00
29. Rod Westlake and Harry Lou Westlake	See Attachment #29	None	31.92	13.53	50.00
30. C. Robert Miller	See Attachment #30	None	31.92	13.53	50.00
31. Donald L. Mundy and Karen Mundy	See Attachment #31	None	31.92	13.53	50.00
32. Martin Martella	See Attachment #32	Dejure Savings, Building and Loan Association	31.92	13.53	50.00
33. Hugo G. Olson and Helen P. Olson	See Attachment #33	None	31.92	13.53	50.00

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34. P-Y-G Investment Company, a Limited Partnership	See Attachment <u>34</u>	Vera G. Backer and Robert L. Backer (assigned by Loy J. Backer and Vera G. Backer); Fir-Tak-Cash Park, a partnership	31.92	Defendant	50.00
35. Clifford P. Partridge, Jr. and Sally Ann Partridge	See Attachment <u>35</u>	Robert V. Oxtley	31.92	13.53	50.00
36. Frank O. Prior, Jr.	See Attachment <u>36</u>	None	31.92	-0- paid for own representation	50.00
37. Marie W. Rankin	See Attachment <u>37</u>	None	31.92	13.53	50.00
38. Ray E. Roberts and Tom M. Roberts	See Attachment <u>38</u>	None	31.92	13.53	50.00
39. The Seapack Company Club, a Colorado not-for-profit Corporation	See Attachment <u>39</u>	None	31.92	13.53	50.00
40. John B. Sheridan and Barbara J. Sheridan	See Attachment <u>40</u>	Erna P. Opehnauer	31.92	13.53	50.00
41. Earl Soltnick and Joan Soltnick	See Attachment <u>41</u>	None	31.92	None Is Ptef.	50.00
42. Robert V. Thorberg	See Attachment <u>42</u>	Richard C. Tolley and Norel O. Tolley	31.92	13.53	50.00
43. Alva D. Way and Ruth E. Way	See Attachment <u>43</u>	Gerald F. Arvelli	31.92	13.53	50.00
44. Alva D. Way and Ruth E. Way	See Attachment <u>44</u>	Gerald F. Arvelli	31.92	13.53	50.00
45. Clara F. Kleber, 1/3 Interest; Richard O. Polman, 1/6 Inter- est; Shulela P. deWitt-Spencer, 1/6 Interest; John McQuiry, 1/6 Interest; Milton L. McQuiry, 1/6 Interest	See Attachment <u>45</u>	None	31.92	13.53	50.00

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46. Margaret P. Williams

See Attachment 2-46

None

31.92

13.53

50.00

47. Alvin D. Wine and Janice C. Wine

See Attachment 2-47

Frank O. Prior, Jr. and Robert C. Chancellor

31.92

13.53

50.00

48. Raymond M. Near

See Attachment 2-48

None

31.92

-0- paid for own representation

50.00

Note: This owner does not utilize the roadway as a primary access to the real property devoted herein. His right of use confined herein shall be for emergency purposes - or as a secondary or alternate access if the primary access to his property is impeded. Recreational access and use of the roadway occurs in accordance with historical usage as allowed.

49. Plymouth Mountain, Ltd.

See Attachment 2-49

None

31.92

-0- paid for own representation

50.00

50. Frank O. Prior, Jr. and Robert E. Chancellor

See Attachment 2-50

None

31.92

-0- paid for own representation

50.00

The precise legal descriptions for the lands owned by these parties has not been supplied by them. On note to the Plaintiff, these parties may apply to the court supplying legal descriptions which they propose utilizing the description as their dominant easement estate.

Jerome W. Karsh
Kenneth Couch
Charles R. Devitt