

District Court, Saguache County, Colorado
Court Address: P.O. Box 164
Saguache, CO 81149

Plaintiffs: GAIL HOLBROOK and EDGAR
CARPENTER,

v.

Defendants: JOAN L. SELVAGE, ROBERT L.
SELVAGE, RICHARD T. WILLIAMS, BETH A. POOL,
and the TOWN OF BONANZA, a Colorado municipality.

Attorney for Defendants:
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Div.: Ctrm:

ANSWER TO AMENDED COMPLAINT

Defendants, the Town of Bonanza, Joan L. Selvage, Robert L. Selvage, Richard T. Williams, and Beth A. Pool, by and through their attorney of record hereby submit to the jurisdiction of the Court without need for service, and answer the Amended Complaint as follows:

I. **ANSWER**

1. Defendants admit to the allegations contained in paragraphs 1-8 of the complaint.
2. Defendants answer the allegations contained in paragraph 9 of the Complaint by stating that the actual candidates for the April 4, 2006 election were: Gail Holbrook, Edgar Carpenter, Mary Osmond, Joan Selvage, Robert Selvage, Richard Williams, Karen Kaylon, Beth Pool and Mark Perkovich.
3. The Defendants admit to the allegations contained in paragraph 10 of the Complaint.
4. Defendants admit to the allegations contained in paragraph 11 of the Complaint and affirmatively state that there is no election law, case law or Constitutional prohibition on their owning property outside the Town of Bonanza.

COUNTY/DISTRICT COURT
County of Saguache, Colorado
Certified to be a full, true and correct
copy of the original in my custody

Date: October 16, 2006

BRANDIE TAYLOR
Clerk of the County/District Court

By: *[Signature]*



5. The Defendants deny the allegations contained in paragraph 12 of the Complaint.

6. Paragraph 13 required neither an admittance or denial.

7. The Defendants deny the allegations contained in paragraph 14 of the Complaint.

8. The Defendants deny the allegations contained in paragraph 15 of the Complaint and affirmatively state that the nomination petition for the Plaintiffs contained signatures of individuals who have not resided within the municipal boundaries of the Town of Bonanza. Therefore, the Plaintiffs were not legally nominated as "write-in" candidates, and are not eligible for election to the Town Board.

9. Paragraph 16 does not require an admittance or denial.

10. The Defendants admit to the allegations contained in paragraphs 17 and 18.

11. The Defendant answer paragraph 19 by stating that Colorado Municipal Code, §31-10-306, C.R.S. authorizes the actions of the Defendants Joan Selvage, Robert Selvage, Richard Williams and Beth Pool in submitting affidavits of intent..

12. The Defendants deny the allegations contained in paragraphs 20 and 21 of the Complaint.

13. Paragraph 22 does not require and admission or denial.

14. Defendants deny the allegations contained in paragraphs 23-25 of the Complaint.

15. Paragraph 26 does not require and admission or denial.

16. Defendants deny the allegations contained in paragraph 27 of the Complaint.

17. The Defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 28 of the Complaint.

18. The Defendants deny the allegations/request for relief contained in paragraph 29 of the Complaint and affirmatively state that the Plaintiffs failed to meet the requirements of Petitioning to be placed on the ballot due to the fact that individuals who signed the nominating petition were not eligible to so do.

The Defendants also affirmatively state that in the event the Court grants the relief requested in paragraph 29 of the Complaint, the results will be that the Town of Bonanza will possibly have a Town Board of two people, less than a quorum, and in effect disenfranchise the Town.

19. To the extent that each and every allegation contained in the Complaint has not been admitted or denied, the same is denied.

II. **AFFIRMATIVE DEFENSES**

1. Plaintiffs' Complaint fails to state a claim upon which relief may be granted.
2. Plaintiffs' claims are barred by the doctrines of laches, estoppel, and unclean hands.
3. Plaintiffs' claims are without foundation in fact, and are therefore frivolous and groundless. Defendants are entitled to an award of attorney's fees pursuant to C.R.S. §13-17-102.

WHEREFORE, the Defendants, having fully answered the Plaintiffs' Amended Complaint, request that this Court enter an Order dismissing the Complaint in its entirety and awarding the Defendants their reasonable costs of defense, including but not limited to reasonable attorney's fees, and such other and further relief that the Court deems appropriate.

RESPECTFULLY SUBMITTED this 19th day of July, 2006.

GIBBONS & ASSOCIATES, P.C.

/s/Benjamin F. Gibbons, Original
Signature on File.

By: Benjamin F. Gibbons

In accordance with C.R.C.P. 121 §1-26(9), a printed copy of this document with original signature(s) is maintained by Gibbons and Associates, P.C., and will be made available for inspection by other parties or the Court upon request.

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of July, 2006, a true and correct copy of the above Answer was e-filed and served via justicelink:

Matthew K. Hobbs
739 1st Avenue
Monte Vista, CO 81144

/s/Fawn Gallegos