

Small Claims County Court District Court
 Probate Court Juvenile Court Water Court

Saguache County, Colorado

Court Address:

Plaintiff *Carl Holbrook & Edger Carpenter*

v.

Defendant

*Joan Selvage Richard Williams
Bob Selvage Beth Pool*

DATE FILED: April 17, 2006 5:00 PM

CASE NUMBER: 2006CV27

*Filed in the Combined Court
Saguache County Colorado*

APR 17 2006

*Lynne Houshous
Clerk of the Combined Courts*

▲ COURT USE ONLY ▲

Case No. *06CV27*
Division No. *me*

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]*



Our intention: To contest the Bonanza election of April 4th
2006. CONTESTORS: Gail Holbrook- registered elector of Bonanza
Edgar L. Carpenter- registered elector Bonanza

CONTESTERS: Joan Selvage, Bob Selvage, Richard Williams, Beth Pool
Candidates for mayor and 3 trustees, town board
Election April 4, 2006

We are appealing the results of the 4/4/06 election in which candidates not residing in Bonanza for the 12 months immediately preceding election have changed the language of 31-10-301 regarding qualifications of candidates on a public document and fraudulently run for office.

(1) The four constees have not spent any time in the town of Bonanza during this past 12 months except to appear for town meetings and leave immediately afterwards as members of the town board. The statutory intent appears to serve the best interests of a community by providing that people who actually live therein best serve residents by being available and having public records available within the town.

(2) The changing of the language in 31-10-301 from "resided in" to "resident of" in the Candidate Qualifications issued to the public appears to change the qualifications to that of elector.

(3) The above contestees were all write-in candidates which means that their names should not have appeared on the ballot- (31-10-902) Three candidates had turned in nomination petitions with 10 signatures, and should have been the only names printed on ballots. When mail-in ballots were received on March 22, all 8 names were on the ballot. The only names printed on the ballots should have been Gail Holbrook, Ed Carpenter and Mary Osmond.

(4) No watchers were allowed at the polling place election day. (31-10-602)

(5) Candidate Challenge forms were unavailable even from the Secretary of State's office so we used Voter Challenge forms re-worded to fit the need. The 4 challenges were handed to the town clerk on election day. None of the candidates were present to accept the challenges, nor had they -nor the clerk been in Bonanza since March 4th.

(6) Challenge forms were not signed or returned, Bob Selvage hand delivered replies April 8th stating that the time for challenging candidacy had passed, signed by Terry Furney, election official.

(7) Candidate Beth Pool was listed "inactive" on the county clerk's registration list until 3/4/06.

The situation has persisted for several years whereby people living in the town have been excluded from participating in voted decisions or having access to town papers readily because they are outnumbered by voters registered in Bonanza but living full time in Pueblo. Under present circumstances issues of immediate concern to people living in this smallest mountain town, such as snow removal, flooding, vandalism, development, protection of the conservation easement, are not immediately apparent to town board members living in Pueblo. Town papers are not open to inspection except for one hour before and after monthly meetings and members of the board are not available except by long distance phone, and this often must wait until evening after they are home from jobs.

To the best of our knowledge none of the challenged have spent even 10 nights in Bonanza during this past year, and then not consecutively.

This past summer the platted 75 ft. width of Main Street was bottlenecked down to 35ft. width for about three blocks to accommodate property needs of people owning very old cabins which had been built 100 years ago on street right-of-way rather than on their rightful lots. While the townspeople want the cabins preserved, our concern is snow removal and probable future development needs for parking space, sidewalks, etc. Our requests that minimum footage be taken from Main Street were not honored. The property owner benefiting most- 19 lots adjoined- was the Furney family. Terry Furney was appointed town clerk as plat map changes were being planned.

Actually we do not believe the Pueblo candidates should be legal to vote in the town because we do not believe they will ever return and reside in Bonanza. We believe the statutory intent is to determine the best interest of the community.

We ask the court to provide immediate relief and to disqualify candidates who havenot and do not reside in the town.

*The causes set forth in the preceding statements
are true to the best of my knowledge and belief.*

*Edgar L Caperton
Gail C Holbrook*

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655-2245