

FILED Document  
CO Saguache County District Court 2014 OCT 14 3:11 PM  
Filing Date: 10/14/2014  
CASE NUMBER: 06CV27  
Filing ID: 11673467  
Review Clerk: Lynne Thompson

DISTRICT COURT Saguache County, Colorado 4 <sup>th</sup> & Christy P.O. Box 164 Saguache, Colorado 81149 (719) 655-2522	
<b>Plaintiffs:</b> GAIL HOLBROOK and EDGAR CARPENTER  v.  <b>Defendants:</b> JOAN L. SELVEGE, ROBERT L. SELVEGE, RICHARD T. WILLIAMS, BETH A. POOL, and the TOWN OF BONANZA, a Colorado municipality.	<b>COURT USE ONLY</b>
Attorney for Plaintiffs: Matthew K. Hobbs, #33225 EUGENE L. FARISH, P.C. 739 1 <sup>st</sup> Avenue, P.O. Box 430 Monte Vista, CO 81144 Phone Number: 719-852-5101 E-mail: <a href="mailto:hobbs@farishlaw.com">hobbs@farishlaw.com</a>	Case Number: 06CV27  Division: Courtroom:
<b>AMENDED COMPLAINT</b>	

Plaintiffs by and through their attorney, Matthew K. Hobbs of the law firm Eugene L. Farish, P.C., hereby file this *Amended Complaint*.

### GENERAL ALLEGATIONS

1. The Town of Bonanza is a Colorado municipality located in Saguache County, Colorado.
2. The Town of Bonanza is a statutory town.
3. Plaintiffs are registered electors in Bonanza and residents of the Town.
4. The Town of Bonanza Board of Trustees is composed of four trustees and one mayor

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

Date: October 14, 2014

BRANDIE TAYLOR  
Clerk of the County/District Court

By: 



5. All four trustee positions and the mayoral position were up for election on April 4, 2006.
6. A municipal election for the Board of Trustees of the Town of Bonanza was held on April 4, 2006.
7. The election was held via mail ballots.
8. The ballots were mailed to the registered electors on or about March 20, 2006.
9. Candidates for the aforementioned election were: Gail Holbrook, Edgar Carpenter, Mary Osmond, Joan Selvege, Bob Selvege, Richard Williams, Karen Caylom, and Beth Pool.
10. After the election, the Town of Bonanza declared Joan Selvege to be the Mayor; Bob Selvege, Beth Pool, and Richard Williams were awarded seats as trustees (collectively referred to herein as Selveges/Williams/Pool).
11. Upon information and belief Selveges/Williams/Pool own real property outside the municipal boundaries of Bonanza.
12. Upon information and belief Selveges/Williams/Pool did not reside in Bonanza for twelve consecutive months prior to the election.

**FIRST CLAIM FOR RELIEF  
(Election Contest)**

13. Averments in Paragraphs 1 through 12 are hereby incorporated into this claim for relief.
14. The Court should declare that Selveges/Williams/Pool are ineligible for the offices to which they were elected.
15. The Court should declare Plaintiffs are elected to the Board of Trustees.

**SECOND CLAIM FOR RELIEF  
(42 U.S.C. § 1983 - Due Process)**

16. Averments in Paragraphs 1 through 15 are hereby incorporated into this claim for relief.

17. On or about March 4, 2006, Gail Holbrook, and Edgar Carpenter submitted petitions for nomination to be candidates for the Board of Trustees.
18. Upon information and belief Selveges/Williams/Pool submitted affidavits of intent to run as write-in candidates on or about March 4, 2006.
19. Selveges/Williams/Pool names appeared on the Town ballot despite the fact that they failed to submit petitions and instead submitted intents to run as write-in candidates.
20. The Town of Bonanza violated Plaintiffs' right to due process of the law by allowing Selveges/Williams/Pool to run for election despite not having lived in Town of Bonanza for more than twelve consecutive months.
21. The Town of Bonanza violated Plaintiffs' right to due process of the law by declaring the Selveges/Williams/Pool elected and by allowing "write-in" candidates to be listed on the ballot alongside Plaintiffs.

**THIRD CLAIM FOR RELIEF  
(42 U.S.C. § 1983 - Equal Protection)**

22. Averments in Paragraphs 1 through 21 are hereby incorporated into this claim for relief.
23. The Town of Bonanza violated Plaintiffs' right to equal protection of the law by allowing Selveges/Williams/Pool to be candidates for election despite the fact that they did not reside in Town for twelve consecutive months prior to the election.
24. The Town of Bonanza violated Plaintiffs' right to equal protection of the law by allowing Selveges/Williams/Pool to be listed on the ballot alongside Plaintiffs despite the fact that they failed to submit petitions and instead submitted affidavits for a write-in candidate.
25. The Town of Bonanza violated Plaintiffs' right to equal protection of the law by declaring Selveges/Williams/Pool elected despite not being eligible to hold such office.

**FOURTH CLAIM FOR RELIEF**  
**(C.R.C.P. 106(a)(3) - Quo Warranto)**

26. Averments in paragraphs 1 through 25 are hereby incorporated into this claim for relief.
27. Because Selveges/Williams/Pool did not reside in the Town of Bonanza twelve consecutive months prior to the election they are now unlawfully holding public office.
28. Plaintiffs contacted the District Attorney regarding this matter and he declined to bring an action.
29. The Court should declare that Selveges/Williams/Pool are unlawfully holding public office and declare Plaintiffs elected.

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in favor of Plaintiffs as indicated above, award attorney fees and costs to Plaintiffs, and grant such other and further relief that the Court deems just and appropriate.

DATED this 29<sup>th</sup> day of June 2006.

Respectfully Submitted,

**EUGENE L. FARISH, P.C.**

s/ Matthew K. Hobbs  
Matthew K. Hobbs

**CERTIFICATE OF SERVICE**

I certify that on June 29, 2006, this office served a true and correct copy of this **AMENDED COMPLAINT** via LexisNexis File and Serve addressed as follows:

Benjamin F. Gibbons, Esq.

s/ Sharlene A. Short