

September 18, 2007

Mr. William Hobbs
Deputy Secretary of State
Colorado Department of State
1700 Broadway
Denver, CO 80290

via Fax to: 303 869-4860

Re: Response to Sept. 13, 2007 Letter from John Evans.

Dear Mr. Hobbs:

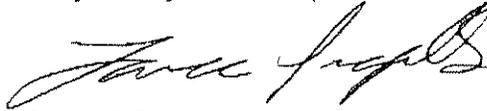
Thank you for providing Douglas County with a copy of the letter in which Mr. Evans' requests that you stay any action regarding determining whether the Town of Frankstown has been abandoned. Douglas County believes that delaying the proceedings and therefore a decision on the County's application to determine whether Frankstown has been abandoned is inappropriate and as such the County opposes this request. As you know, both the County and the Secretary of State were named in an amended petition attempting to allow reorganization of the Town of Frankstown and subsequently seeking an injunction against the County and Secretary of State for proceeding with a determination of abandonment. The Court ruled against the Town on all relevant issues. The Town has appealed that decision and can continue to fully protect its rights through the courts. The only issues for a determination of abandonment pursuant to CRS 31-3-201(1) are whether the Town has conducted any regular or special elections, elected any officers or maintained any Town government *for the five years preceding the County's application*. Delay will only confuse the relevant issues as the Town has published a notice that it intends to hold in November 2007 the very reorganization election the Court determined it had no right to hold.

Further, determining abandonment is a separate issue from reorganizing. Whether a town was incorporated or reorganized or even desires to reorganize is irrelevant under section 31-3-201, CRS. In any event, the District Court has refused to restrain the Secretary from acting in regards to Frankstown despite Petitioners request for such a restraining order and the County respectfully requests that you continue with the applied for determination of abandonment.

Mr. William Hobbs
September 18, 2007
Page 2

Thank you in advance for your consideration in this important matter.

Respectfully Submitted,



Lance J. Ingalls
County Attorney

cc: John Evans
Board of County Commissioners