

District Court, Saguache County, State of Colorado
Court Address: P.O. Box164
Saguache, CO 81149

Plaintiffs: **GAIL HOLBROOK and EDGAR CARPENTER**

v.

Defendants: **JOAN SELVAGE; BOB SELVAGE;
RICHARD WILLIAMS; BETH POOL**

Attorney for Defendants:
Benjamin F. Gibbons
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Case Number: 06CV27

Div.: Ctrm:

ANSWER

COMES NOW, Defendants Joan Selvage, Bob Selvage, Richard Williams, and, Beth Pool, by and through their counsel, Gibbons & Associates, P.C., by Benjamin F. Gibbons, and answers the Complaint as follows:

I. ANSWER

1. To the extent that the Complaint can be interpreted as alleging that the above-named Defendants were not eligible to be elected or appointed to their current positions as elected officials of the Town of Bonanza, the same is denied.
2. To the extent that the Complaint can be interpreted as alleging that the above-named Defendants are not legal registered voters in the Town of Bonanza, the same is denied.
3. To the extent that the Complaint can be interpreted as alleging that the above-named Defendants have not properly conducted the official business of the Town of Bonanza, the same is denied.
4. To the extent that the Complaint can be interpreted as alleging any other claim for relief, the same is denied.

II. AFFIRMATIVE DEFENSES

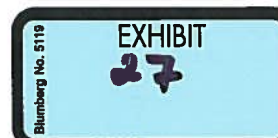
The Defendants assert the following affirmative defenses:

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, 2010

BRANDIE TAYLOR
Clerk of the County/District Court

By: *[Signature]*



1. Plaintiffs' Complaint fails to state a claim for which relief can be granted.
2. Plaintiffs' claims fail due to estoppel, waiver, and laches.

3. Plaintiffs' claims are barred by the appropriate Statute of Limitations. Defendants' further state that Defendant Williams has been a Town Board Member for 8 years; Defendant Joan Selvage has been a Town Board Member for 7 years; Defendant Bob Selvage has been a Town Board Member for 4 years; and Defendant Beth Pool has been the Town Clerk for 1 year.

The last election conducted in the Town of Bonanza was on April 2, 2006. §1-4-501 (3) C.R.S. states that "The qualification of any candidate may be challenged by an eligible elector of the political subdivision within five days after the designated election official's statement is issued that certifies the candidate to the ballot. The Complaint was filed in this matter on April 20, 2006.

4. This action is substantially frivolous, groundless, or vexatious as defined in §13-17-101, C.R.S. and the Defendants request their reasonable attorney fees and costs incurred in defending this action.

III. REQUEST FOR RELIEF

WHEREFORE, the Defendants request that the Plaintiffs' Complaint be dismissed in its entirety and that the Court award the Defendants their reasonable attorney fees and costs incurred in defending this action, and such other and further relief as the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 3rd day of May, 2006.

GIBBONS & ASSOCIATES, P.C.

**By: /s/ Benjamin F. Gibbons
Benjamin F. Gibbons, #17815**

CERTIFICATE OF MAILING

I do hereby certify that on the 3rd day of May, 2006, I placed in First Class U.S. Mail a true and correct copy of the above Entry of Appearance, to the following:

Gail Holbrook
Edgar Carpenter
#20 Bonanza
Villa Grove, CO 81155

/s/ Fawn Gallegos