

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:26-cv-01121 JURY TRIAL DEMANDED

EDWARDS AFFORDABLE HOUSING LLC, a Colorado limited liability company,

Plaintiff,

v.

MARK CHAPIN, in his official capacity as the Assessor of Eagle County, Colorado and in his individual capacity;

TOM BOYD, in his official capacity as a member of the Eagle County Board of Equalization and in his individual capacity;

JEANNE MCQUEENEY in her official capacity as a member of the Eagle County Board of Equalization and in her individual capacity;

MATT SCHERR in his official capacity as a member of the Eagle County Board of Equalization and in his individual capacity; and

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, COLORADO,

Defendants.

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**FIRST AMENDED COMPLAINT AND JURY DEMAND**

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**I. Introduction**

1. This civil rights case concerns the willful withholding of an objective, non-discretionary and ministerial administrative designation by a self-interested government acting as a competitor, violating Plaintiff's constitutional due process and equal protection rights.

## **II. Parties**

2. Plaintiff Edwards Affordable Housing LLC (“Plaintiff”) is a Colorado limited liability company with its principal place of business located in Denver, Colorado. Plaintiff was formed in 2025 as a special purpose entity to carry out the planned “Left Bank” affordable housing development on the Peterson Property. Plaintiff’s parent entity, Rediger Development LLC (“Plaintiff’s Parent”), originally negotiated the purchase of the Peterson Property with counsel representing the heirs of Pearl G. Peterson and acquired the property in 2024. In April 2025, Plaintiff’s Parent conveyed the Peterson Property to Plaintiff. Based on the recorded chain of title maintained by the Eagle County Clerk and Recorder, Plaintiff is the current record-title owner of the Peterson Property.

3. Defendant Mark Chapin is the elected Assessor of Eagle County. He is sued in his official capacity and in his individual capacity.

4. Defendants Tom Boyd, Jeanne McQueeney, and Matt Scherr are the elected County Commissioners of Eagle County and, by virtue of their offices, serve as members of the Eagle County Board of Equalization. Each is sued in his or her official capacity as a member of the Board of Equalization and in his or her individual capacity.

## **III. Jurisdiction and Venue**

5. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiff’s claims arise under the Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2) because Defendants reside in this District, the Peterson Property is located in this District, and a substantial part of the events or omissions giving rise to the claims occurred within this District.

#### **IV. Background**

##### **Administrative Recognition of Record-Title Ownership**

7. Unlike a “vehicle title,” which is a physical document that can be held in one’s hand, “real estate title” is an intangible legal concept. It is not a single piece of paper, but a status derived from a history of transactions. Deeds are merely conveyance documents; they do not themselves constitute “title,” but rather—once recorded—function as evidence of a sale akin to receipts.

8. To manage the abstract legal concept of real estate title, the Colorado legislature assigns specific duties to county officers: the County Clerk and Recorder indexes the deeds and other conveyance documents (the “receipts”); the Assessor is statutorily mandated to conduct an objective, ministerial review of those records to ascertain and administratively list the “record-title owner;” and the County Board of Equalization—whose members are the elected County Commissioners—has a mandatory statutory oversight duty to direct the Assessor to return omitted property to the assessment roll upon becoming aware of its omission.

9. “Record-title ownership” is different from “marketable title.” Record-title ownership is objective—the Clerk and Recorder’s records say what the records say, analogous to one’s driving record. In contrast, “marketable title” is a subjective assessment of the quality of one’s record-title ownership and issues outside the recorded chain of title—what one title insurance

company or purchaser finds acceptable may vary from another, akin to whether someone is perceived as a “good driver” or a “bad driver.”

10. This case is about the willful refusal to administratively recognize Plaintiff as the “record-title owner” based on the objective chain of title in the Clerk and Recorder's records by a self-interested government acting as a competitor. This case is not about “marketable title,” nor does Plaintiff seek to adjudicate “marketable title” with this action.

11. Potential disputes affecting “marketable title” do not relieve the Assessor of his mandatory statutory duty to ascertain and list the record-title owner through an objective, ministerial review of the Clerk and Recorder's records. This statutory limitation is intentional. The Assessor is neither a judge nor a title insurer—he possesses neither the legal authority nor the institutional competence to evaluate marketable title. If questions of marketable title could excuse the Assessor from this ministerial duty, any person asserting a competing claim—no matter how legally deficient—could effectively veto the administrative recognition of a record-title owner simply by raising a dispute. This would paralyze the assessment roll and fundamentally undermine the Assessor's core fiscal responsibility to ensure that taxable property is identified, listed, and assessed exactly as the legislature intended.

*Omitted Peterson Property*

12. Plaintiff proposes to develop price-capped affordable housing on the Peterson Property in Eagle County, Colorado. However, similar to Vail Resorts’ widely reported East Vail property, the Peterson Property previously fell off the Eagle County Assessor’s assessment roll. A necessary first step in Plaintiff’s affordable housing plan is to have the omitted Peterson Property returned to the assessment roll and Plaintiff listed as the record-title owner.

13. Based on the records of the Eagle County Clerk and Recorder, Plaintiff is the record-title owner of the Peterson Property. Despite repeated requests, Defendants have not provided a single recorded instrument that conflicts with Plaintiff's record-title ownership.

14. Yet the Assessor continues to refuse to fulfill his mandatory duty to recognize Plaintiff as the record-title owner of the Peterson Property, and the County Commissioners, in their dual capacity as the County Board of Equalization, likewise refuse to exercise their mandatory oversight duty to direct the Assessor to return the omitted Peterson Property to the assessment roll.

*Explanation for the Ongoing Refusal to Recognize Plaintiff as the Record-Title Owner*

15. The explanation for the ongoing refusal to recognize Plaintiff as the record-title owner is straightforward: the County has asserted its own claim to Plaintiff's Peterson Property.

16. At a public meeting of the Eagle County Board of County Commissioners to ratify the County's purchase of the neighboring River House Property, the County's CFO informed the Commissioners that the Seller of the River House Property—who has never appeared in the chain of title of the Peterson Property—had agreed to provide a quitclaim deed purporting to convey the Peterson Property. The County CFO then stated to the Commissioners at this public meeting prior to their vote, referring to both the River House Property and the Peterson Property:

*"... our intention is that we [Eagle County] will have both of those parcels."*

*The County's Wild Deed & Predetermined Plan to Adjudicate it in a Quiet Title Action*

17. The Seller of the neighboring River House Property ("Seller") has never appeared in the chain of title of the Peterson Property and, consequently, the quitclaim deed granted by the

Seller to Eagle County for nominal consideration (\$10) constitutes a “wild deed” (the “County’s Wild Deed”). Wild deeds are by definition outside the chain of title. Therefore, wild deeds are a legal nullity for the purposes of the Assessor's non-discretionary statutory duty to make an objective and ministerial review of a property’s chain of title within the records of the Clerk and Recorder to ascertain and list the record-title owner.

18. The County’s Wild Deed could convey value to Eagle County only if a court were to “adjudicate” this interest and enter a judicial decree inserting the County’s Wild Deed into the chain of title of the Peterson Property, such as through a quiet title action.

19. Internal County emails confirm the Assessor's office was acutely aware that the Seller of the River House Property did not own the Peterson Property. In a January 3, 2023 email—sent prior to the County commencing its negotiations with the Seller to purchase the River House Property—an Assessor’s staff member, Ken Sexton, complained about the Seller attempting to claim the Peterson Property. Mr. Sexton explicitly stated that it “*irks me*” because the Seller “*already knows that it [the Peterson Property] is not part of his deeded [River House] property.*”

20. With full knowledge, shared across multiple County departments, that the Seller did not own the Peterson Property, the former County Attorney nonetheless solicited an addendum to the purchase and sale agreement for the Seller to grant the County's Wild Deed.

21. Internal County emails make clear that Eagle County intended, from the outset, to attempt to *adjudicate* the County’s Wild Deed in a quiet title action.

22. For example, when the former County Attorney requested an addendum to the executed purchase and sale contract for the River House Property from the Seller to formalize his willingness to grant the County’s Wild Deed, the former County Attorney expressly stated:

“... I am aware of all the issues with [the Peterson Property] and can clean it up after closing through a quiet title action...”(emphasis added).

23. And, when the title company declined to draft the County’s Wild Deed, due to concerns about the Seller’s lack of ownership of the Peterson Property, the former County Attorney again referenced a *quiet title action* in the context of the County’s apparent plan to assert a claim of adverse possession:

“The assessor’s records don’t show an owner [of the Peterson Property] but [the Seller of the adjacent River House Property] has used [a portion of the Peterson Property] as his driveway for over 30 years. So, we [Eagle County] intend to do a quiet title action at some point to clean it all up.” (emphasis added).

Plaintiff’s Purchase of the Peterson Property from the Heirs of Pearl G. Peterson

24. Months after the County’s purchase of the River House Property, Plaintiff’s representative informed the former County Attorney that Plaintiff’s Parent had negotiated an agreement with counsel representing the heirs of Pearl G. Peterson to purchase the Peterson Property. In this conversation, the former County Attorney threatened to use the “*full resources*” of the County to frustrate Plaintiff’s Parent’s efforts and “*bury*” Plaintiff’s Parent in litigation.

Game of Whack-a-Mole of Excuses to try to Force a Quiet Title Action

25. Plaintiff’s Parent purchased the Peterson Property in March 2024 and since then the Assessor has offered a series of shifting and conflicting justifications for refusing to perform his mandatory statutory duty.

26. Upon Plaintiff’s Parent recording the deeds obtained from the heirs of Pearl G. Peterson, the Assessor initially acknowledged Pearl G. Peterson as the last known record-title owner on two separate occasions but claimed an insufficient connection to her heirs.

27. After Plaintiff's Parent conclusively overcame this objection with a judicially confirmed Decree of Heirship—which under Colorado law operates with the same effect as a deed of conveyance—the Assessor reversed his prior acknowledgment entirely and, over the following months, fabricated a series of new, never-before-mentioned objections: first, that the chain of title had “*never been clear enough*” to list any owner because a quiet title action had not been completed; then, that unspecified “*various interests*” precluded certainty—interests Defendants could not identify when formally asked under the Colorado Open Records Act.

28. Left without a single recorded dispute to rely upon, the Assessor provided his definitive basis for demanding a quiet title action: an unrecorded 1985 Assessor's tax map with the notation of a right-of-way. This final justification is legally untenable on three independent grounds: the Assessor's statutory duty is limited to the Clerk and Recorder's records; the notation refers to a private easement the County Surveyor himself acknowledged years before the County's River House negotiations and there is no corresponding grant of a public right of way in the records of the Clerk and Recorder; and the Assessor's own treatment of the Vail Resorts East Vail property confirms he knows his duty does not extend to internal, unrecorded maps. Moreover, the Assessor's tax map available for download from the Assessor's website of the Peterson Property with a revision date of October 14, 2020—on information and belief the most recent tax map available—does not contain a right-of-way notation over the Peterson Property. See Exhibit 1.

29. The specific correspondence, dates, and documentary evidence underlying each of these shifting justifications are detailed in Part D of the Factual Allegations.

County Shenanigans

30. Defendants' bad faith extends beyond their refusal to perform mandatory statutory duties and into active obstruction of transparency and deliberate falsification of the factual record.

31. A letter written by the Deputy County Attorney claimed “*various interests*” in the Peterson Property could not be determined with certainty by the Assessor—but when an open records request was filed for the specific recorded “*various interests*” underlying that claim (i.e., reception number and/or books and page), the Deputy County Attorney produced none and instead simply directed Plaintiff's representative to the Clerk and Recorder's public search website.

32. When Plaintiff's representative sought to update a prior open records request to document the County's conduct, the Deputy County Attorney inflated the estimated production cost to a figure that strains credibility—requiring one to believe an associate worked nine consecutive days on the original request yet billed for only one.

33. Ken Sexton, the Assessor's Cartographer Coordinator and sole employee of the Cartography Division based on the Assessor's online staff directory, falsely told the elected President of the Edwards Metro District in February 2025—with the Assessor copied—that it was only recently discovered that the Peterson Property was not part of the River House Property, claiming this was not identified until a survey was conducted during the County's purchase of the River House Property. This was a documented lie: Sexton's own January 3, 2023 email—sent months before those negotiations began—explicitly acknowledged that the River House Seller “*already knows that [the Peterson Property] is not part of his deeded property.*”

The motive is transparent: Colorado’s adverse possession statute requires a good-faith belief of ownership, and Sexton was attempting to recast history for the County to sustain its legally deficient adverse possession claim.

34. The specific correspondence and documentary evidence underlying these acts are detailed in Part F of the Factual Allegations.

*Ratification by the County Commissioners*

35. Plaintiff formally notified the County Commissioners, acting in their dual capacity as the CBOE, through three formal letters dated April 10, 2025, May 5, 2025, and July 15, 2025, along with two video presentations sent in August 2025 (see Exhibits 5, 6, 10, 12, and 13, respectively) explicitly detailing: (1) the legal distinction between record-title and marketable title, and the mandatory statutory duties of both the Assessor and the CBOE; (2) the Assessor’s failure to identify any conflicting recorded interests, culminating in his ultimate, written justification—an improper reliance on an *unrecorded* 1985 Assessor’s tax map to force a quiet title action; (3) the County Surveyor’s prior acknowledgment that the notation on the unrecorded Assessor’s tax map reflected only a private easement; (4) the Assessor’s disparate, favorable treatment of Vail Resorts regarding the East Vail property; (5) the County’s reliance on an inflated appraisal and a questionable tax structure to acquire the River House Property; and (6) the bad-faith “shenanigans” of County staff and officials—specifically including the former County Attorney’s threats of litigation, the Assessor’s shifting “whack-a-mole” excuses, the Deputy County Attorney’s efforts to frustrate transparency through open records requests, and the Assessor’s staff actively recasting historical facts to favor the County.

36. Rather than exercise their mandatory oversight duty as the CBOE to instruct the Assessor to return the omitted Peterson Property to the assessment roll, or their executive authority as County Commissioners to address these documented abuses of power, the Commissioners ratified the Assessor's refusal and did not address the alleged abuses of power. In doing so, they cemented the County's self-interested "*have both*" strategy and tactics into official policy. On August 26, 2025, the CBOE replied through the Deputy County Attorney, formally conditioning Plaintiff's designation as the record-title owner on a judicial proceeding where the County's Wild Deed would be adjudicated (see Exhibit 14):

*"...as the CBOE indicated on May 6, 2025, actions to adjudicate property rights are properly brought in and resolved by the Colorado Courts under C.R.C.P. 105."*

37. C.R.C.P. 105 governs judicial quiet title actions designed to adjudicate marketable title—including the County's Wild Deed. Issues potentially affecting marketable title have absolutely no bearing on the Assessor's mandatory, ministerial duty under C.R.S. § 39-5-102(1) to ascertain record-title ownership based solely on the recorded chain of title in the Clerk and Recorder's records.

*The Legally Prescribed Process Available to Defendants to Adjudicate the County's Wild Deed*

38. Like any other person, Defendants are free to assert any claim at any time to the Peterson Property in a judicial *quiet title action* where the purpose is a "*complete adjudication of rights.*" However, unlike any other person, only the Assessor has the unique governmental authority—and duty—to administratively list a record-title owner of a property. Likewise, the CBOE has the unique government oversight authority over the Assessor.

39. Defendants cannot weaponize their unique government authorities to deprive Plaintiff of being listed as the record-title owner of the Peterson Property simply because Eagle County would like to have the County's Wild Deed and its claim of adverse possession adjudicated in a quiet title action initiated by Plaintiff. The County's Wild Deed, whatever its legal significance in a quiet title proceeding, is irrelevant to the objective, ministerial determination of record-title ownership.

40. If Defendants believe they have met the high standards for prevailing on a claim of adverse possession and that the County's Wild Deed to the Peterson Property has value, then the legally prescribed process is to *first* fulfill the Assessor's objective statutory duty to *administratively* list Plaintiff as the record-title owner and *thereafter* assert a claim of adverse possession in a judicial quiet title action. Defendants have deliberately not followed the legally prescribed process.

*Possible Additional Explanations Beyond Stated Intent to "Have Both" Parcels*

41. While Defendants' precise motives beyond their stated intent to "have both" parcels need not be established to prove the constitutional violation alleged herein, the logical explanations are consistently self-interested.

A. First, a Vail Daily article, teased on the front page, described the County's purchase as including both the River House Property *and* the Peterson Property.

Administratively recognizing Plaintiff as the record-title owner would require the County to publicly acknowledge that its multi-million-dollar acquisition did not include the Peterson Property.

- B. Second, the County is likely reluctant to list the Peterson Property on the assessment roll because doing so would require assigning it a taxable valuation. The County knows its own inflated, County-commissioned appraisal improperly valued submerged riverbed—constituting approximately 40% of the site—the same as dry land, and that inflated valuation is reflected in the current assessed value of the River House Property. Recognizing Plaintiff would invite an immediate tax appeal, during which Plaintiff’s purchase price and market comparables would expose the inflated valuation underlying the County’s acquisition.
- C. Third, the Peterson Property became entangled in a questionable tax scheme intended to save the Seller of the River House Property hundreds of thousands of dollars. When valuing the submerged land the same as the dry land wasn’t enough to reach the grossed-up target number, the County-commissioned appraisal was extended to include the Peterson Property. Crucially, the extended scope of the appraisal contained an “*extraordinary assumption*”—as it was phrased in the appraisal—that the Seller actually owned the Peterson Property, an assumption the appraiser noted would be confirmed in a future quiet title action. The grossed-up purchase price for the River House Property supported by the County-commissioned appraisal allowed the Seller—whom the County CFO introduced as “*my friend*” at a public hearing—to claim a charitable contribution. After the sale, the County CFO—acting at the request of the Seller, who explicitly stated an IRS audit was likely—provided a sanitized accounting of the transaction that contained material omissions. These omissions included: the absence of economic substance in the Seller’s initial proposal, as

revealed by the Seller’s instruction that despite the grossed-up \$3.8 million purchase price, the title insurance policy would remain at \$3.2 million—an instruction subsequently corrected at nominal cost before closing; the presence of the “*extraordinary assumption*” in the appraisal that the Seller owned the Peterson Property; and the fact that Plaintiff’s Parent had acquired the Peterson Property.

- D. Fourth, adhering to the legally prescribed process—administratively recognizing Plaintiff as the record-title owner first, and subsequently asserting a County claim of adverse possession—would force Eagle County to actively initiate a lawsuit to try to seize land intended for price-capped affordable housing without any compensation. By withholding the administrative designation, the County is unlawfully attempting to force Plaintiff to initiate the litigation, thereby shielding the County from the political and public backlash of acting as the aggressor.

*Harm*

42. Regardless of why, Defendants' failure to follow the legally prescribed process—administratively recognizing Plaintiff as the record-title owner first, and only thereafter asserting a claim of adverse possession in a quiet title action if the County believes the County's Wild Deed has value—has caused Plaintiff real harm that is detailed in Part H of the Factual Allegations and includes: depriving Plaintiff of the opportunity to resolve minor *marketable title* issues cooperatively and without litigation with other neighboring landowners, other than the County, in its capacity as the recognized record-title owner of the Peterson Property; depriving Plaintiff of the opportunity to optimize an existing easement for the benefit of all stakeholders through voluntary agreement, and without litigation, in its capacity as the recognized record-title

owner of the Peterson Property; and depriving Plaintiff of the significant legal presumptions against adverse possession that are afforded to record-title owners—presumptions Plaintiff would instead be forced to establish judicially, incurring unnecessary and avoidable litigation expense that price-capped affordable housing projects do not have the luxury to absorb.

43. These are precisely the unnecessary burdens and expenses the former County Attorney threatened when he vowed at the outset to use the “*full resources*” of the County to frustrate Plaintiff’s Parent’s efforts and “*bury*” Plaintiff’s Parent in litigation.

Accountability

44. Based on the records of the Clerk and Recorder, Plaintiff holds an unbroken chain of title to the Peterson Property originating from an 1891 United States Patent, through a judicially confirmed 2024 Decree of Heirship, and culminating in the recorded deed from Plaintiff’s Parent to Plaintiff in April 2025. Despite repeated requests made over more than one year, Defendants have not provided a single recorded interest in conflict with Plaintiff’s recorded chain of title. The Assessor does not “give” record-title ownership any more than a vital records clerk “gives” someone their date of birth by issuing a birth certificate—the Assessor recognizes a pre-existing legal status established by the chain of title, he does not create it.

45. The Assessor’s decision not to follow Colorado’s mandatory statutory scheme—established by C.R.S. §§ 39-5-102(1), 39-5-125(1), and 39-8-102(1), which mandate recognition based solely on the recorded chain of title—and instead to wade outside of the Clerk and Recorder’s records to assert that the unrecorded 1985 Assessor’s tax map justifies a judicial quiet title action where the County’s Wild Deed and claim of adverse possession would be adjudicated violates the Due Process and Equal Protection Clauses of the United States Constitution.

46. For clarity, Plaintiff does not ask this Court to adjudicate title. Rather, Plaintiff asks this Court to declare that Defendants unconstitutionally violated Plaintiff's constitutional rights. By seeking this declaration, this action seeks to hold Defendants, including Eagle County and its highest elected officials, accountable under federal law. The Peterson Property cannot be picked up and moved to another County that does not inflict unconstitutional harms and a declaration that Defendants have acted unconstitutionally would aid in deterring this same unconstitutional conduct during Defendants' and Plaintiff's inevitable future dealings. A state-law mandamus could compel the mechanical performance of the Assessor's statutory duty, and a state-law quiet title action or declaratory judgment suit could clarify Plaintiff's *marketable title* to the Peterson Property. But only a civil rights action under 42 U.S.C. § 1983 can remedy the constitutional injury of a structurally biased administrative process that has clearly been abused, Defendants' unconstitutionally arbitrary decisions not to adhere to their statutory duties to further their competing and self-interested purposes, and the unconstitutionally disparate treatment—harms that no state remedy can retroactively cure—or provide the punitive damages and attorney's fees that these constitutional violations warrant.

## **V. Factual Allegations**

47. The following allegations further particularize the facts set forth in the preceding Background section, which are incorporated herein by reference.

### **Part A: Mandatory Statutory Duties of the Assessor and CBOE**

#### **A.1 – The Assessor's Objective and Non-Discretionary Duty to Ascertain Ownership**

48. The Colorado legislature has established objective and non-discretionary statutory ministerial duties for County Assessors.

49. Pursuant to C.R.S. § 39-5-102(1), the Assessor has a mandatory, ministerial duty to ascertain ownership from the records of the county clerk and recorder, stating:

*“Ownership of real property shall be ascertained by the assessor from the records of the county clerk and recorder...”* (emphasis added).

50. Furthermore, C.R.S. § 39-5-125(1), titled “*Omission – correction of errors,*” strictly mandates that whenever it is discovered that taxable property has been omitted from the assessment roll, it shall be listed on the assessment roll in the year the discovery was made, stating:

*“...whenever it is discovered that any taxable property has been omitted from the assessment roll of any year or series of years, the assessor shall immediately determine the value of such omitted property and shall list the same on the assessment roll of the year in which the discovery was made...”* (emphasis added).

51. The Assessors’ Reference Library (“ARL”) is binding on all Colorado assessors pursuant to C.R.S. § 39-2-109(1)(e).

52. The ARL confirms that discovery and ownership are determined by examining documents recorded with the county clerk and recorder. For example, the ARL states that the “*discovery of property is accomplished by examining the records of the county clerk and recorder*” and that ownership “*is determined based on documents recorded with the clerk and recorder.*”

53. The Assessor’s role is administrative, not judicial; it is to identify and list the record-title owner “*based on documents recorded with the clerk and recorder,*” not to adjudicate potential issues affecting marketable title.

54. In the context of real property, the “record-title owner” (or record owner) is defined by Black’s Law Dictionary (9th ed.), as:

*“A property owner in whose name the title appears in the public records.”*

55. In contrast, “marketable title” is defined by Black’s Law Dictionary (9<sup>th</sup> ed.) as:

*“A title that a reasonable buyer would accept because it appears to lack any defect and to cover the entire property that the seller has purported to sell; a title that enables a purchaser to hold property in peace during the period of ownership and to have it accepted by a later purchaser who employs the same standards of acceptability.” (emphasis added)*

#### A.2 – The Mandatory Oversight Duties of the County Board of Equalization (CBOE)

56. The Colorado legislature has established corresponding mandatory oversight duties for the County Board of Equalization (CBOE).

57. C.R.S. § 39-8-102(1), titled “*Duties of county board of equalization*,” states:

*“The county board of equalization shall review the valuations for assessment of all taxable property appearing in the assessment roll of the county, directing the assessor to supply any omissions which may come to its attention.” (emphasis added).*

58. The ARL affirms this non-discretionary duty, citing the statute referenced above:

*“The county board of equalization shall order the assessor to add to the assessment roll any omitted property which has come to its attention, § 39-8-102(1), C.R.S.” (emphasis added).*

#### A.3 – Summary of the Statutory Framework

59. The foregoing statutes governing both the Assessor’s duties and the CBOE’s oversight responsibilities establish a mandatory and ministerial framework governing the identification of record-title ownership and the correction of omissions on the assessment roll. They do not authorize discretionary refusal to recognize record-title ownership, they do not

empower the Assessor or the CBOE to resolve or adjudicate disputes concerning marketable title, and they do not absolve either the Assessor or the CBOE of their statutory obligations based on alleged threats to marketable title—such as the County’s Wild Deed.

**Part B: Plaintiff’s Unbroken Chain of Title**

*B.1 – Chain of Title from the 1891 Patent to Pearl G. Peterson*

60. The Peterson Property, legally described at Paragraph 4 of Exhibit 3, is an approximately one-half acre parcel of real property located in West Edwards, Eagle County, Colorado, between U.S. Highway 6 and the Eagle River.

61. Prior to Plaintiff’s purchase of the Peterson Property, the records of the Eagle County Clerk and Recorder reflect an unbroken chain of title from the original 1891 United States Patent to Pearl G. Peterson.

62. On information and belief, the Peterson Property was omitted from the Eagle County assessment roll sometime in the 1950s or 1960s.

63. In 2024, Plaintiff’s Parent acquired the Peterson Property from the heirs of Pearl G. Peterson and subsequently conveyed in 2025 the Peterson Property to Plaintiff, a special purpose entity.

64. After Plaintiff’s Parent requested in April 2024 that the Assessor return the omitted Peterson Property to the assessment roll, Mr. Sexton of the Assessor’s office replied, with the Assessor, Deputy County Attorney, and County Attorney copied, stating:

*“It appears the last known owner is Pearl G. Peterson.”* (emphasis added).

65. Subsequently, the Deputy County Attorney responded on behalf of the Assessor in a letter dated May 22, 2024 (see Exhibit 2), stating:

*“I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson.”* (emphasis added).

*B.2 – Decree of Heirship*

66. In the same May 22, 2024 letter on behalf of the Assessor in which Pearl G. Peterson was acknowledged as being the last known record-title owner, the Deputy County Attorney said that the Assessor’s records could not be changed because of an alleged “*gap in the chain of title for purposes of assessment records*” between Pearl G. Peterson and her heirs, from whom Plaintiff’s Parent acquired the Peterson Property.

67. The Assessor had publicly acknowledged accepting an affidavit of ownership from an affiliate of Vail Resorts to return the omitted East Vail property to the assessment roll and be recognized as the record-title owner of that property. Plaintiff had presented recorded affidavits of heirships.

68. Notwithstanding, to moot the Assessor’s concern and conclusively establish the link between Pearl G. Peterson and her heirs, Plaintiff obtained a Judgment and Decree Determining Heirs and Interest in Property (“Decree of Heirship”) from the Eagle County District Court on September 20, 2024, recorded at Reception No. 202411131. See Exhibit 3.

69. Under C.R.S. § 15-12-1306, a Decree of Heirship operates “*in like effect as if it were a deed of conveyance from the decedent to the heirs.*”

70. Moreover, the ARL expressly recognizes a Decree of Heirship as an instrument effecting the conveyance of title for assessment purposes.

B.3 – Summary of Unbroken Chain of Title

71. The public record maintained by the Eagle County Clerk and Recorder reflects an unbroken chain of title to the Peterson Property originating from an 1891 United States Patent, through a judicially confirmed 2024 Decree of Heirship, and culminating in the recorded deed from Plaintiff's Parent to Plaintiff in April 2025.

72. Despite repeated formal requests over the course of more than a year, Defendants have failed to identify a single recorded instrument within the Peterson Property chain of title that conflicts with Plaintiff's record-title ownership.

**Part C: The County's "Wild Deed" and Plan to Adjudicate it in a Quiet Title Action**

C.1 – Historical Separation of the River House Property and the Peterson Property

73. The adjacent River House Property was purchased in 1993 by a local real estate broker, Kit Williams (Seller), and his late wife.

74. The Seller has acknowledged obtaining a survey at the time of his purchase confirming the Peterson Property was not part of the River House Property. Furthermore, internal County communications reflect that various Eagle County departments and offices, including Assessor staff, knew prior to the County's 2023 negotiations to purchase of the River House Property, that the Peterson Property was a separate parcel and not owned by the Seller of the River House Property.

C.2 – The County's Negotiations to Purchase the River House Property

75. In the spring of 2023, Eagle County negotiated the purchase of the River House Property from the Seller.

76. The County and the Seller initially agreed to a \$3.2 million cash price for the River House Property.

77. Thereafter, in an email sent on April 25, 2023, the Seller proposed an “*idea which could be very tax beneficial to myself without any additional consequence for Eagle County,*” requesting the County “*consider amending the purchase agreement*” to gross-up the purchase price from \$3.2 million to \$3.8 million so the Seller could claim a \$600,000 charitable contribution for the difference. Notably, in this same email, the Seller stated that despite the proposed grossed-up purchase price, for title company purposes, the policy issued “*shall [still] be \$3,200,000.*” On information and belief, the title insurance policy for the River House Property was ultimately issued at \$3,800,000.

78. The former County Attorney responded that he would “*have to speak to the [Board of County Commissioners],*” and then subsequently agreed but stated that a new purchase agreement would be preferable over an amendment, writing to the Seller with the County CFO copied:

*“Since this will be a public document, I would rather not approve a 3.2 and then amend to 3.8. Harder to explain”* (emphasis added).

79. Eagle County and the Seller subsequently executed a Contract to Buy and Sell Real Estate (“Purchase and Sale Contract”) dated May 2, 2023, reciting a purchase price of \$3,800,000, consisting of \$3,200,000 in cash paid by Eagle County at closing and a Seller contribution in the amount of \$600,000.

80. The legal description of the Purchase and Sale Contract included only the River House Property, and not the adjacent Peterson Property.

C.3 – The County’s Wild Deed, Declared Intent to “Have Both,” and Quiet Title Action Plans

81. Following the Purchase and Sale Contract dated May 2, 2023, the former County Attorney—with full knowledge that the Seller had never appeared in the chain of title of the Peterson Property—solicited and obtained a quitclaim deed from the Seller to Eagle County for nominal consideration of \$10 (County’s Wild Deed).

82. Because the Seller has never appeared in the chain of title, the County’s Wild Deed is a legal nullity for purposes of the Assessor’s ministerial review. See Paragraph 162.D, *infra*.

83. At the May 16, 2023 public BOCC meeting to ratify the River House purchase, the County CFO stated that “*our intention is that we [Eagle County] will have both of those parcels,*” in reference to the River House Property and the Peterson Property.

84. Internal emails confirm the County planned from the outset to adjudicate the County’s Wild Deed through a quiet title action, with the former County Attorney stating he could “*clean it up after closing through a quiet title action*” and referencing an adverse possession claim based on the Seller’s use of a portion of the Peterson Property as a driveway for over 30 years.

C.4 – The Peterson Property’s Entanglement in a Questionable Tax Scheme

85. To justify the grossed-up \$3.8 million purchase price required for the Seller’s \$600,000 charitable deduction—which the Seller noted “*could possibly save several hundred thousand dollars*”—the County-commissioned appraisal applied dry-land values to submerged riverbed, which constitutes approximately 40% of the site.

86. Furthermore, the appraiser expanded the scope of the appraisal to include the Peterson Property, subject to an “*extraordinary assumption*” as it was phrased in the appraisal. The “*extraordinary assumption*” of the County-commissioned appraisal was that the Seller actually owned the Peterson Property in fee simple and that a “*quiet title action [would be] completed in the near future to confirm this.*” (emphasis added).

87. Recognizing Plaintiff as the record-title owner of the Peterson Property would directly contradict the “*extraordinary assumption*” underpinning the County’s \$3.8 million transaction.

#### C.5 – Temporal Context

88. The events described in this Part C occurred before Plaintiff’s Parent acquired the Peterson Property and before Plaintiff’s Parent and Plaintiff requested that the Assessor correct the assessment roll to reflect record-title ownership.

### **Part D: Successive Administrative Refusal and Shifting Justifications**

#### D.1 – Initial Request for Administrative Recognition of Record-Title Ownership

89. On April 8, 2024, Plaintiff’s Parent formally requested that the Assessor return the omitted Peterson Property to the assessment roll and list Plaintiff’s Parent (predecessor to Plaintiff) as the record-title owner based on the recorded deeds from the heirs of Pearl G. Peterson.

#### D.2 – Assessor’s Initial Recognition of Pearl G. Peterson as the Record-Title Owner

90. Ken Sexton of the Assessor’s office replied, with the Assessor, County Attorney, and Deputy County Attorney all copied, stating:

*“It appears the last known owner is Pearl G. Peterson. As title has not been properly transferred out of Pearl Peterson ownership, I have reached out to our attorney’s office for direction...”* (emphasis added).

91. On May 22, 2024, the Assessor, through the Deputy County Attorney, issued a letter also identifying Pearl G. Peterson as the last-known record-title owner prior to Plaintiff’s Parent’s purchase of the Peterson Property from her heirs (see Exhibit 2), writing:

*“I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson.”* (emphasis added)

92. However, the Assessor refused to list Plaintiff’s Parent, claiming in the May 22, 2024 letter that the recorded affidavits from Pearl G. Peterson’s heirs did not sufficiently “*close the gap in the chain of title*.”

### D.3 – Plaintiff’s Resolution of the Purported Heirship “Gap” via Judicial Decree

93. Rather than engage in further correspondence debating with the Assessor regarding the recorded affidavits and wills—or the Assessor’s disparate treatment in accepting an affidavit of ownership from an affiliate of Vail Resorts for its omitted East Vail property—Plaintiff’s Parent opted to moot the issue entirely.

94. To moot the Assessor’s purported concern and establish a conclusive link between Pearl G. Peterson and her heirs, Plaintiff’s Parent obtained a Judgment and Decree Determining Heirs and Interest in Property (Decree of Heirship) from the Eagle County District Court on September 20, 2024, recorded at Reception No. 202411131 (see Exhibit 3).

95. Plaintiff’s Parent subsequently notified the Assessor of the recorded Decree of Heirship and reiterated its request for administrative recognition of record-title ownership.

D.4 – Assessor’s Subsequent Reversal & New Shifting Excuses

96. However, following the Decree of Heirship and Plaintiff’s Parent’s reiterated request to be listed as the record-title owner of the Peterson Property, the Assessor reversed course without addressing the merits of the Decree of Heirship.

97. In a letter dated December 20, 2024 (see Exhibit 4), the Deputy County Attorney stated, on behalf of the Assessor, that the prior statements of both the Assessor’s office and the Deputy County Attorney that the last-known record-title owner prior to Plaintiff’s Parent’s purchase was Pearl G. Peterson (see Subpart D.2, supra) had been a “*misstatement of fact.*”

98. The Deputy County Attorney attempted to justify that these prior statements had been a “misstatement of fact” because there had been no quiet title action, stating:

*“I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination.”* (emphasis added)

99. The Deputy County Attorney, on behalf of the Assessor, then proceeded in the December 20, 2024 letter to list three new, never-before raised excuses.

Post Decree of Heirship / New Excuse #1  
“Various Interests” (But No Specifics)

100. The first new excuse raised was that the records of the Clerk and Recorder were insufficiently clear:

*“Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the ‘Peterson Property’...”* (emphasis added)

101. Plaintiff's Parent replied to Defendants in a letter dated April 10, 2025 (see Exhibit 5) detailing how the Peterson Property chain of title was objectively clear, and even included graphics corresponding to the legal descriptions of the chain of title to aid the Defendants.

102. Thereafter, the Deputy County Attorney responded on behalf of the Defendants in a letter dated May 6, 2025 (see Exhibit 8):

*"... the records of the Eagle County Clerk and Recorder reveal that there are various interests in the Property that cannot be determined with certainty by the Assessor."* (emphasis added).

103. Plaintiff's representative then submitted an open records request for the specific "various interests" (i.e., reception number and/or book and page) referenced by Defendants that could not be determined with certainty by the Assessor in the Clerk and Recorder's records.

104. In response, the Deputy County Attorney responded with simply the website address of the Clerk and Recorder's public search portal (see Exhibit 9). No specific "various interests" were provided, and despite repeated formal requests, Defendants still have not provided any specific "various interests."

Post Decree of Heirship / New Excuse #2  
Old Assessor's Tax Map (But Unrecorded & Logical Explanation)

105. As an example to support the new excuse that the records were too uncertain to ascertain the record-title owner (New Excuse #1, see supra), the Assessor's December 20, 2024 letter (see Exhibit 4) relied on an old Assessor's tax map:

*"Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the 'Peterson Property,' ... Enclosed is an Assessor's tax map from 1985 showing that even then the land was labeled as a right of way."* (emphasis added)

106. Plaintiff specifically addressed the Assessor’s old tax map in an April 10, 2025 letter to Defendants (see Exhibit 5), stating:

- A. *First*, that the Assessor’s old tax map was not located in the records of the Clerk and Recorder, but rather in the Assessor’s own records and that the Assessor’s non-discretionary statutory duty was limited to the Clerk and Recorder’s records;
- B. *Second*, even if the Assessor’s old tax map had been recorded with the Clerk and Recorder, a mere tax map does not constitute the creation of a right of way but rather a formal recorded grant would be necessary; and
- C. *Third*, the right of way referenced on the Assessor’s old tax map is not a *public* right of way, but instead refers to a *private* easement across a portion of the Peterson Property that was granted by the Petersons to Cleaver and Geneva Kettrey in 1955 (described in that grant as an “*easement of right-of-way*”) when the Kettreys purchased property owned by the Petersons south of U.S. Highway 6. Plaintiff emphasized that even the ARL expressly acknowledges that, while not mandatory, it may be helpful to include on a tax map “utility easements and other *private rights-of-way*” (emphasis added).

107. The private easement of right of way burdening a portion of the Peterson Property was again addressed in Plaintiff’s letter to Defendants dated May 5, 2025 (see Exhibit 6), with Plaintiff citing an internal Eagle County email from 2021 in which the Eagle County Surveyor also acknowledges the logical explanation for the right-of-way notation on the Assessor’s old tax map:

*“I question if there really is a county road easement on the east portion, I think it may have been just a deeded right of way as highlighted in Book 148, Page 147 [i.e., the grant from Petersons to Kettreys]...”* (emphasis added)

108. Moreover, internal County emails reflect that the Assessor’s office knew—and Mr. Sexton, the Cartographer Coordinator and sole employee of the Cartography Division based on the Assessor’s online staff directory, specifically knew—of the Assessor’s old tax map as early as January 2023. For temporal context, January 2023 was months before the County engaged in negotiations to purchase the River House Property; and Defendants only raised this issue for the first time after Plaintiff made several requests for the Peterson Property to be returned to the assessment roll and after Plaintiff conclusively overcame the Assessor’s initial objection—the purported “gap” between Pearl G. Peterson and her heirs—with the Decree of Heirship.

Post Decree of Heirship / New Excuse #3  
Ambiguous Legal Descriptions (But Defendants’ Confusion & New Deeds)

109. For the first time since they had been recorded nearly a year before, and despite the Assessor’s office and the Deputy County Attorney having both previously acknowledged reviewing the deeds six months earlier, the Assessor’s December 20, 2024 letter (see Exhibit 4) also claimed that the legal descriptions of the deeds from Pearl G. Peterson’s heirs to Plaintiff’s Parent were ambiguous and therefore defective.

110. Plaintiff’s Parent responded in its letter dated April 10, 2025 (see Exhibit 5) that Defendants were conflating ambiguity in a legal description with “over-description.” Plaintiff’s Parent explained that the legal descriptions of the deeds from Pearl G. Peterson’s heirs were based on the Public Land Survey System (PLSS) and were sufficiently clear to identify the Peterson Property.

111. Notwithstanding, to preempt potentially protracted deliberations and conclusively moot this purported concern, Plaintiff's Parent obtained new deeds with refined legal descriptions from the heirs of Pearl G. Peterson and recorded them in January 2025.

D.5 – Assessor's Final Explanation & Refusal to Perform His Statutory Ministerial Duties

112. On July 22, 2025, Plaintiff forwarded the Assessor an email and attached letter previously sent to the CBOE. In this July 22 email chain, Plaintiff again requested that the Assessor perform his statutory duty to make an objective, ministerial review of the Clerk and Recorder's records.

113. The Assessor replied on July 25, 2025, stating:

*"This office has historically shown the subject land to be a right of way. A decree of quiet title is required for me to change my records."* (emphasis added).

114. Plaintiff replied, and again addressed the Assessor's old tax map, reiterating prior formal communications to Defendants (see New Excuse #2, supra).

115. In Plaintiff's reply, Plaintiff also asked for clarification of the prior "*various interests*" reference, and if this was still a concern, to please provide specific reception numbers or books and pages of such "*various interests*" of concern.

116. In response, the Assessor replied without addressing Plaintiff's request for specific "*various interests*," stating only:

*"I gave you my answer. You need to seek a Decree of Quiet Title."* (emphasis added).

117. A copy of this correspondence is attached at Exhibit 11.

D.6 – The CBOE’s Repeated Refusal to Exercise its Mandatory Statutory Oversight Duty

118. After obtaining the Decree of Heirship and in light of the Assessor’s newly asserted justifications set forth in its December 2024 letter for refusing to administratively recognize Plaintiff’s Parent as the record-title owner, Plaintiff’s Parent filed, in February 2025, an action against the Assessor seeking a declaratory judgment that Plaintiff’s Parent was the record-title owner of the Peterson Property.

119. Prior to service of that action, Plaintiff’s Parent became aware that the County Board of Equalization (CBOE) possessed a mandatory statutory duty under C.R.S. § 39-8-102(1) to direct the Assessor to correct omissions on the assessment roll. In order to pursue the statutory administrative remedy available through the CBOE, Plaintiff’s Parent voluntarily withdrew the declaratory judgment action before service and petitioned the CBOE to perform its oversight duty.

120. On April 10, 2025 (see Exhibit 5), and May 5, 2025 (see Exhibit 6), Plaintiff’s Parent and Plaintiff petitioned the CBOE to exercise its mandatory statutory oversight duty under C.R.S. § 39-8-102(1) to direct the Assessor to return the omitted property to the assessment roll.

121. The CBOE, through counsel, refused, asserting it had “*no statutory authority to interfere*” and directing Plaintiff to adjudicate the matter in a quiet title court action (see Exhibit 7).

122. Plaintiff subsequently sent a letter dated July 15, 2025 (see Exhibit 10) and recorded presentations in August 2025 (see Exhibits 12 and 13) to the CBOE outlining their statutory duty, to no avail.

## **Part E: Vail Resorts' Omitted East Vail Property & Disparate Treatment**

### *E.1 – Omitted East Vail Property*

123. A 23.3-acre parcel of land in East Vail (the “East Vail Property”) was omitted from the Eagle County assessment roll for several decades.

124. County records reflect that the East Vail Property originated from a 19th-century federal land patent and was removed from the assessment roll in the mid-to-late 1960s after being mistakenly identified as state-owned property.

125. As reported in the *Vail Daily* (July 21, 2019), Defendant Assessor Mark Chapin stated that his staff researched the Clerk and Recorder’s records, purportedly tracing the chain of title all the way back to the 1899 patent, and determined that an affiliate of Vail Resorts, through its corporate predecessors, was the record-title owner of the East Vail Property.

### *E.2 – Return of the Omitted East Vail Property to the Assessment Roll*

126. The period during which the East Vail Property was omitted included corporate transitions involving Trans Montane Company, Vail Associates, and ultimately Vail Resorts.

127. In June 2017, an affiliate of Vail Resorts filed an affidavit of ownership with the Assessor’s office. Defendant Chapin thereafter listed that affiliate as the record-title owner and returned the East Vail Property to the assessment roll.

128. Defendant Chapin did not require the Vail Resorts affiliate to initiate a quiet title action or obtain a judicial adjudication of ownership before listing the property on the assessment roll.

E.3 – Different Administrative Requirements Imposed on Plaintiff

129. Both the East Vail Property and the Peterson Property were omitted from the assessment roll for decades and required the Assessor to determine record-title ownership by reviewing the Clerk and Recorder’s records.

130. The Assessor returned the East Vail Property to the assessment roll and listed an affiliate of Vail Resorts as the record-title owner administratively. In contrast, when Plaintiff’s Parent and Plaintiff presented recorded deeds and a judicial Decree of Heirship regarding the Peterson Property, the Assessor declined to list Plaintiff as the record-title owner on the assessment roll and required Plaintiff to obtain a decree quieting title after “*a complete adjudication of rights in the land.*”

131. Furthermore, when Plaintiff’s Parent and Plaintiff petitioned the County Board of Equalization (CBOE) to direct the Assessor to return the Peterson Property to the assessment roll pursuant to the CBOE’s mandatory statutory oversight duty, the CBOE declined to do so.

**Part F: Callous Indifference and Deliberate Obstruction**

F.1 – Statement Regarding Litigation Posture

132. In a December 14, 2023 discussion concerning the Peterson Property, the former County Attorney threatened to use the “*full resources*” of the County to frustrate Plaintiff’s Parent’s efforts and “*bury*” Plaintiff’s Parent in litigation.

F.2 – No Specific “Various Interests”

133. After Plaintiff’s Parent obtained the Decree of Heirship, Defendants shifted their justification to a new assertion that the chain of title was insufficiently clear—despite having

represented to Plaintiff's Parent on two prior occasions that Pearl G. Peterson was the last known record-title owner. In response, Plaintiff's representative submitted a request under the Colorado Open Records Act (CORA) explicitly seeking the *specific* recorded instruments (e.g., reception number or book and page) that Defendants purportedly relied upon. This request specifically targeted a May 6, 2025 letter (see Exhibit 8) from the Deputy County Attorney—acting on behalf of the Assessor—which refused to recognize Plaintiff as the record-title owner by claiming:

*“...the records of the Eagle County Clerk and Recorder reveal that there are various interests in the [Peterson] Property that cannot be determined with certainty by the Assessor.”* (emphasis added)

134. Tellingly, the County failed to identify a single specific recorded instrument in response. Instead of producing the actual recorded instruments upon which the Assessor ostensibly based his official administrative determination, the County simply directed Plaintiff to the Clerk and Recorder's general public search portal. In a May 9, 2025 response (see Exhibit 9) to Plaintiff's CORA request, the Deputy County Attorney stated:

*“In any event, any public records responsive to the May 6 Request are available for public inspection through the Eagle County Clerk and Recorder's online records portal, which is available at: <https://acclaim.eaglecounty.us/AcclaimWeb/>.”*

135. This response highlights a fundamental inconsistency in Defendants' position: they cannot simultaneously claim that a ministerial review of objective public records compels them to deny Plaintiff's record-title ownership, while remaining entirely unable to identify those specific recorded instruments. Either these conflicting “various interests” do not actually exist within the recorded chain of title, or Defendants are intentionally concealing the very public records they claim justify their refusal to perform a mandatory statutory duty.

F.3 – Frustration of Transparency

136. In 2024, Plaintiff’s Parent submitted an open records request to Eagle County, which an associate in the County Attorney’s Office processed for a billed total of approximately eight hours. In 2025, Plaintiff’s Parent submitted a supplemental request simply to bring the 2024 production current. This update was expressly narrower in subject matter and covered only the brief temporal gap since the original production.

137. By the time of the 2025 request, Chirstina Hooper, the Deputy County Attorney, had assumed responsibility for responding. Despite the fact that Plaintiff’s Parent was merely updating a prior, broader request, the Deputy County Attorney advised Plaintiff’s representative that the new cost estimate would significantly exceed the total cost of the 2024 production. To justify this discrepancy, the Deputy County Attorney claimed the earlier request had been severely underbilled.

138. Based on the County’s own production timeline for the 2024 records, the Deputy County Attorney’s post hoc justification strains credibility mathematically and practically. To accept this explanation, one must believe that the associate attorney worked on the original request for nine consecutive days, yet inexplicably failed to bill for eight of those nine days—all without anyone in the County Attorney’s Office noticing the unbilled labor.

F.4 – Assessor’s Office Attempt to Recast History in Defendants’ Favor

139. Assessor’s staff member Ken Sexton, the Assessor’s Cartographer Coordinator and sole employee of the Cartography Division based on the Assessor’s online staff directory, attempted to retroactively rewrite the factual history of the Peterson Property to favor Eagle

County. Specifically, in a February 13, 2025 email to the President of the Edwards Metro Board—a publicly elected official—Mr. Sexton falsely claimed that the gap was a recent discovery, stating:

*“It wasn't until a survey was done when the [River House] property was being sold did they realize the legal description in the chain of title did not include a roughly 49' strip [the Peterson Property].”*

140. This narrative is demonstrably false and directly contradicted by Mr. Sexton’s own prior correspondence. Two years earlier on January 3, 2023—months before the County even began negotiations to purchase the adjacent River House Property—Mr. Sexton emailed the Eagle County Surveyor acknowledging that the Seller of the River House Property “*already knows that [the Peterson Property] is not part of his deeded property.*”

141. In 2008, the Colorado legislature amended the adverse possession statute to require that a claimant possess a good-faith belief of ownership. By falsely pitching a belated “discovery,” the Assessor’s office is actively attempting to fabricate the facts necessary to satisfy this statutory good-faith requirement.

## **Part G: Ratification by Final County Policymakers**

### *G.1 – Commissioners as Final Policy Makers and Members of the CBOE*

142. Defendants Tom Boyd, Jeanne McQueeney, and Matt Scherr are the elected County Commissioners of Eagle County and collectively constitute the Board of County Commissioners (BOCC). By virtue of their offices, they also serve as the sole members of the County Board of Equalization (CBOE).

143. In their capacity as members of the CBOE, the Commissioners are statutorily required under C.R.S. § 39-8-102(1) to direct the Assessor to correct omissions on the assessment roll after such omissions come to their attention. Although the CBOE does not itself modify the assessment roll, it possesses mandatory statutory authority to order the Assessor to do so.

G.2 – Knowledge of the County's Intent & Quiet Title Adjudication Strategy

144. At the May 16, 2023 public BOCC meeting where the Commissioners voted to ratify the contract to purchase the River House Property, the County's CFO stated to the Commissioners prior to the vote that "*... our intention is that we [Eagle County] will have both [the River House Property and the Peterson Property].*"

145. Internal communications reflect that County officials anticipated pursuing a quiet title action to adjudicate the County's Wild Deed and potential adverse possession claim regarding the Peterson Property.

146. Plaintiff's Parent and Plaintiff subsequently provided the Commissioners with formal notice via letters dated April 10, 2025 (see Exhibit 5), May 5, 2025 (see Exhibit 6), and July 15, 2025 (see Exhibit 10), and through two recorded presentations submitted in August 2025 (see Exhibits 12 and 13), that Defendants were impermissibly conditioning the performance of the Assessor's mandatory statutory duty on Plaintiff initiating a quiet title action to adjudicate the County's Wild Deed. In these notices, Plaintiff further detailed specific acts of bad faith by County personnel relating to the Peterson Property (see Part F, supra).

G.3 – Failure to Perform Mandatory Oversight Duties

147. Plaintiff’s Parent and Plaintiff formally brought the omission of the Peterson Property to the attention of the CBOE through the written submissions and recorded presentations described above.

148. After receiving such notice, the Commissioners, acting in their capacity as members of the CBOE, did not direct the Assessor to correct the omission of the Peterson Property from the assessment roll as required by C.R.S. § 39-8-102(1).

149. Instead, through counsel, the CBOE advised Plaintiff to pursue a judicial quiet title action—an action that would entail adjudication of the County’s Wild Deed.

**Part H: Concrete Harms from Defendants’ Refusal to Perform Mandatory Duties**

H.1 – Imposition of a Quiet Title Action as a Condition of Administrative Recognition

150. Colorado law requires the Assessor to ascertain record-title ownership based on an objective, ministerial review of the records of the Clerk and Recorder.

151. However, Defendants have conditioned administrative recognition of Plaintiff as the record-title owner of the Peterson Property on Plaintiff’s initiation of a judicial quiet title action and, as explicitly stated by Defendants’ Deputy County Attorney, “*a complete adjudication of rights in the land*” (see Exhibit 4)—which would include the County’s Wild Deed.

152. If Defendants believe that the high standards for prevailing on a claim of adverse possession have been met and that the County’s Wild Deed to the Peterson Property has value, the appropriate and lawful process is for the Assessor to first fulfill his mandatory statutory duty to administratively list Plaintiff as the record-title owner. Thereafter, the County remains free to assert a claim of adverse possession as a plaintiff in a judicial quiet title action.

153. There is no statutory basis for imposing the judicial standard of a “*complete adjudication of rights*” as a precondition for administrative recognition of Plaintiff as the record-title owner when the chain of title for the Peterson Property, based on the records of the Clerk and Recorder, is not disputed.

*H.2 – Impairment of Cooperative Property Solutions*

154. Because a quiet title action is designed to comprehensively resolve all potential claims in a single proceeding, Defendants' insistence on a “*complete adjudication of rights*” in a quiet title action would force Plaintiff to initiate litigation against others—not just the County—depriving Plaintiff of the opportunity to pursue practical and cooperative solutions in its capacity as the recognized record-title owner.

155. Specifically, Defendants' ongoing refusal to list Plaintiff as the record-title owner actively impedes Plaintiff from exercising its rights, in its capacity as the recognized record-title owner, to amicably resolve a possible minor physical encroachment with the neighboring trailer park. Any such encroachment, to the extent it implicates marketable title considerations, does not alter the objective determination of record-title ownership required of the Assessor.

156. Also, while Plaintiff's site plan accommodates an existing private easement across a portion of the site, Defendants' ongoing refusal to list Plaintiff as the record-title owner obstructs Plaintiff's ability to negotiate and execute alternatives to the easement in Plaintiff's capacity as the recognized record-title owner of the Peterson Property.

H.3 – Financial Burden and Delay

157. Defendants’ continued insistence on a quiet title action to establish record-title ownership forces Plaintiff to initiate complex, likely multi-party property litigation—and incur the significant added costs and delays thereof—simply to establish judicially what Plaintiff is statutorily entitled to obtain administratively.

158. Moreover, Plaintiff has proposed a price-capped affordable housing development on the Peterson Property. The financial feasibility of affordable housing developments of this nature depends directly on avoiding unnecessary litigation. Defendants’ arbitrary procedural hurdle jeopardizes the proposed development.

H.4 – Impairment of Legal Presumptions Associated with Record Title

159. Under Colorado law, record-title ownership carries significant legal presumptions against hostile claims such as adverse possession.

160. By refusing to perform their mandatory ministerial duties, Defendants require Plaintiff to establish record-title ownership as a threshold issue in litigation before Plaintiff can access the very legal presumptions and protections of record-title ownership that Plaintiff is already entitled to administratively.

**VI. Chronologic Summary of Formal Notice to Defendants**

161. April 8, 2024 – Plaintiff’s Parent’s Request to Assessor to Return the Omitted Peterson Property to the Assessment Roll & Administrative Recognition as the Record-Title Owner

A. On April 8, 2024, having completed the purchase of the Peterson Property from the heirs of Pearl G. Peterson, Plaintiff's Parent sent an email to the Assessor informing him of the completed purchase and requesting that the omitted Peterson Property be returned to the assessment roll and Plaintiff's Parent be administratively recognized as the record-title owner.

B. The email was directed internally to Ken Sexton, who replied:

*"We are aware of the quitclaim deeds recorded in previous months, but we did not process any ownership changes as we did not recognize the grantors as being part of the chain of title. It appears the last known owner is Pearl G. Peterson. As title has not been properly transferred out of Pearl Peterson ownership, I have reached out to our attorney's office for direction and have been told the earliest they can review the issue is next week."*

162. May 22, 2024 – First Assessor Letter (see Exhibit 2)

A. Consistent with Mr. Sexton's April 2024 email, Christina Hooper, the Deputy County Attorney, responded to Plaintiff's Parent on behalf of the Assessor in a letter dated May 22, 2024 ("First Assessor Letter"):

*"I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson. None of the grantors identified in any of the conveyance documents of record in the C&R Records, or that you provided to the Assessor are Pearl G. Peterson. Affidavits of individuals claiming to be heirs of the record-title owner do not transfer ownership, nor do they close the gap in the chain of title for purposes of assessment records. As such, the Assessor's records cannot be legally changed at this time. Please feel free to contact me with any questions."*

B. In the First Assessor Letter, Ms. Hooper's actual and documented knowledge of the Assessor's duties was on full display.

- C. For example, in the First Assessor Letter, Ms. Hooper correctly states the Assessor's duty to ascertain ownership based exclusively on the records of the Clerk and Recorder:

*“The Assessor is statutorily required to list all taxable real property in the county and ascertain ownership of all real property pursuant to the records of the county clerk and recorder (“C&R Records”). C.R.S. § 39-5-101; C.R.S. § 39-5-102(1).” (emphasis added).*”

- D. Likewise, in the First Assessor Letter, Ms. Hooper correctly described the effect of a “wild deed” on the Assessor’s statutory duty (albeit in the context of Ms. Hooper’s purported claim that the deeds obtained from Pearl G. Peterson’s heirs, prior to the Decree of Heirship, were wild deeds; but Ms. Hooper’s assessment applies equally to the County’s Wild Deed):

*“An instrument that appears of record in the C&R Records that purports to affect title to real property, but which is executed by one who has no record interest in the real property on the date it is recorded, is considered a “wild deed” outside the chain of title. GMAC Mort. Corp v. PWI Group, Colo. App., 155 P.3d 556, 557 (2006). Correspondingly, the Colorado Property Tax Administrator’s Assessor Reference Library Manuals, published pursuant to C.R.S. § 39-2-109(1)(e), which is binding on the sixty-three Colorado county assessors, dictates that “the grantor’s name on the deed must match the assessor’s ownership records” before the assessor may change his or her official records. 2 ALR §3.61; Huddleston v. Grand Cty Bd. of Equalization, 913 P.2d 15, 17 (Colo. App. 1996). In accordance with these authorities, the Assessor must list ownership of property based on records inside the chain of title – and cannot change his records based on wild deeds outside of the chain of title, or based on asserted claims or asserted property rights. Mook, 2020 CO 12 ¶¶79-81; Hinsdale Cty Bd. of Equalization v. HDH P’ship, 2019 CO 22 ¶¶ 24-26.”*

163. September 20, 2024 – Decree of Heirship (see Exhibit 3)

- A. Plaintiff's Parent obtained and recorded in the Clerk and Recorder's records a formal "*Amended Judgment and Decree Determining Heirs or devisees or Both, and of Interests in Property*" (Decree of Heirship) from the Eagle County District Court to conclusively satisfy the purported concern of Mr. Sexton and Ms. Hooper of a gap in the chain of title between the last known record title owner, Pearl G. Peterson, and her heirs, from whom Plaintiff's Parent purchased the Peterson Property.
  - B. Under Colorado law, a Decree of Heirship operates "*in like effect as if it were a deed of conveyance from the decedent to the heirs.*" C.R.S. § 15-12-1306.
  - C. Having conclusively mooted the "gap concern" between Pearl G. Peterson and her heirs with the Decree of Heirship, Plaintiff's Parent reiterated its request for the omitted Peterson Property be returned to the assessment roll and Plaintiff's Parent be administratively recognized as the record-title owner.
164. December 20, 2024 – Second Assessor Letter (Exhibit 4)
- A. Following the Decree of Heirship and Plaintiff's Parent's request in September 2024, Christina Hooper, the Deputy County Attorney, responded on behalf of the Assessor in a letter dated December 20, 2024 ("Second Assessor Letter").
  - B. Ms. Hooper's actual and documented knowledge of the Assessor's duties that had been on full display in the First Assessor Letter inexplicably vanished in the Second Assessor Letter following the Decree of Heirship, where Ms. Hooper reversed her prior position that Pearl G. Peterson was the last known record-title owner without addressing the merits of the Decree of Heirship, stating:

*“I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination.”*

- C. Ms. Hooper proceeded to offer various new and never-before raised excuses—including the unrecorded 1985 tax map—to justify a quiet title action, concluding the letter as follows:

*“As such, the Assessor’s records cannot be legally changed without an order and decree quieting title after a complete adjudication of rights in the land. Please feel free to contact me with any questions.”*

165. April 10, 2025 – April 2025 Letter to CBOE (Exhibit 5)

- A. A letter dated April 10, 2025 was sent to the CBOE notifying them of the omitted Peterson Property and requesting that they instruct the Assessor to return the Peterson Property to the assessment roll pursuant to their mandatory statutory duty of C.R.S. § 39-8-102(1).
- B. In the April 2025 Letter to the CBOE, the errors of the Second Assessor Letter from December 2024 were addressed and the CBOE and Assessor’s statutory duties were outlined.

166. May 5, 2025 – May 2025 Letter to CBOE & Assessor (Exhibit 6)

- A. A letter dated May 5, 2025 was sent to the CBOE and Assessor detailing how the Peterson Property became entangled in a questionable tax scheme and requesting that the flawed appraisal used to support the County’s purchase of the River House Property not be extended to Plaintiff following the Assessor’s administrative recognition of Plaintiff as the record-title owner of the Peterson Property. Also

included was the County Surveyor's acknowledgment of the right-of-way notation being a private easement.

167. May 6, 2025 – CBOE & Assessor Responses (Exhibit 7 & Exhibit 8)

- A. In separate letters for the CBOE and Assessor, Christina Hooper, the Deputy County Attorney replied on behalf of the CBOE and Assessor (with both the CBOE and Assessor copied in each) that a quiet title action was required, stating:

*“Under Colorado law, actions to adjudicate property rights are properly resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedures.”*

- B. In the Assessor's reply, Ms. Hooper stated as justification for requiring a quiet title action:

*“First, the Property has historically been identified in the Assessor's records as a general right of way area without an owner of record. No taxes have been assessed on this right of way area. Second, the records of the Eagle County Clerk and Recorder reveal that there are various interests in the Property that cannot be determined with certainty by the Assessor.”*

- C. In response, Plaintiff submitted an open records request under the Colorado Open Records Request for the specific “*various interests*” within the Clerk and Recorder's records that could not be determined with certainty.

168. May 9, 2025 – Open Records Response for Specific “*Various Interests*” (Exhibit 9)

- A. Christina Hooper, the Deputy County Attorney, did not provide any specific “*various interests*,” but rather simply the public search portal of the Clerk and Recorder's website, stating:

*“In any event, any public records responsive to the May 6 Request are available for public inspection through the Eagle County Clerk and*

*Recorder's online records portal, which is available at:  
<https://acclaim.eaglecounty.us/AcclaimWeb/>.”*

169. July 15, 2025 – July 2025 Letter to CBOE (Exhibit 10)

- A. A letter dated July 15, 2025 was sent to the CBOE reiterating the applicable statutory duties and request for the CBOE to instruct the Assessor to return the omitted Peterson Property to the assessment roll.

170. July 2025 – July 2025 Assessor Email Correspondence (Exhibit 11)

- A. In July 2025, Plaintiff forwarded the July 15 Letter to the Assessor directly.
- B. In this email chain, the Assessor provided his final answer that a quiet title action was required based on the unrecorded 1985 tax map, stating:

*“This office has historically shown the subject land to be a right of way. A decree of quiet title is required for me to change my records.”*

- C. And then:

*“I gave you my answer. You need to seek a Decree of Quiet Title.”*

171. August 2, 2025 – First August 2025 Narrated Video Presentation (Exhibit 12)

- A. A narrated video presentation was sent on August 2, 2025 to the Commissioners and Assessor covering: the proposed Left Bank affordable housing development and its six price-capped units; the Peterson Property and Plaintiff's request to return it to the assessment roll; an overview of record-title ownership and the distinction between record-title ownership and marketable title; the repeated requests and Defendants' failure to identify any conflicting recorded interests; the County's competing claim to the Peterson Property through the County's Wild Deed and its potential adverse possession strategy affecting the Peterson Property and the property interests of

approximately thirty other Eagle County property owners; the County's purchase of the River House Property based on an appraisal that valued submerged riverbed the same as dry buildable land and a questionable tax structure; and the chain of title establishing Plaintiff as the record-title owner of the Peterson Property.

172. August 24, 2025 – Second August 2025 Narrated Video Presentation (Exhibit 13)

A. A second narrated video presentation was sent on August 24, 2025 to the Commissioners and Assessor covering: the specific request for administrative recognition of Plaintiff as the record-title owner; a detailed instrument-by-instrument walk-through of the objectively clear Peterson Property chain of title; the statutory distinction between record-title ownership—which the Assessor is mandated to ascertain from the Clerk and Recorder's records—and marketable title—which is properly adjudicated in a quiet title action; the Assessor's continued legally incorrect insistence on a quiet title action to establish record-title ownership; and specific documented evidence of bad faith and abuse of power including the former County Attorney's litigation threats, the Assessor's pattern of shifting and incoherent excuses, the stonewalling of requests to identify specific conflicting recorded interests, and the Assessor's staff's deliberate recasting of historical facts to manufacture the good-faith predicate required for the County's adverse possession claim.

173. August 26, 2025 – Defendants' Response (Exhibit 14)

A. On August 26, 2025, Christina Hooper, the Deputy County Attorney, responded on behalf of the CBOE in a letter that formally acknowledged that the CBOE had received the requests dated April 10 (Exhibit 5), July 15 (Exhibit 10), August 2

(Exhibit 12), and August 24, 2025 (Exhibit 13) (the latter two consisting of the narrated video presentations).

B. Ms. Hooper concluded the letter by formally ratifying the Assessor's refusal, stating:

*“Finally, as the CBOE indicated on May 6, 2025, actions to adjudicate property rights are properly brought in and resolved by the Colorado Courts under C.R.C.P. 105.”*

C. Ms. Hooper’s reference to C.R.C.P. 105 is the Colorado rule of civil procedure pertaining to quiet title actions.

D. Ms. Hooper also asserted in the August 26 letter that Plaintiff’s representative’s direct communications with the elected Commissioners—in their capacity as CBOE members exercising public governmental authority—violated Colorado Rule of Professional Conduct 4.2, and directed that all further communications be routed through the Eagle County Attorney's Office.

E. Plaintiff’s representative responded, noting Comment 5 to Rule 4.2 and the constitutional right to petition government under both the United States and Colorado Constitutions expressly preserves the right to communicate directly with governmental officials exercising public authority.

[continued on the following page]

**VII. CAUSE OF ACTION**

**COUNT ONE**

**42 U.S.C. § 1983**

**VIOLATION OF THE FOURTEENTH AMENDMENT**

**Procedural Due Process**

**(Against Defendant Board of County Commissioners  
of the County of Eagle, Colorado in its Official Capacity,  
and Against Defendants Chapin, Boyd, McQueeney, and Scherr  
in their Official and Individual Capacities)**

174. The preceding paragraphs are incorporated and realleged herein.

175. The Due Process Clause of the Fourteenth Amendment prohibits state and local governmental entities and their officers from depriving any person of property without due process of law.

176. *Constitutionally Protected Property Interest*: Based on the records of the Eagle County Clerk and Recorder, Plaintiff is the record-title owner of the Peterson Property and despite repeated requests Defendants have not identified any recorded interests that conflict with Plaintiff's recorded chain of title. Plaintiff's record-title ownership of the Peterson Property is a constitutionally protected property interest under the Due Process Clause. *Board of Regents v. Roth*, 408 U.S. 564 (1972); *Perry v. Sindermann*, 408 U.S. 593 (1972).

177. Defendants have deprived Plaintiff of due process in two distinct and independent respects.

178. *First: Failure to Provide the Process that was Due.*

A. Under Colorado law, the process due to Plaintiff by the Eagle County Assessor is a non-discretionary statutory duty to recognize record-title ownership based on the recorded chain of title within the Clerk and Recorder's records. C.R.S. §§ 39-5-102(1) and 39-5-125(1). Wading outside of the recorded chain of title is not only inconsistent

with the express language of C.R.S. § 39-5-102(1)— “[o]wnership of real property shall be ascertained by the assessor from the records of the county clerk and recorder...” (emphasis added), but also published opinions of the Colorado Supreme Court that expressly require the Assessor to ascertain record-title ownership based exclusively on the Clerk and Recorder's records. *Mook v. Bd. of Cty Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (2020) (Kelly holding of the consolidated opinion); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019).

- B. Yet after shifting and inconsistent excuses, the Assessor impermissibly waded outside of the Clerk and Recorder's records to rely on an unrecorded 1985 Assessor's tax map in the Assessor's own files. See Exhibit 11, where the Assessor stated: “*This office [i.e., the Assessor's office] has historically shown the subject land to be a right of way. A decree of quiet title is required for me to change my records...*” and “*I gave you my answer. You need to seek a Decree of Quiet Title.*” The right-of-way notation on that map has a logical explanation that the County Surveyor has previously acknowledged (it reflects a private easement granted by the Petersons in 1955, not a public right-of-way), there is no corresponding recorded grant of a public right of way in the records of the Clerk and Recorder, and the Assessor's own most recently published tax map available for download from the Assessor's website no longer contains the notation.
- C. Under Colorado law, the process due to Plaintiff by the CBOE, constituting the elected Commissioners of the County, is to “*[direct] the assessor to supply any*

*omissions which may come to its attention.”* C.R.S. § 39-8-102(1). Moreover, the ARL interprets the foregoing statute, stating the CBOE's duty as: “*The county board of equalization shall order the assessor to add to the assessment roll any omitted property which has come to its attention, § 39-8-102(1), C.R.S.*” (emphasis added).

- D. Plaintiff brought to the CBOE's attention on multiple occasions the omission of the Peterson Property from the assessment roll, informed the CBOE of its statutory oversight duty, and expressly requested that the CBOE exercise its non-discretionary duty to instruct the Assessor to return the omitted Peterson Property to the assessment roll. Through the Deputy County Attorney, the CBOE responded: “*as the CBOE indicated on May 6, 2025, actions to adjudicate property rights are properly brought in and resolved by the Colorado Courts under C.R.C.P. 105.*” C.R.C.P. 105 is the Colorado Rule of Civil Procedure for quiet title actions where the County's Wild Deed and its claim of adverse possession would be required to be adjudicated.

179. *Second: The County as a Competitor.*

- A. Not only did the Assessor and CBOE violate express statutory language and published Colorado Supreme Court opinions, but did so for partisan reasons—specifically to force a judicial proceeding in which the County's Wild Deed and its competing adverse possession claim to the Peterson Property would be adjudicated, thereby using their exclusive governmental authority over the mandatory ministerial process to advance the County's competing claim to the same property.
- B. The Supreme Court has long held that due process is violated when a decisionmaker has a direct financial stake in the outcome. *Tumey v. Ohio*, 273 U.S. 510 (1927). This

principle extends beyond personal financial gain to institutional arrangements in which the governmental entity on whose behalf a decisionmaker acts holds a competing proprietary interest in the subject matter of the proceeding. *Ward v. Village of Monroeville*, 409 U.S. 57 (1972); *Gibson v. Berryhill*, 411 U.S. 564 (1973). Under this framework, the relevant question is not whether the individual decisionmaker personally profits, but whether the governmental entity has a financial or proprietary stake in the outcome that creates an unconstitutional structural conflict.

180. *Legally Prescribed Process Available to Defendants*: Again, the County has every right to assert an adverse possession claim, but Defendants cannot deprive Plaintiff of due process by taking the administrative recognition of record-title ownership hostage to gain an advantage and/or to avoid the political and public consequences of acknowledging that the County's multi-million dollar acquisition did not include the Peterson Property. The legally prescribed process would be to *first* recognize Plaintiff as the record-title owner, *then* assert in a quiet title action the County's adverse possession claim based on the County's Wild Deed. This, however, is not the process provided.

181. *Immunity Not Warranted*:

A. “*Immunity generally is available only to officials performing discretionary functions.*” (emphasis added). *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). This is logical: immunity is designed to protect officials making tough “discretionary” calls—often with no playbook and on the fly. Immunity is not intended to benefit officials that repeatedly and intentionally refuse to perform “non-discretionary” ministerial tasks, under no time constraints, with clear guidelines in the form of

statutes, Colorado Supreme Court rulings and the Assessors' Reference Library (and particularly not when the refusal is to further the government's position as a competitor).

- B. The process that the Assessor intentionally deprived Plaintiff of is a non-discretionary ministerial duty to make an objective review of the recorded chain of title within the Clerk and Recorder's records to ascertain the record title-owner. C.R.S. §§ 39-5-102(1) and 39-5-125(1); *Mook v. Bd. of Cty Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (2020); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019). Likewise, the process that the individual CBOE members intentionally deprived Plaintiff of is a non-discretionary duty to direct the Assessor to return omitted property to the assessment roll after it has come to its attention. C.R.S. § 39-8-102(1); Assessors' Reference Library, Volume 2, Chapter 3—Specific Assessment Procedures, "Omitted Property," item #6. The public policy reasoning of granting public officials qualified immunity is not present when the officials' actions are non-discretionary, and this is particularly true here with the backdrop of the Defendants' abusing their government power to deprive Plaintiff of record-title ownership and instead attempting to force a quiet title action where the County's Wild Deed could be adjudicated.
- C. Irrespective of the discretionary and non-discretionary distinction, the individual Defendants do not warrant qualified immunity because when the law is clearly established “...*the immunity defense ordinarily should fail, since a reasonably*

*competent public official should know the law governing his conduct.” Harlow v. Fitzgerald, 457 U.S. 800 (1982).*

- D. Here, the law is clearly established that record-title ownership is to be based on the recorded chain of title as reflected in the Clerk and Recorder's records, and that the Assessor is not to wade outside of these records. C.R.S. §§ 39-5-102(1) and 39-5-125(1); *Mook v. Bd. of Cty Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (2020); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019).
- E. Moreover, the Assessor and CBOE members made the decision not to fulfill their mandatory duties and the law that decision-makers cannot simultaneously also be competitors was well established by Supreme Court rulings in *Tumey v. Ohio*, 273 U.S. 510 (1927), *Ward v. Village of Monroeville*, 409 U.S. 57 (1972), and *Gibson v. Berryhill*, 411 U.S. 564 (1973).
- F. Also, Plaintiff's Parent and Plaintiff formally notified each individual Defendant of their specific statutory obligations through three formal letters and two video presentations. See Part VI – Chronologic Summary of Formal Notice to Defendants, *supra*.
- G. Moreover, the Assessor's treatment of the previously omitted East Vail property confirms his understanding of his statutory duties—he relied on the Clerk and Recorder's records to list the Vail Resorts affiliate as the record-title owner without requiring a quiet title action. The Assessor's deliberate deviation from that correct procedure for Plaintiff, whose property the County claims, is itself evidence that he

knew exactly what the law required and chose not to follow it. The well-publicized nature of the East Vail property's return to the assessment roll provided the Commissioners—who are the exclusive members of the CBOE—with knowledge of the correct statutory procedure. Moreover, Plaintiff expressly emphasized the Assessor's treatment of the East Vail property to the CBOE on multiple occasions.

H. Finally, Defendants' counsel, Ms. Hooper, was clearly aware of the applicable law—having correctly stated it in the First Assessor Letter of May 2024—only to then deliberately abandon that correct legal standard following the Decree of Heirship. Defendants ratified Ms. Hooper's intentional disregard for the applicable law by failing to take any corrective action after Plaintiff's Parent and Plaintiff formally notified the individual Defendants on multiple occasions of Ms. Hooper's deliberate departure.

182. *Ratification as Official Government Policy:* The Assessor's refusal and the CBOE's ratification of that refusal constitute official policy attributable to Eagle County. Plaintiff brought to the CBOE's attention on multiple occasions the omission of the Peterson Property from the assessment roll. Under C.R.S. § 39-8-102(1) and the ARL, the CBOE is statutorily required to exercise its oversight authority to direct the Assessor to correct omissions upon the omission coming to the CBOE's attention. Yet the CBOE—consisting exclusively of the County Commissioners—affirmatively ratified the Assessor's impermissible refusal based on an unrecorded 1985 Assessor's tax map rather than exercise its mandatory oversight authority. In doing so, the CBOE affirmed the Assessor's impermissible insistence on a quiet title action in

which the County's Wild Deed could be adjudicated—thereby adopting the Assessor's impermissible position as the official policy of Eagle County.

183. *Harm Suffered*: As a direct and proximate result of Defendants' unconstitutional deprivation of process, Plaintiff has suffered the violation of a clearly established constitutional right and seeks a declaration of Defendants' unconstitutional conduct and an award of nominal damages. The individual Defendants' intentional and callous indifference to that right warrants an award of punitive damages against each of them in their individual capacities.

**COUNT TWO**  
**42 U.S.C. § 1983**  
**VIOLATION OF THE FOURTEENTH AMENDMENT**  
**Substantive Due Process**  
**(Against Defendant Board of County Commissioners**  
**of the County of Eagle, Colorado in its Official Capacity,**  
**and Against Defendants Chapin, Boyd, McQueeney, and Scherr**  
**in their Official and Individual Capacities)**

184. The preceding paragraphs are incorporated and realleged herein.

185. The Substantive Due Process Clause of the Fourteenth Amendment prohibits state and local governmental entities and their officers from engaging in executive action that arbitrarily and egregiously burdens or interferes with a constitutionally protected property interest in a manner that shocks the conscience—regardless of what process is or is not provided.

186. *Constitutionally Protected Property Interest*: Plaintiff's record-title ownership of the Peterson Property is a constitutionally protected property interest under the Due Process Clause. *Board of Regents v. Roth*, 408 U.S. 564 (1972); *Perry v. Sindermann*, 408 U.S. 593 (1972). While Plaintiff retains record-title ownership as established by the Clerk and Recorder's records, Defendants have deliberately imposed arbitrary conditions on its recognition that serve no

legitimate governmental purpose and as a result have substantially burdened and injured Plaintiff's ability to exercise and enjoy its protected property interest.

187. This Count focuses on the substance of the decisions made by Defendants, specifically:

- A. *Assessor's Decision*: The Assessor made a decision to refuse to administratively recognize Plaintiff as the record-title owner based on the recorded chain of title as reflected in the Clerk and Recorder's records as legally required, and instead to condition recognition of Plaintiff as the record-title owner on a quiet title action based on the unrecorded 1985 Assessor's tax map where the County's Wild Deed and adverse possession claim would be adjudicated (the "Assessor's Decision").
- B. *CBOE's Decision*: The CBOE made a decision to refuse to direct the Assessor to return the omitted Peterson Property to the assessment roll as statutorily required after the omission of the Peterson Property was brought to the attention of the CBOE, and instead to ratify the Assessor's Decision (the "CBOE's Decision").

188. *Substantive Due Process Standard*: Government conduct violates substantive due process when it has no legitimate governmental justification and rises to the level of shocking the conscience. *County of Sacramento v. Lewis*, 523 U.S. 833 (1998). This standard may be satisfied when governmental action is deliberately motivated by improper purpose rather than rationally related to any legitimate governmental interest.

189. *Standard Applied*:

- A. *No Legitimate Governmental Justification*: The Assessor's Decision to rely on the unrecorded 1985 Assessor's tax map—a source categorically outside the Clerk and

Recorder's records—is per se in conflict with controlling Colorado Supreme Court authority requiring the Assessor to ascertain record-title ownership based exclusively on the Clerk and Recorder's records. *Mook v. Bd. of Cty. Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (Kelly holding); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019). Conduct that is per se in conflict with controlling law cannot be rationally related to any legitimate governmental objective. The CBOE's Decision to ratify the Assessor's Decision is likewise per se in conflict with the CBOE's mandatory statutory duty under C.R.S. § 39-8-102(1) and cannot be rationally related to any legitimate governmental objective.

- B. *The Conscience-Shocking Nature of the Conduct*: What transforms this statutory violation into a substantive due process violation is not the violation alone—it is the purpose behind it. Defendants deliberately weaponized their exclusive governmental authority as the gatekeeper of administrative recognition of record-title ownership to gain an advantage in a quiet title action where the County's Wild Deed and adverse possession claim could be adjudicated and/or to avoid the political and public consequences of acknowledging that the County's multi-million dollar acquisition did not include the Peterson Property. The legally prescribed process was available and straightforward—recognize Plaintiff as the record-title owner first, then assert the County's adverse possession claim in a quiet title action. Yet Defendants deliberately took the administrative recognition of record-title ownership hostage to serve the County's competing Wild Deed and self-serving interests.

C. *Documented Evidence*: This deliberate purpose is not speculative—it is documented. The County CFO publicly announced the intent to “*have both*” parcels before the conduct at issue began. The former County Attorney planned to “*clean it up after closing through a quiet title action*”—meaning adjudication of the County's Wild Deed was the goal from the outset, not a consequence of any genuine legal uncertainty about the Peterson Property's record-title owner. Defendants' counsel correctly stated the governing legal standard in the First Assessor Letter of May 2024 and then deliberately abandoned that correct standard following the Decree of Heirship. The Assessor's Cartographer Coordinator, Mr. Sexton, intentionally attempted to recast history in a manner favorable to the County's adverse possession claim by falsely representing to a publicly elected official that the separation of the Peterson Property from the River House Property was only recently discovered—directly contradicting his own prior correspondence acknowledging that the Seller of the River House Property already knew the Peterson Property was not part of his deeded property before the County even began its negotiations. Each of these documented acts, along with others documented throughout this Complaint, reflect a deliberate and coordinated effort by Defendants and their employees to use their exclusive governmental authority as a competitive weapon to harm Plaintiff's constitutionally protected property interest.

190. *Immunity Not Warranted*: The Assessor's Decision and the CBOE's Decision were made in direct contradiction of mandatory non-discretionary statutory duties judicially affirmed by the Colorado Supreme Court—duties that Defendants' own counsel correctly stated in writing

in the First Assessor Letter of May 2024 before deliberately abandoning them after the Decree of Heirship. The law governing the Assessor's mandatory ministerial duty was clearly established by statute and controlling Colorado Supreme Court authority. C.R.S. §§ 39-5-102(1) and 39-5-125(1); *Mook v. Bd. of Cty. Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (Kelly holding); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019). The law governing the CBOE's mandatory oversight duty was equally clearly established. C.R.S. § 39-8-102(1); Assessors' Reference Library, Volume 2, Chapter 3—Specific Assessment Procedures, "Omitted Property," item #6. Additionally, on multiple occasions, Plaintiff provided notice of Defendants' non-discretionary duties. See Part VI – Chronologic Summary of Formal Notice to Defendants. Officials who deliberately make decisions in direct contradiction of mandatory statutory duties—particularly to further competing and self-serving purposes—do not warrant immunity.

191. *Ratification as Official Government Policy*: The CBOE's Decision, made by the elected Commissioners who constitute the exclusive members of the CBOE, to ratify the Assessor's Decision constitutes official policy attributable to Eagle County.

192. *Harm Suffered*: As a direct and proximate result of the Assessor's Decision and the CBOE's Decision, Plaintiff has suffered the violation of a clearly established constitutional right and seeks a declaration of Defendants' unconstitutional conduct and an award of nominal damages. The individual Defendants' intentional and conscience-shocking abuse of their exclusive governmental authority warrants an award of punitive damages against each of them in their individual capacities.

**COUNT THREE**  
**42 U.S.C. § 1983**  
**VIOLATION OF THE FOURTEENTH AMENDMENT**  
**Equal Protection**  
**(Against Defendant Board of County Commissioners**  
**of the County of Eagle, Colorado in its Official Capacity,**  
**and Against Defendants Chapin, Boyd, McQueeney, and Scherr**  
**in their Official and Individual Capacities)**

193. The preceding paragraphs are incorporated and realleged herein.

194. The Equal Protection Clause of the Fourteenth Amendment prohibits state and local governmental entities and their officers from intentionally treating a person differently from others similarly situated without a rational basis for the difference in treatment.

195. *Class of One*: Plaintiff does not allege membership in a protected class. Rather, Plaintiff brings this claim as a class of one. The Supreme Court has specifically recognized this theory in the context of a governmental entity using its exclusive authority over a governmental process to impose a selective and unjustified burden on a single property owner. *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000).

196. *Similarly Situated Comparator*: Plaintiff and a Vail Resorts affiliate, the owner of the previously omitted East Vail property, are similarly situated for purposes of this claim. Both situations involved properties that had been omitted from the Eagle County assessment roll for an extended period. Both presented the Assessor with the same mandatory statutory duty—to ascertain record-title ownership based exclusively on the recorded chain of title as reflected by the records of the Clerk and Recorder. C.R.S. §§ 39-5-102(1) and 39-5-125(1); *Mook v. Bd. of Cty. Comm'rs of Summit Cty.*, 2020 CO 12, 457 P.3d 568 (Kelly holding); *Hinsdale Cty. Bd. of Equalization v. HDH P'ship*, 2019 CO 22, 438 P.3d 742 (2019).

197. *Intentional Different Treatment:*

- A. *East Vail Treatment:* The Assessor performed his mandatory statutory duty—he reviewed the chain of title as reflected in the Clerk and Recorder's records and administratively listed the record-title owner without requiring a quiet title action.
- B. *Peterson Property Treatment:* After a series of shifting and inconsistent excuses, the Assessor deliberately deviated from that same statutory procedure to wade outside the Clerk and Recorder's records and impermissibly relied on an unrecorded 1985 Assessor's tax map as justification for conditioning recognition of Plaintiff's record-title ownership on a quiet title action where the County's Wild Deed and adverse possession claim would be adjudicated.
- C. *The Difference in Treatment is Intentional:* The same mandatory statutory duty and governing Colorado Supreme Court authority applied in both cases. The Assessor followed the correct procedure in one case and deliberately deviated from it in the other. That deliberate deviation—by the same individual official applying the same law to the same type of omitted property—is intentionally different treatment.

198. *No Rational Basis:* The only identifiable difference between the Assessor's treatment of the East Vail property and the Peterson Property is that Eagle County has stated its intent to have the Peterson Property as its own based the County's Wild Deed and its adverse possession claim. That difference is not a rational basis for disparate treatment—it is the improper purpose behind it. The Assessor abused his exclusive governmental authority to take hostage the administrative recognition of record-title ownership to gain an advantage for the County in adjudicating the County's Wild Deed and adverse possession claim, and/or to avoid the political

and public consequences of acknowledging that the County's multi-million dollar acquisition did not include the Peterson Property.

199. *Ratification by the CBOE*: The CBOE, consisting exclusively of the elected County Commissioners, affirmatively ratified the Assessor's disparate treatment of the Peterson Property by refusing to exercise their mandatory oversight authority to direct the Assessor to return the Peterson Property to the assessment roll. This ratification occurred despite Plaintiff providing notice to the CBOE of both the correct procedure applied to the East Vail property and the Assessor's deliberate deviation from that procedure for the Peterson Property. By ratifying the Assessor's disparate treatment with actual knowledge of the disparity, each Commissioner made that disparate treatment their own conduct and is personally liable for the resulting equal protection violation.

200. *Immunity Not Warranted*: The equal protection right of a class of one—to be free from intentional disparate treatment without rational basis—was clearly established by the Supreme Court in *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000). No reasonable official could have believed that deliberately applying a different, more burdensome, and legally inconsistent standard to one property owner—while applying the correct statutory standard to a similarly situated property owner—without any rational basis other than the governmental entity's own competing proprietary interest in the outcome, was consistent with clearly established equal protection law. Moreover, the Assessor's own prior correct treatment of the East Vail property confirms he had actual knowledge of the correct statutory procedure and deliberately chose not to follow it for Plaintiff. An official who knowingly deviates from a procedure he has previously applied to a similarly situated property owner cannot claim the law

governing his conduct was unclear. By ratifying the Assessor's disparate treatment with actual knowledge of the disparity—as established by Plaintiff's formal notice to each Commissioner—each individual Commissioner likewise cannot claim ignorance of the legal standard the Assessor was required to apply.

201. *Ratification as Official Government Policy*: The CBOE—consisting exclusively of the elected County Commissioners—decided to ratify the Assessor's deliberate disparate treatment of the Peterson Property rather than fulfill its mandatory statutory duty to direct the Assessor to return the omitted Peterson Property to the assessment roll. That ratification by the final policymakers of Eagle County constitutes official policy attributable to Eagle County.

202. *Harm Suffered*: As a direct and proximate result of Defendants' intentional disparate treatment of Plaintiff without rational basis, Plaintiff has suffered the violation of a clearly established constitutional right and seeks a declaration of Defendants' unconstitutional conduct and an award of nominal damages. The individual Defendants' intentional disparate treatment of Plaintiff—consistent only with the County's competing and self-serving purposes rather than any legitimate governmental purpose—warrants an award of punitive damages against each of them in their individual capacities.

### **VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor and against Defendants, and grant the following relief:

- A. A declaration pursuant to 28 U.S.C. § 2201 that Defendants violated Plaintiff's rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, enforceable under 42 U.S.C. § 1983;

- B. Nominal damages in recognition of the violation of Plaintiff's constitutional rights;
- C. Punitive damages against the individual Defendants in their individual capacities;
- D. An award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
- E. Pre-judgment and post-judgment interest as allowed by law; and
- F. Such other and further relief as the Court deems just and proper.

Plaintiff demands a trial by jury on all issues so triable.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Dated this 12<sup>th</sup> day of April, 2026.

I hereby certify that I am a member in good standing of the bar of this court.

Respectfully submitted,

s/ Matthew R. Larson

Matthew R. Larson

Colorado Reg. #36241

Larson Legal LLC

3003 East 3rd Avenue, Suite B109A

Denver, CO 80206

Telephone: (303) 825-0108

E-mail: Matt@LarsonLaw.co

Counsel for Plaintiff

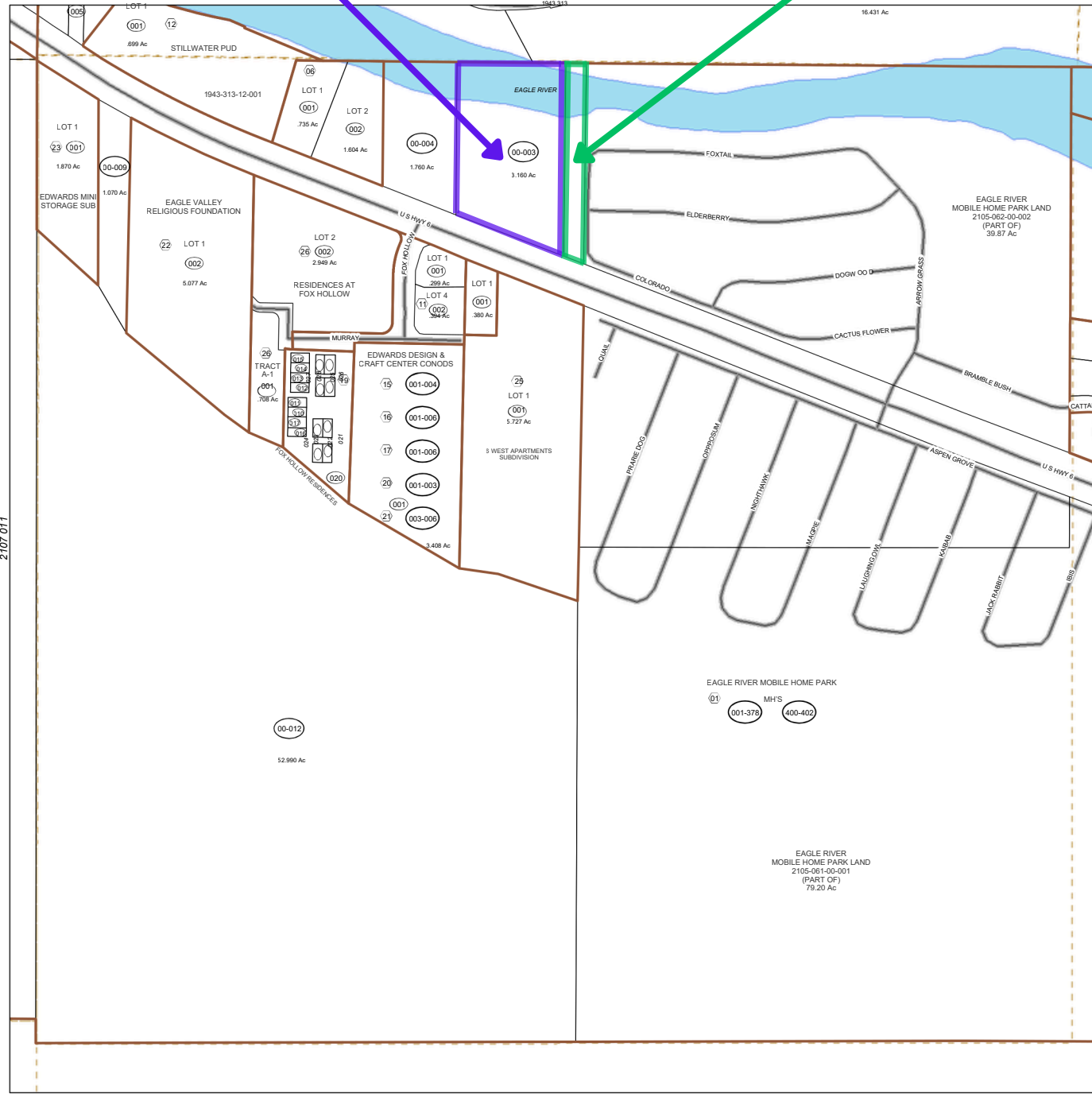
Exhibit 1  
Current Assessor's Tax Map  
(revision date 10/14/2020)

River House  
Property

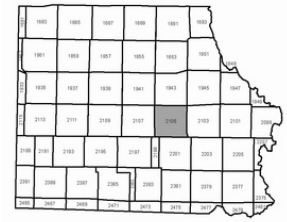
2105 062

Peterson  
Property

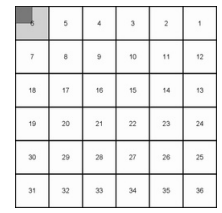
T5S R82W SEC 6 NW 1/4



TOWNSHIP INDEX



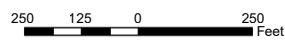
SECTION INDEX



- Railroad Track
- Road Right Of Way
- Creeks
- Rivers & Lakes
- Parcel Boundary
- Subdivison
- Quarter Section
- Public Lands
  - State
  - BLM
  - USFS
  - Wilderness

2107 011

THIS MAP HAS BEEN PREPARED FOR EAGLE COUNTY ASSESSMENT PURPOSES ONLY. USE OF THIS MAP SHOULD BE FOR GENERAL & INFORMATIONAL PURPOSE ONLY. EAGLE COUNTY DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THIS MAP WAS LAST UPDATED DATE: 10/14/2020



1:2,500

2105 062  
T5S R82WSEC6NW 1/4

Exhibit 2  
First Assessor Letter



**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

May 22, 2024

Matt Larson  
Partner  
Rediger Development LLC  
3003 East 3<sup>rd</sup> Ave., Suite B109-A  
Denver, Colorado 80206  
Via email to: [matt@redigerdev.com](mailto:matt@redigerdev.com)

Re: April 8, 2024 Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor asked me to review a written request you made to his office on April 8, 2024, in which you asked him to revise his official records to reflect “Rediger Development” as the owner of certain real property located in Eagle County described in the correspondence as the “Peterson Property.” You assert that you purchased the Peterson Property from the heirs of Pearl G. Peterson, and requested that the Assessor change his ownership records so that the property “would be back on the assessment roll and caught up on back taxes per CRS 39-5-125.”

In connection with your request to the Assessor, you presented the following:

- Bargain and Sale Deed between Grantor, Yalonda Newberry, and Grantee, Rediger Development LLC, a Colorado limited liability company (“Rediger Development LLC”), dated December, 19, 2023, and recorded in the C&R Records at Reception No. 202400017;
- Bargain and Sale Deed between Grantor, Yalonda Newberry, and Grantee, Rediger Development LLC, dated March 18, 2024, and recorded in the C&R Records at Reception No. 202403297;
- Affidavit of Yalonda Newberry signed on December 19, 2023 and recorded in the C&R Records at Reception No. 202400021;
- Quit Claim Deed between Grantor, Kevin Hopkins, and Grantee, Rediger Development LLC, dated December 27, 2023, and recorded in the C&R Records at Reception No. 202400016;
- Quit Claim Deed between Grantor, Kevin Hopkins, and Grantee, Rediger Development LLC, dated March 26, 2024, and recorded in the C&R Records at Reception No. 202403295;
- Affidavit of Kevin Hopkins signed on December 27, 2023, and recorded in the C&R Records at Reception No. 202400020;
- Quit Claim Deed between Grantor, Shawna Hopkins, and Grantee, Rediger Development LLC, dated December 19, 2023, and recorded in the C&R Records at Reception No. 202400015;
- Quit Claim Deed between Grantor, Shawna Hopkins, and Grantee, Rediger Development LLC, dated March 11, 2024, and recorded in the C&R Records at Reception No. 202403296;

- Affidavit of Shawna Hopkins signed on December 19, 2023, and recorded in the C&R Records at Reception No. 202400019;
- Quit Claim Deed between Grantor, The Peterson Family Trust dated February 5, 1992, and Grantee, Rediger Development LLC, dated December 22, 2023, and recorded in the C&R Records at Reception No. 202400013;
- Quit Claim Deed between Grantor, The Peterson Family Trust dated February 5, 1992, and Grantee, Rediger Development LLC, dated March 20, 2024, and recorded in the C&R Records at Reception No. 202403299;
- Quit Claim Deed between Grantor, David Peterson, and Grantee, Rediger Development LLC, dated December 22, 2023, and recorded in the C&R Records at Reception No. 202400014;
- Quit Claim Deed between Grantor, David Peterson, and Grantee, Rediger Development LLC, dated March 20, 2024, and recorded in the C&R Records at Reception No. 202403298; and
- Affidavit of David Peterson signed on December 22, 2023, and recorded in the C&R Records at Reception No. 202400018.

The Assessor is statutorily required to list all taxable real property in the county and ascertain ownership of all real property pursuant to the records of the county clerk and recorder (“C&R Records”). C.R.S. § 39-5-101; C.R.S. § 39-5-102(1). The record-title holder as reflected in the C&R Records is considered to be the owner of real property for the Assessor’s records. *Id.*; *Mook v. Bd. of Cty Comm’rs of Summit Cty*, 2020 CO 12 ¶¶79-81. An instrument that appears of record in the C&R Records that purports to affect title to real property, but which is executed by one who has no record interest in the real property on the date it is recorded, is considered a “wild deed” outside the chain of title. *GMAC Mort. Corp v. PWI Group, Colo. App.*, 155 P.3d 556, 557 (2006). Correspondingly, the Colorado Property Tax Administrator’s Assessor Reference Library Manuals, published pursuant to C.R.S. § 39-2-109(1)(e), which is binding on the sixty-three Colorado county assessors, dictates that “the grantor’s name on the deed must match the assessor’s ownership records” before the assessor may change his or her official records. 2 ALR §3.61; *Huddleston v. Grand Cty Bd. of Equalization*, 913 P.2d 15, 17 (Colo. App. 1996). In accordance with these authorities, the Assessor must list ownership of property based on records inside the chain of title – and cannot change his records based on wild deeds outside of the chain of title, or based on asserted claims or asserted property rights. *Mook*, 2020 CO 12 ¶¶79-81; *Hinsdale Cty Bd. of Equalization v. HDH P’ship*, 2019 CO 22 ¶¶ 24-26.

I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson. None of the grantors identified in any of the conveyance documents of record in the C&R Records, or that you provided to the Assessor are Pearl G. Peterson. Affidavits of individuals claiming to be heirs of the record-title owner do not transfer ownership, nor do they close the gap in the chain of title for purposes of assessment records. As such, the Assessor’s records cannot be legally changed at this time. Please feel free to contact me with any questions.

Sincerely,

/s/ Christina Hooper

cc: Mark Chapin, Eagle County Assessor

Exhibit 3  
Decree of Heirship

|  |   |
|--|---|
| DISTRICT COURT, EAGLE COUNTY, COLORADO<br><br>Eagle County Justice Center<br>885 Chambers Avenue<br>Eagle, CO 81631  | <p style="text-align: center;"><b>SO ORDERED BY COURT</b></p> <p style="text-align: center;">09/20/2024<br/><i>[Signature]</i></p> <p style="text-align: center;"><b>JONATHAN KEITH SHAMIS</b><br/>District Court Judge</p> <p style="text-align: center;">▲ ▲</p> <p style="text-align: center;"><b>COURT USE ONLY</b></p> |
| <p><b>In the Matter of the Determination of Heirship or Devises or Both, and Interests in Property of:</b></p> <p>Pearl G Peterson (deceased)<br/>         Hubert N Peterson (deceased)<br/>         Velma M Collins (deceased)<br/>         Dale R Collins (deceased)</p> <p>Petitioner Rediger Development LLC</p> | <p>Case Number 2024PR30063</p> <p>Division</p> <p>Courtroom</p>   |
| <p><b>AMENDED</b><br/> <b>JUDGMENT AND DECREE DETERMINING HEIRS OR DEVISEES OR BOTH,</b><br/> <b>AND OF INTERESTS IN PROPERTY</b></p>  |   |

Upon consideration of the Petition for the Determination of Heirs or Devises or Both, and of Interests in Property

**The Court finds that**

- 1 The statements in the Petition are true and correct,
- 2 Notice has been properly given or waived,
- 3 The Petitioner has standing to bring this action in accordance with §15-12-1302(1), C R S ,

[continued on the following page]



Eagle County, Colorado  
 Certified to be full, true and correct  
 copy of the original in my custody.  
 Date Sept. 20 2024  
Christina Hill  
 Clerk  
 By Christina Hill  
 Deputy Clerk

4. The property that is the subject of the Petition is (including legal description if real property)

|            | <b>Description of Property<br/>(ONLY IF KNOWN, petitioner may include<br/>fractional or percentage ownership)</b>  | <b>Location of Property</b> |
|------------|--|-----------------------------|
| Property 1 | LEGAL DESCRIPTION OF "PETERSON PROPERTY"<br>A Parcel of Land located in Government Lot 4, Section 6, Township 5 South, Range 82 West of the 6th Principal Meridian, Eagle County, Colorado, and more particularly described as follows Beginning at a point on the North Line of said Section 6, from which the Northwest Corner of said Section 6 bears N89°46'45"W 1445 20 feet, thence upon said North Line of Section 6 S89°46'45"E 49 00 feet to the Northeast Corner of said Government Lot 4, thence departing said North Line of Section 6 S00°52'10"W 545 95 feet to the northerly right of way line of U S Highway 6, thence upon said northerly right of way N68°56'58"W 44 66 feet, thence departing said northerly right of way line N00°06'15"E 530 03 feet to the Point of Beginning Containing 0 56 Acres more or less | Eagle County, Colorado      |
| Property 2 |  |                             |
| Property 3 |  |                             |
| Property 4 |  |                             |

**Original Decedent – Pearl G. Peterson**

Name of Original Decedent: Pearl G. Peterson

5a.  The Original Decedent died without a Will  
 The Original Decedent died with a Will The date of the Original Decedent's last Will is November 25, 1980 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6a The heirs or devisees of the Original Decedent are

| <b>Name</b>   | <b>Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc )</b> |
|---|--|
| Hubert N Peterson<br>(1 <sup>st</sup> Additional Decedent ), Deceased, date of death 12/29/2016 | Son of Pearl G Peterson, Original Decedent   |
| Velma M Collins<br>(2 <sup>nd</sup> Additional Decedent), Deceased, date of death 6/6/2010      | Daughter of Pearl G Peterson, Original Decedent  |
|   |  |
|   |  |

7a The Original Decedent held an interest in the property identified in Paragraph 4 above

8a The owners by descent or succession of the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession                        | Share of Original Decedent's Interest in Property (Fraction or Percentage) |
|--|--|
| Hubert N. Peterson (1 <sup>st</sup> Additional Deceased) | 1/2 (50%)  |
| Velma M. Collins (2 <sup>nd</sup> Additional Deceased)   | 1/2 (50%)  |
|  |  |

Paragraphs 5 through 8 will be addressed for each Additional Decedent addressed in the Petition.

**1<sup>st</sup> Additional Decedent – Hubert N. Peterson**

5b.  The First Additional Decedent died without a Will  
 The First Additional Decedent died with a Will. The date of the First Additional Decedent's last Will is \_\_\_\_  
 \_\_\_\_ The dates of all codicils are \_\_\_\_  
 \_\_\_\_ The Will and any codicils are referred to as the Will

6b The heirs or devisees of the First Additional Decedent are

| Name            | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.) |
|-----------------|---|
| David Peterson  | Son of Hubert N. Peterson (1 <sup>st</sup> Additional Decedent)                                 |
| Kevin Hopkins   | Stepson of Hubert N. Peterson (1 <sup>st</sup> Additional Decedent)                             |
| Shawwna Hopkins | Stepdaughter of Hubert N. Peterson (1 <sup>st</sup> Additional Decedent)                        |
|                 |   |

7b. The First Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b. The owners by descent or succession of the First Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of First Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|--|
| David Peterson                    | 1/6 (16.67%)   |
| Kevin Hopkins                     | 1/6 (16.67%)   |
| Shawwna Hopkins                   | 1/6 (16.67%)   |
|                                   |  |

**2<sup>nd</sup> Additional Decedent – Velma M Collins**

5b  The Second Additional Decedent died without a Will  
 The Second Additional Decedent died with a Will The date of the First Additional Decedent's last Will is June 10, 1974 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Second Additional Decedent are

| Name             | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc )   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
| Dale R Collins   | Son of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-brother of Yalonda Newberry   |
|                  |   |
|                  |   |

7b The Second Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b The owners by descent or succession of the Second Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of Second Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|---|
| Yalonda Newberry                  | 1/4 (25%)   |
| Dale R Collins                    | 1/4 (25%)   |
|                                   |   |
|                                   |   |

**3<sup>rd</sup> Additional Decedent – Dale R Collins**

5b.  The Third Additional Decedent died without a Will  
 The Third Additional Decedent died with a Will The date of the First Additional Decedent's last Will is \_\_\_\_\_  
 \_\_\_\_\_ The dates of all codicils are \_\_\_\_\_  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Third Additional Decedent are

| Name | Relationship (e.g. spouse, partner in a civil union, |
|------|--|
|      |  |

|                  | <b>child, brother, guardian for spouse, etc )</b>   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
|                  |   |
|                  |   |
|                  |   |

- 7b The Third Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above
- 8b The owners by descent or succession of the Third Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| <b>Owner(s) by Descent or Succession</b> | <b>Share of Third Additional Decedent's Interest in Property (Fraction or Percentage)</b> |
|--|---|
| Yalonda Newberry                         | 1/2 (50%)   |
|  |   |
|  |   |

- 9. Based on the foregoing, the Court determines the Original Decedent's interest in the property identified in Paragraph 4 to be held as follows

| <b>Owner(s) by Descent or Succession (including address)</b>                                  | <b>Share of Original Decedent's Interest in Property (Fraction or Percentage)</b> |
|---|---|
| David Peterson, as of December 29, 2016<br>11200 Sweet Pea Rd<br>Gilmer, TX 75644             | 1/6 (16.67%)  |
| Kevin Hopkins, as of December 29, 2016<br>648 North Terrace Drive<br>Grand Junction, CO 81507 | 1/6 (16.67%)  |
| Shawna Hopkins, as of December 29, 2016<br>1351 Rifle Heights Drive<br>Rifle, CO 81650        | 1/6 (16.67%)  |
| Yalonda Newberry, as of July 26, 2023<br>301 South Brown Street<br>Modesto, IL 62667          | 3/6 (50%)   |

**The Court further finds**

---



---

This judgment and decree shall be conclusive as to the rights of heirs or devisees in the subject property from the date of entry. If the judgment and decree affects title to real property, a certified copy of the judgment and decree must be recorded and indexed in the office of the county clerk and recorder of each county in which real property is located in manner and in like effect as a deed of conveyance from the decedent(s) to the heirs or devisees and the owners by descent or succession.

Date \_\_\_\_\_

\_\_\_\_\_  
 Judge  Magistrate  Registrar

Exhibit 4  
Second Assessor Letter



**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)

[www.eaglecounty.us](http://www.eaglecounty.us)

December 20, 2024

Matt Larson  
Rediger Development LLC  
3003 East 3<sup>rd</sup> Ave., Suite B109-A  
Denver, Colorado 80206  
Via email to: [matt@redigerdev.com](mailto:matt@redigerdev.com)

Re: Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor asked me to review a written request you made to his office on September 12, 2024, in which you asked him to revise his official records to reflect “Rediger Development” as the owner of certain real property located in Eagle County described in the correspondence as the “Peterson Property.” You assert that a Judgment and Decree Determining Heirs or devisees or Both, and of Interests in Property issued on September 12, 2024 (as amended on September 20, 2024) (“Decree of Heirship”) evidences a change in ownership that should be reflected in the Assessor’s records. I appreciate your many efforts to contact the County Attorney’s Office to discuss this matter over the last several months. This matter took quite a bit of time to research, and I thank you for your patience as that unfolded.

First, after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination. Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the “Peterson Property,” and therefore, according to our records, that land has not been associated with any owner and taxes have not been assessed. Enclosed is an Assessor’s tax map from 1985 showing that even then the land was labeled as a right of way.

Moreover, no clarity on the issue can be gleaned from the documents you rely on to claim ownership. Documents relating to title of real property must sufficiently identify the property affected. This generally means that “the description of real property [] is such that thereby it can be identified, either with or without extrinsic evidence, and does not mislead the owner.” *Seymour v. Deisher*, 80 P. 1038, 1039 (1905) (quoted with approval in *Lake Canal Reservoir Co. v. Beethe*, 227 P.3d 882, 891 (Colo.2010)). Colorado statute requires conveyance documents to contain both a legal description and a street address or other identifying information, though failure to do so does not automatically render the document invalid. C.R.S. § 38-35-122. Failure to include such detail should be considered in the totality of the circumstances to determine whether the document is valid or invalid. *Id.* A legal description may still be considered sufficient if the property can be

identified by extrinsic evidence and the owner is not misled. *Battle N., LLC v. Sensible Hous. Co.*, 2015 COA 83, ¶ 68. You have presented Quit Claim Deeds and Bills of Sales from David Peterson, Kevin Hopkins, Shawna Hopkins, and Yolanda Newberry, along with a Decree of Heirship, which you indicate reflect a transfer of the subject land to Rediger Development LLC. However, the legal descriptions contained in the Quit Claim Deeds and Bills of Sale are incomplete if not insufficient. They identify only the township and range, without reference to a lot, block, section, metes or bounds, parcel number, or situs address, and merely state these individuals are transferring any interest they may have in the same. Meanwhile, the property identified in the Decree of Heirship uses metes and bounds rather than legal descriptions in the Quit Claim Deeds or Bill of Sale Documents and makes no finding as to the rights in said land that may have been conveyed prior to the date of the Decree.

As such, the Assessor's records cannot be legally changed without an order and decree quieting title after a complete adjudication of rights in the land. Please feel free to contact me with any questions.

Sincerely,

*/s/ Christina Hooper*

Encl.

cc: Mark Chapin, Eagle County Assessor



Exhibit 5  
April 2025 Letter to CBOE and Assessor

## REDIGER DEVELOPMENT LLC

3003 E. 3<sup>RD</sup> AVE, STE. B109A  
DENVER, CO 80206  
303.825.0108  
MATT@REDIGERDEV.COM

April 10, 2025

Eagle County Board of Equalization  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

RE: *Omitted Peterson Property and Rediger Development LLC as the Record Owner*

Dear CBOE Members:

Pursuant to your duties under §39-8-102(1), C.R.S., please accept this letter as a formal request for the Eagle County Board of Equalization (“CBOE”) to instruct the Assessor to update its records to add the omitted Peterson Property to the Eagle County assessment roll and list Rediger Development LLC (“Rediger”) as the current record owner.

|                          |
|--------------------------|
| <b>CBOE’s Legal Duty</b> |
|--------------------------|

Pursuant to §39-8-102(1), C.R.S., titled “Duties of County Board of Equalization,” the CBOE is required to:

*“...review the valuations for assessment of all taxable property appearing in the assessment roll of the county, directing the assessor to supply any omissions which may come to its attention...”* (emphasis added).

The Assessors’ Reference Library (“ARL”), published under §39-2-109(1)(e), C.R.S., directs the CBOE to order the assessor to add any omitted property to the assessment roll as soon as it comes to its attention. ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Omitted Property,” item #6:

*“The county board of equalization shall order the assessor to add to the assessment roll any omitted property which has come to its attention, § 39-8-102(1), C.R.S.”* (emphasis added).

|                                |
|--------------------------------|
| <b>Assessor’s Legal Duties</b> |
|--------------------------------|

Statutory

§ 39-5-101, C.R.S., et seq. require that all taxable real property and corresponding record owners be listed by the Assessor on the assessment roll, based on the records of the Clerk and Recorder. Specifically, §39-5-125(1), C.R.S., titled “Omission – Correction of Errors,” requires the Assessor to:

*“...whenever it is discovered that any taxable property has been omitted from the assessment roll of any year or series of years, the assessor shall immediately determine the value of such omitted property and shall list the same on the assessment roll of the year in which the discovery was made...”* (emphasis added).

[continued on the following page]

Assessors' Reference Library (ARL)

The ARL further specifies the duties and responsibilities of the Assessor.

ARL, Volume 2, Chapter 1 – Assessor's Duties and Relationships, "Discover – List – Classify – Value," states:

*"The major duties of an assessor can be categorized as discovering, listing, classifying, and valuing all taxable real and personal property..." (emphasis added).*

*"The discovery of property is accomplished by examining the records of the county clerk and recorder..." (emphasis added).*

*"The listing phase of the assessment function includes describing and identifying the physical location of property. Listing also includes the maintenance and updating of records linking properties to respective owners so that a current assessment file is created..." (emphasis added).*

ALR, Volume 2, Chapter 3 – Specific Assessment Procedures, "Omitted Property," states:

*"Omitted property consists of any taxable property, such as personal property, land, an improvement, or both land and an improvement, that is not listed on the current assessment roll." (emphasis added).*

*"Omitted property is added to the assessment roll as soon as the assessor discovers the omission." (emphasis added).*

*"Whenever it is discovered that any taxable property has been omitted from the assessment roll, the assessor shall determine the value of the omitted property and list the property on the assessment roll..." (emphasis added).*

ALR, Volume 2, Chapter 3 – Specific Assessment Procedures, "Title Conveyance," states:

*"For assessment purposes, ownership of real property is determined based on documents recorded with the clerk and recorder, § 39-5-102, C.R.S." (emphasis added).*

|                   |
|-------------------|
| <b>Background</b> |
|-------------------|

Peterson Property

The Peterson Property, as legally described at Paragraph 4 of [Exhibit 1](#) ("Peterson Property"), is an approximately half-acre parcel, varying in width from approximately 40 to 50 feet, roughly one-third of which is within the Eagle River. It is located in West Edwards, between U.S. Highway 6 and the Eagle River. The Peterson Property is adjacent to the Eagle River Mobile Home Park (Parcel No. 210506200002) to the east and Eagle County's recently purchased River House property (Parcel No. 210506200003) to the west. A vicinity map is attached as [Exhibit 2](#).

[continued on the following page]

Rediger Abstract and Purchase

On information and belief, the Peterson Property was at some point omitted from the Eagle County assessment roll.

Rediger performed an abstract of the Peterson Property and determined that Pearl G. Peterson was the record owner. Rediger subsequently analyzed all instances of the last name “Peterson,” including common misspellings (e.g., “Petersen”), and confirmed that Pearl G. Peterson had never conveyed the Peterson Property. After relying on the grantor/grantee index of the Eagle County Clerk and Recorder to conduct the foregoing analyses, Rediger engaged Land Title Guarantee Company (“Land Title”) to independently verify its findings by using Land Title’s “title plant” instead of the grantor/grantee index.

The chain of title for the Peterson Property is summarized at [Exhibit 3](#).<sup>1</sup> The supporting instruments of [Exhibit 3](#) and graphical annotations thereof are provided at [Exhibit 4](#). Land Title’s email is provided at [Exhibit 5](#).

As part of the foregoing process, Rediger identified and located the heirs of Pearl G. Peterson and, through negotiations with their counsel, reached an agreement for the purchase of the Peterson Property.

Rediger purchased an undivided one-half interest in the Peterson Property from the heirs of Pearl G. Peterson and recorded the deeds in the real estate records of the Eagle County Clerk and Recorder in January 2024 under Rec. Nos. 202400014, 202400015, 202400016, 202400017 (“January 2024 Deeds”).

The heirs of Pearl G. Peterson elected to forgo their option to retain an undivided one-half interest in the Peterson Property. As a result, Rediger purchased their remaining interests and recorded the deeds in the real estate records of the Eagle County Clerk and Recorder in March 2024 under Rec. Nos. 202403295, 202403296, 202403297, 202403298 (“March 2024 Deeds”).

In an email dated April 8, 2024, Rediger requested that the Assessor update its records to reflect Rediger as the current record owner of the Peterson Property to facilitate the payment of back property taxes. The email included affidavits from the heirs of Pearl G. Peterson and an offer to provide any additional information (e.g., Rediger’s abstract, confirmation of the analysis by Land Title, trusts, wills, etc.). Please see [Exhibit 6](#).

First Assessor Letter dated May 22, 2024

Counsel for the Assessor responded in a letter dated May 22, 2024 (“First Assessor Letter”) ([Exhibit 7](#)), stating in the summary concluding paragraph:

***“I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson. None of the grantors identified in any of the conveyance documents of record in the C&R Records, or that you provided to the Assessor are Pearl G. Peterson. Affidavits of individuals claiming to be heirs of the record-title owner do not transfer ownership, nor do they close the gap in the chain of title for purposes of assessment records. As such, the Assessor’s records cannot be legally changed at this time. Please feel free to contact me with any questions.”*** (emphasis added)

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<sup>1</sup> The chain of title has been updated to reflect various non-material changes, including a recently recorded certified copy of the Patent and reception numbers that correlate to Eagle County’s public records search (whereas some of the reception numbers on the actual instruments are unable to retrieve the instrument using Eagle County’s public records search).

Recognizing Eagle County’s reluctance to review the various wills and other documents – and to preempt potentially protracted deliberations over whether the materials recorded to date were sufficient to “close the gap in the chain of title for purposes of assessment records” from Pearl G. Peterson to her heirs – Rediger instead pursued and obtained a judgment and decree determining the heirs of Pearl G. Peterson and their respective interests in the Peterson Property pursuant to the special probate procedure of § 15-12-1301, C.R.S., et seq. See [Exhibit 1](#) (“Decree of Heirship”).

In September 2024, Rediger emailed a copy of the recorded Decree of Heirship ([Exhibit 1](#)) to counsel for the Assessor and again requested that the Assessor’s records be updated to reflect Rediger as the current record owner.

*Second Assessor Letter dated December 20, 2024*

After notifying the Assessor’s counsel of the Decree of Heirship ([Exhibit 1](#)) in September 2024, counsel for the Assessor responded in a second letter dated December 20, 2024 (“[Second Assessor Letter](#)”) (please see [Exhibit 8](#)).

Following receipt of the Second Assessor Letter ([Exhibit 8](#)), Rediger attempted to clarify several misunderstandings.<sup>2</sup> Additionally, to preempt potentially protracted deliberations over the sufficiency of the legal descriptions of the previously recorded January 2024 Deeds and March 2024 Deeds,<sup>3</sup> Rediger obtained new deeds with refined legal descriptions from the heirs of Pearl G. Peterson and recorded them in January 2025 under Eagle County Clerk and Recorder Rec. Nos. 202500493, 202500494, 202500495 and 202500795 (“[January 2025 Deeds](#)”).

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| <b>Assessor Misunderstandings</b> |
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1. Misunderstanding #1 – Pearl G. Peterson as the Record-Owner (prior to Rediger’s purchase):

In the First Assessor Letter ([Exhibit 7](#)) dated May 22, 2024, counsel for the Assessor states:

***“I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson.”***

[continued on the following page]

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<sup>2</sup> See “Misunderstandings”, below

<sup>3</sup> On information and belief, Eagle County’s concern in its Second Assessor Letter dated 12/20/24 that the legal descriptions of the prior January 2024 Deeds and March 2024 Deeds from the heirs of Pearl Peterson are insufficient seems to be mistakenly conflating the situation with an “ambiguous” legal description (e.g., a hypothetical legal description of “one-half of Section X,” without specifying which particular half). In contrast, the Public Land Survey System (PLSS) used in the legal descriptions of the prior January 2024 Deeds and March 2024 Deeds from Pearl G. Peterson’s heirs is monumented and well-settled. “Over-description” – a common practice with quitclaim deeds and bargain and sale deeds that do not contain warranties – should not be confused with an “ambiguous” legal description (e.g., as illustrated by the hypothetical “one-half” example in the preceding sentence). The Second Assessor Letter goes on to say, correctly, that a legal description may still be sufficient if the property can be identified by extrinsic evidence (e.g., the adjacent boundaries of the Peterson Property).

In the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, counsel for the Assessor states:

***“...after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination [see [Misunderstanding #4](#)]. Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the “Peterson Property,” and therefore, according to our records, that land has not been associated with any owner and taxes have not been assessed [see [Misunderstanding #2](#)]. Enclosed is an Assessor’s tax map from 1985 showing that even then the land was labeled as a right of way. [see [Misunderstanding #3](#)] (annotations to Misunderstandings added)***

In the First Assessor Letter ([Exhibit 7](#)) dated May 22, 2024, counsel for the Assessor stated that Pearl G. Peterson was the record owner. However, in the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, counsel for the Assessor reversed this position and claimed uncertainty of the record owner due to unclear records of the Clerk and Recorder.

We respectfully disagree. Please see [Misunderstanding #2](#), below, which details how the records of the Clerk and Recorder are objectively clear and support the determination of the First Assessor Letter ([Exhibit 7](#)) that Pearl G. Peterson was the most recent record owner of the Peterson Property prior to her death and the sale of the Peterson Property by her heirs to Rediger.

2. Misunderstanding #2 – Clarity of the Chain of Title Records:

As quoted in [Misunderstanding #1](#), above, the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024 incorrectly describes the records of the Clerk and Recorder as being insufficiently clear to determine the record-owner of the Peterson Property

***“Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the “Peterson Property,” and therefore, according to our records, that land has not been associated with any owner and taxes have not been assessed.”*** (emphasis added).

We respectfully disagree with the Assessor’s assertion that the chain of title is unclear. As outlined below, the chain of title is objectively straightforward and easily traceable. It reflects an unbroken succession from the original Patent to Pearl G. Peterson; the Decree of Heirship – issued pursuant to the special probate procedure of § 15-12-1301, C.R.S., et seq. – establishes the necessary connection between Pearl G. Peterson and her heirs; and the January 2024 Deeds, March 2024 Deeds, and the January 2025 Deeds convey the interests in the Peterson Property of the heirs of Pearl G. Peterson to Rediger. An examination of the Clerk and Recorder’s records confirms that Pearl G. Peterson never conveyed the Peterson Property – other than through the Decree of Heirship – and that her heirs likewise never conveyed the Peterson Property, except to Rediger.

The chain of title (COT) for the Peterson Property is summarized in [Exhibit 3](#). For ease of reference, supporting instruments and annotated graphics are included in [Exhibit 4](#). References to “COT #X” below correspond to the respective entries in [Exhibit 3](#) and [Exhibit 4](#).

- COTs #1 thru 11: Including the Receipt and the 1891 Patent<sup>4</sup> (COT #s 1 & 2), there are only eleven instruments between the original Patent and the point at which title to the Peterson Property came to be held by John and Pearl G. Peterson (see [Exhibit 4](#), COTs #1–11).

Moreover, the legal descriptions in these eleven COT instruments are notably simple and clear. Specifically, the Peterson Property is located in Government Lot 4 of Section 6, Township 5 South, Range 82 West of the 6<sup>th</sup> Principal Meridian. The legal descriptions in the Receipt and Patent (COTs #1 & 2) through COT #11 all describe a fully intact Lot 4 – that is, Lot 4 remained unsubdivided from the original Patent through COT #11. This simplifies the process of verifying legal descriptions, as the relevant portion is simply “Lot 4” rather than a lengthy and complex metes and bounds description that must be plotted.

- COT #12: COT #12 is not technically part of the chain of title for the absolute fee interest of the Peterson Property, but it is included because it affects the property and helps clarify a misunderstanding. In COT #12, John and Pearl G. Peterson conveyed to Cleaver and Geneva Kettrey all of Government Lot 5 and the portion of Government Lot 4 lying *south* of U.S. Highway 6 (recall: the Peterson Property is located in Government Lot 4, but *north* of U.S. Highway 6). As part of this conveyance, a twenty-foot-wide easement of right-of-way along the easterly side of the northern portion of Government Lot 4 – retained by the Petersons – was also granted to the Kettreys. This easement lies within what would become the Peterson Property, which John and Pearl G. Peterson did not subdivide until COT #13.

Additionally, the legal description of COT #12 is notably simple and clear (i.e., “*That part of Lot four (4) lying south of United States highway numbered 6...*”).

- COT #13: COT #13 is also not technically part of the chain of title for the Peterson Property but is included because it reflects the conveyance from John and Pearl G. Peterson to Theodore and Hallie Melhbrand of the parcel now referred to as the River House property, currently owned by Eagle County (Parcel No. 210506200003). The subdivision described in COT #13 results in the creation of the Peterson Property, which was retained by John and Pearl G. Peterson.

The legal description in COT #13 is a metes and bounds description, but it is notably straightforward, consisting of only five basic calls.

- COT #14: COT #14 is a quitclaim deed from John Peterson to his wife, Pearl G. Peterson.
- COTs #15 & 16: COT #15 and COT #16 are the January 2024 Deeds and March 2024 Deeds from the heirs of Pearl G. Peterson to Rediger (see Background / Rediger Abstract and Purchase, above).
- COT #17: COT #17 is the Judgement and Decree Determining Heirs and Interest in Property dated and recorded September 20, 2024 (aka Decree of Heirship). The Decree of Heirship was issued pursuant to the special probate procedure of §15-12-1301, C.R.S., et seq.

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<sup>4</sup> In addition to Accession No. CO0100\_\_114 of the BLM General Land Office Records, a BLM certified copy of the patent was recorded in the Eagle County Clerk and Recorder at Reception No. 202502862

The “Title Conveyance” section of the ARL, Volume 2, specifically includes a “Decree of Heirship” among the listed instruments, along with various others such as Court Decrees and deeds (e.g., Quitclaim, Bargain and Sale, Special Warranty, etc.). Below this list is a note stating that an asterisk next to an instrument indicates it is “*supplemental evidence of transfer*” and that “*these documents alone do not affect a change in title.*” The clear implication is that instruments not marked with an asterisk do, in fact, affect a change in title. Notably, the “Decree of Heirship” is listed without an asterisk.

In the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, counsel for the Assessor states:

**The Decree of Heirship “... makes no finding as to the rights in said land that may have been conveyed prior to the date of the Decree.”** (emphasis added)

The Assessor appears to misunderstand the nature and effect of the Decree of Heirship.

- Specifically, §15-12-1306, C.R.S., states:

**“If such a decree affects title to real property, a certified copy of the decree must be recorded and indexed in the office of the county clerk and recorder of each county in which real property is located in like manner and in like effect as if it were a deed of conveyance from the decedent to the heirs or devisees.”** (emphasis added)

- Effect of Decree of Heirship: The Decree of Heirship is a special probate procedure used to complete the chain of title from Pearl G. Peterson to her heirs. In accordance with § 15-12-1306, C.R.S., and ALR, Volume 2, “Title Conveyances,” a Decree of Heirship does affect a change in title (see discussion above regarding the “Title Conveyance” section of the ARL). Therefore, the Assessor is to treat the Decree of Heirship “...in like effect as if it were a deed of conveyance from the decedent [i.e., Pearl G. Peterson] to the heirs [i.e., the individuals listed in Paragraph 9 of the Decree of Heirship]...” with respect to the property described in Paragraph 4 (i.e., the Peterson Property). Since Pearl G. Peterson is deceased and cannot convey title herself, this special probate procedure under § 15-12-1306, C.R.S., serves as a statutory substitute for a deed.
- Prior Conveyances: With respect to the concern raised by counsel for the Assessor in the Second Assessor Letter ([Exhibit 8](#)) regarding “...conveyances prior to the date of the Decree [of Heirship]” (emphasis added), it is important to clarify that a Decree of Heirship does not override or invalidate any conveyances made by the decedent during their lifetime. Rather, it operates solely to transfer any remaining interest held by the decedent at the time of death. Consistent with the Assessor’s statutory duty to discover and ascertain ownership based on examination of the records maintained by the Clerk and Recorder (see § 39-5-102, C.R.S.; see also ALR, Volume 2, Chapter 1 – Assessor’s Duties and Relationship), the process for evaluating any “prior conveyances” is no different in this context than for any other parcel of taxable property. That is, the Assessor’s duty is to examine the records of the Clerk and Recorder and ascertain ownership accordingly. As noted below under “No Subsequent Conveyances,” an examination of the Clerk and Recorder’s records reveals no conveyances of the Peterson Property by Pearl G. Peterson prior to the Decree of Heirship.
- COT #18: COT #18 are deeds from the heirs of Pearl G. Peterson listed in Paragraph 9 of the Decree of Heirship, conveying the Peterson Property, as described in Paragraph 4 of the Decree of Heirship, to Rediger.

- **No Subsequent Conveyances:** As described above (see Background / Rediger Abstract and Purchase), as part of Rediger’s abstract, Rediger analyzed all instances of the last name “Peterson,” including common misspellings (e.g., “Petersen”), in the records of the Clerk and Recorder to confirm that Pearl G. Peterson never conveyed the Peterson Property prior to the date of the Decree of Heirship. After relying on the grantor/grantee index of the Clerk and Recorder to conduct the foregoing analyses, Rediger engaged Land Title to independently verify its findings by using Land Title’s “title plant” instead of the grantor/grantee index.<sup>5</sup> Please see [Exhibit 5](#).

The records of the Clerk and Recorder are not boundless; they consist of a finite and quantifiable number of conveyances. Moreover, an established system exists to efficiently narrow and conduct searches within the records of the Clerk and Recorder. Consistent with the Assessor’s duty to ascertain ownership based on the Clerk and Recorder’s records (see ARL, Volume 2, Chapter 1, “Assessor’s Duties and Relationships” and § 39-5-101 et seq.), an examination of the Clerk and Recorder’s records confirms that Pearl G. Peterson never conveyed the Peterson Property – other than through the Decree of Heirship – and that her heirs likewise never conveyed the Peterson Property, except to Rediger.

### 3. Misunderstanding #3 – Right of Way:

In the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, counsel for the Assessor states:

***“First, after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination. Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the “Peterson Property,” and therefore, according to our records, that land has not been associated with any owner and taxes have not been assessed. Enclosed is an Assessor’s tax map from 1985 showing that even then the land was labeled as a right of way.”*** (emphasis added).

The right-of-way referenced on the Assessor’s map – included with the Second Assessor Letter ([Exhibit 8](#)) – is not a *public* right-of-way (i.e., not a County, State, or other governmental right-of-way), but rather refers to a *private easement* across the easternmost twenty feet of the Peterson Property that was granted by John and Pearl G. Peterson to Cleaver and Geneva Kettrey in 1955. See [Exhibit 4](#), COT #12A & #12B. The easement was expressly described as an “*easement of right-of-way*” (emphasis added) in the granting instrument.

Moreover, the ARL expressly acknowledges that it is not uncommon for Assessor maps to include references to private rights-of-way. Specifically, ARL Volume 2, Chapter 14 – Assessment Mapping and Parcel Identification – states that while not required, it may be helpful to include on the map “*utility easements and other private rights-of-way.*” (emphasis added).

An examination of the Clerk and Recorder’s records confirms that no public right-of-way has ever been granted across the Peterson Property.

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<sup>5</sup> The grantor/grantee index maintained by the Clerk and Recorder is organized by party name and functions like a chronological chain of conveyances. In contrast, a title plant is geographically indexed, allowing conveyances to be tracked by legal description or parcel location. Using both methods provides a robust, two-layer verification of ownership history.

Lastly, out of an abundance of caution, it is important to note that the Assessor’s map itself does not create a right-of-way – public or private – as only a formal grant from a property owner can establish such a right. Moreover, the Assessor’s tax map is not part of the official records of the Clerk and Recorder and, standing alone, does not constitute legal documentation of property rights. The law is clear that the Assessor must determine ownership for assessment purposes – including lesser interests such as easements – based on documents recorded with the Clerk and Recorder. See ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Title Conveyance”: “For assessment purposes, ownership of real property is determined based on documents recorded with the Clerk and Recorder, § 39-5-102, C.R.S.” (emphasis added).

4. Misunderstanding #4 – Necessity of a Quiet Title Action to be Listed as the Record Owner:

In the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, counsel for the Assessor states:

**“I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination.”** (emphasis added).

We respectfully disagree with the Assessor’s position that a quiet title action is required to determine the record owner. The law is clear that the Assessor is to discover and ascertain ownership based on an examination of the records of the Clerk and Recorder, as stated in ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Title Conveyance”:

**“For assessment purposes, ownership of real property is determined based on documents recorded with the Clerk and Recorder, § 39-5-102, C.R.S.”** (emphasis added).

Moreover, the records of the Clerk and Recorder are objectively clear (see [Misunderstandings #1, #2, and #3](#) above), and the Assessor’s duties are equally clear. As stated in ARL, Volume 2, Chapter 1 – Assessor’s Duties and Relationships, “Discover – List – Classify – Value”:

**“The major duties of an assessor can be categorized as discovering, listing, classifying, and valuing all taxable real and personal property...”** (emphasis added).

**“The discovery of property is accomplished by examining the records of the county clerk and recorder...”** (emphasis added).

**“The listing phase of the assessment function includes describing and identifying the physical location of property. Listing also includes the maintenance and updating of records linking properties to respective owners so that a current assessment file is created...”** (emphasis added).

[continued on the following page]

The source of the Assessor's confusion regarding the incorrect necessity of a quiet title action as the standard to list a record owner, instead of correctly relying on the records of the Clerk and Recorder, is apparent from the concluding summary sentence of the Second Assessor Letter ([Exhibit 8](#)) dated December 20, 2024, in which counsel for the Assessor states:

***“As such, the Assessor’s records cannot be legally changed without an order and decree quieting title after a complete adjudication of rights in the land. Please feel free to contact me with any questions.”*** (emphasis added).

A “*complete adjudication of rights in the land*” is a “marketable title” standard, but the Assessor's role is not to make a determination of marketable title like a title company or an attorney providing a title opinion. Assessing *marketable title* would require the Assessor to evaluate and make a judgment decision regarding encumbrances, defects, disputes or anything else adversely affecting the value of the property and/or ability to sell without any issues for the buyer or seller. This clearly is not the duty of the Assessor. To do so would paralyze the assessment system and undermine its fiscal function. Rather, the appropriate standard for the Assessor's listing of a record owner is an objective examination of the records of the Clerk and Recorder (see above).

The assertion that the appropriate standard for listing a record owner is an objective examination of the records of the Clerk and Recorder is supported both by statute and the ARL.

- Specifically, § 39-5-125, C.R.S., titled “*Omission – correction of errors*,” does not require a quiet title action for omitted property such as the Peterson Property. Instead, it provides: “...*the assessor shall immediately determine the value of such omitted property and shall list the same on the assessment roll of the year in which the discovery was made.*”
- Importantly, § 39-5-125, C.R.S., which governs omitted property, does not override or create an exception to § 39-5-102(1), C.R.S., which expressly states: “*Ownership of real property shall be ascertained by the assessor from the records of the county clerk and recorder...*” If the legislature had intended to require a quiet title action as a condition for listing record ownership of omitted property, it could have said so. It did not.
- Likewise, the ARL addresses omitted property specifically (see Volume 2, Chapter 3 – Specific Assessment Procedures, “Omitted Property”) and makes no mention of a quiet title action being required. To the contrary, ARL Item #2 provides: “*Omitted property is added to the assessment roll as soon as the assessor discovers the omission.*” ARL Item #6 further confirms: “*The county board of equalization shall order the assessor to add to the assessment roll any omitted property which has come to its attention,*” citing § 39-8-102(1), C.R.S.
- In the rare circumstance where ownership cannot be ascertained after due diligence, § 39-5-102(2), C.R.S., still does not require a quiet title action. Rather, it directs the Assessor to list the property as “owner unknown.” *Critically, that is not the case here: as detailed in this letter and in prior communications, the records of the Clerk and Recorder are objectively clear, and the Assessor is able to ascertain that Rediger is the record owner of the Peterson Property by examining such records.*

Moreover, the Assessor's treatment of the well-publicized circumstances surrounding Vail Resorts' East Vail property illustrates both the Assessor's recognition of, and its ability and prior willingness to fulfill, its statutory obligation to ascertain the record owner of omitted property based on an examination of the records maintained by the Clerk and Recorder.<sup>6</sup> In that instance, the Assessor acknowledged examining documents as far back as the original patent in 1899. The Assessor would have been required to rely on the Clerk and Recorder's records to navigate a corporate reorganization. Similarly, the Assessor would have

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<sup>6</sup> <https://www.vaildaily.com/news/east-vail-parcels-ownership-constant-but-a-bit-jumbled/>

been required to rely on an examination of the Clerk and Recorder's records to confirm that Vail Associates/Vail Resorts did not convey the East Vail property during the period from the mid-to-late 1960s through 2016, when the property was omitted from the tax roll (i.e., potential "prior conveyances" before being listed as the record owner in 2017). On information and belief, a quiet title action was not required; rather, Vail Resorts provided an Affidavit of Ownership.

It is worth clarifying that, while a quiet title action is not the standard required for the Assessor to list Rediger as the record owner, we fully recognize that being listed as the record owner does not automatically confer marketable title. As with any property listed with the Assessor, a future court proceeding – whether a quiet title action, declaratory judgment, or otherwise – may ultimately be necessary to resolve any issues related to marketability of title. Put differently, the Assessor's neutral statutory obligation to determine ownership for assessment purposes based on recorded documents does not preclude any third party from pursuing a legal claim to the property. For example, if Eagle County, as the owner of the adjacent River House property (Parcel No. 210506200003) to the west, believes it may have an interest in the Peterson Property, it is free to assert that claim and any such claim is not somehow precluded by the Assessor listing Rediger as the record owner. However, a quiet title action is expensive and time-consuming, and would irreparably destroy the financial feasibility of our proposed price-capped affordable housing development on the Peterson Property. Accordingly, our strong preference is to first pursue a collaborative, "neighborly solution" in an attempt to preserve the viability of our affordable housing plan (please see "A Plea for Better Communication" and "Neighbor Hat," below).

Lastly, when I first spoke with your former County Attorney, Bryan Treu, about the Peterson Property, he initially threatened to bury Rediger in litigation to wear us down.<sup>7</sup> The ongoing delays and the Assessor's continued – and, in our view, incorrect – insistence on a quiet title action as the standard for listing Rediger as the owner of the Peterson Property are beginning to feel like similar tactics. I believe better communication could go a long way toward alleviating these concerns (see "A Plea for Better Communication," below). Notwithstanding, while your current County Attorney, Beth Oliver, and I have had our disagreements from time to time over the past ten years in which we've worked together periodically, I have full confidence in her integrity. For that reason, I'm inclined to give the Assessor the benefit of the doubt and assume that the Assessor's continued incorrect insistence on a quiet title action as the standard for Rediger being listed as the record owner stems from a genuine misunderstanding made in good faith. Although no one from Eagle County is calling me on my birthday, I'd like to think that through my three proposed development projects over the past decade, I've established a friendly and professional working relationship with many of those I've collaborated with in the County. I have not previously worked with the Assessor or his office, but I look forward to the opportunity to earn their respect and build a similarly positive relationship.

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<sup>7</sup> I attempted assure Bryan that my primary goal was to gain experience with federal Low-Income Housing Tax Credits – not to pick a fight with Eagle County. As a gesture of good faith, I even offered to sell the Peterson Property to the County at our cost.

## A Plea for Better Communication

As you know firsthand, your role as CBOE members is in addition to your roles as the elected Commissioners of Eagle County. Independent of your CBOE duties, I'd like to make a plea for better communication.

In the context of the Peterson Property, Eagle County is wearing several *separate and distinct*<sup>8</sup> hats. First, as the Assessor, you have a statutory duty to discover and list the record owner of the Peterson Property based on the records of the Clerk and Recorder. Second, as the owner of the adjacent River House property (Parcel No. 210506200003), you are our neighbor to the west. Third, as the land use authority, your approval will be required for a Planned Unit Development (PUD) for our proposed affordable housing project, given the highly constrained nature of the site. These are the County's most significant roles at present, though others may arise as the process unfolds.

### Assessor Hat

It has now been a year since we first requested that the Assessor list Rediger as the record owner of the Peterson Property. While counsel for the Assessor has been courteous and respectful in our limited interactions, we have struggled to establish a consistent track record of timely and effective communication with the Assessor's office and its counsel. Rather than waiting months for formal letters from the Assessor that contain misunderstandings – whether ours<sup>9</sup> or yours – we believe all parties would benefit from more frequent and direct communication, either in person or virtually, to promptly identify and resolve issues or, at a minimum, narrow the areas of disagreement. We likewise value maintaining a written record, and either of us may, of course, follow up with a confirming letter after such conversations. This approach is certain to save us significant time – and, I would imagine, Eagle County's time and resources as well.

### Neighbor Hat

Based on my preliminary review of portions of several CORA responses, it appears that former County Attorney Bryan Treu may have inadvertently misled the County regarding the significance of Kit Williams' quitclaim deed for the Peterson Property. This is not intended as a personal critique of Mr. Treu; the law governing adverse possession is complex and changed significantly in 2008 following the infamous "Boulder land-grab case," which made national headlines.

If a quiet title action or other court proceeding becomes necessary after the Assessor lists Rediger as the record owner, the cost of protracted litigation would irreparably undermine the economics of our proposed price-capped affordable housing development – precluding its viability, due to the substantial challenges of building affordable housing in the Vail Valley (see "Land Use Authority Hat," below). For this reason, and because the Peterson Property is not worth jeopardizing my relationship with Eagle County, my strong preference is to first engage in a "neighborly conversation" with the County. The goal is to better understand the County's desires

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<sup>8</sup> The roles of Assessor, neighbor, and land use authority should remain separate and distinct. For example, if the Peterson Property were located in the Town of Avon and John and Mary Smith owned the adjacent property (rather than Eagle County), Eagle County would only need to wear its Assessor hat, not the neighbor or land use authority hats. It is crucial that these roles remain separate to avoid conflicts of interest. For example, it would be improper to use the Assessor's neutral statutory role to further the County's potential litigation strategy or to avoid political discomfort.

<sup>9</sup> Rediger previously filed a declaratory judgment action seeking a court declaration that it is the record owner of the Peterson Property, in an effort to accelerate the process and based on our belief – though still unconfirmed – that the Assessor's counsel preferred a judicial determination of the record owner. We later voluntarily dismissed the action without prejudice upon learning of § 39-8-102(1), C.R.S., and the CBOE's independent statutory authority and duty to address omissions from the assessment roll.

and concerns and to explore whether an amicable resolution is possible – without which the development of affordable housing on the Peterson Property is not possible.

I believe two things will help move us toward that goal. First, a clearer understanding of the circumstances surrounding Rediger’s purchase of the Peterson Property. For instance, Kit Williams referred to me as a “back door hustler” in one of the CORA responses. I am confident that, after learning more about the facts, you will reach a different conclusion. Second, a better mutual understanding of each other’s positions and how the law of adverse possession and prescriptive easements applies to both parties.

I believe both parties would benefit from a deliberate effort to explore whether an amicable resolution is possible before committing significant time, money, and energy to having this inevitable discussion in the context of a court proceeding – and at the cost of a much-needed price-capped affordable housing development that could also serve as a valuable model for future affordable housing in Eagle County (see “Land Use Authority Hat,” below).

### Land Use Authority Hat

Affirming that Rediger is the current record-title owner of the Peterson Property is a necessary step in the broader series of actions that will, ideally, result in the successful development of our planned six-unit affordable housing project on the Peterson Property, with rents capped at an average of 60% of the Area Median Income (AMI) (see [Exhibit 9](#)). However, as demonstrated by previous developments in Eagle County, the high cost of construction in the Vail Valley makes it prohibitively expensive to build much-needed price-capped affordable housing without some form of subsidy (see [Exhibit 10](#) for supporting analyses from prior Eagle County projects). Rediger plans to pursue federal Low-Income Housing Tax Credits (LIHTC), specifically the competitive “9% credits,” and this crucial subsidy is awarded once per year in a competitive process.

Moreover, based on available information, the 9% LIHTC credits Rediger intends to pursue have either never been used or have not been used recently in Eagle County to fund affordable housing projects. Rediger’s development could serve as a model for future affordable housing initiatives in the County. Specifically, the 9% LIHTC federal tax credits are allocated to states based on population, and Eagle County’s proportional share of Colorado’s allocation equates to approximately 10 to 15 price-capped units (at an average of 60% AMI) every 10 years. While no single solution will resolve Eagle County’s affordable housing crisis, adding 10 to 15 units per decade would be a meaningful contribution, based on the County’s historical affordable housing development record (see [Exhibit 11](#) for supporting analysis from a 2023 proposed development).

As you know, the appropriate time to explore the specifics of our proposed development is during the formal land use application process. However, there are a few ideas that may support our shared goal of expanding affordable housing in Eagle County – ideas that are best considered before we submit our plan. For example, we are open to exploring the development of an additional 6 to 10 rental units – price-capped at an average of 60% AMI as required for LIHTC credits – on a small portion of your River House property (Parcel No. 210506200003), funded through 9% LIHTC credits. Since we will already be pursuing a 9% LIHTC application for the Peterson Property, the incremental effort would be relatively modest. These additional units could help Eagle County secure its fair share of the 9% LIHTC allocations – and offer a front-row seat to how the 9% credits can serve as a valuable addition to your affordable housing toolkit. For our part, a slightly larger project could also improve our competitiveness in the LIHTC scoring process. Alternatively, if Eagle County is open to considering a long-term ground lease (e.g., 99 years) for the River House property (Parcel No. 210506200003), I would be willing to assemble a broader development team and present a preliminary concept for approximately 40 to 80 price-capped rental units, financed using 4% LIHTC credits. Notably, I had proposed an

80-unit affordable housing project for the River House property (Parcel No. 210506200003) at a time when – unbeknownst to me – the County was negotiating its acquisition from Kit Williams. Developable land near town cores is increasingly scarce, and the opportunity to create affordable housing close to services and jobs is disappearing quickly – which is why I believe affordable housing is the highest and best use for your River House property (Parcel No. 210506200003).

---

Rediger respectfully requests that the CBOE fulfill its statutory duty under §39-8-102(1), C.R.S., to instruct the Assessor to list the Peterson Property on the assessment roll and identify Rediger as the current record owner based on the clear records of the Eagle County Clerk and Recorder.

Sincerely,



Matt Larson  
Rediger Development

Summary of Exhibits

| <b>Exhibit #</b> | <b>Description</b>                                  |  |
|------------------|---|--|
| 1                | Decree of Heirship                                  |  |
| 2                | Peterson Property Vicinity Map                      |  |
| 3                | Chain of Title (COT) summary spreadsheet            |  |
| 4                | COT Instruments and Annotated Graphics              |  |
| 5                | Land Title email dated 2/6/24                       |  |
| 6                | Rediger email to Eagle County Assessor dated 4/8/24 |  |
| 7                | First Assessor Letter dated 5/22/24                 |  |
| 8                | Second Assessor Letter dated 12/20/24               |  |
| 9                | Preliminary Site Plan for the Peterson Property     |  |
| 10               | Affordable Housing subsidy-required analysis        |  |
| 11               | Affordable Housing scorecard in Eagle County        |  |
|                  |   |  |

Exhibit 1

|  |   |
|--|---|
| <p>DISTRICT COURT, EAGLE COUNTY, COLORADO</p> <p>Eagle County Justice Center<br/>885 Chambers Avenue<br/>Eagle, CO 81631</p>   | <p><b>SO ORDERED BY COURT</b></p> <p>09/20/2024<br/><i>Jonathan Shamis</i></p> <p><b>JONATHAN KEITH SHAMIS</b><br/>District Court Judge</p> <p>▲ ▲</p> <p><b>COURT USE ONLY</b></p> |
| <p><b>In the Matter of the Determination of Heirship or Devisees or Both, and Interests in Property of:</b></p> <p>Pearl G Peterson (deceased)<br/>Hubert N Peterson (deceased)<br/>Velma M Collins (deceased)<br/>Dale R Collins (deceased)</p> <p>Petitioner Rediger Development LLC</p> | <p>Case Number 2024PR30063</p> <p>Division</p> <p>Courtroom</p>   |
| <p align="center"><b>AMENDED<br/>JUDGMENT AND DECREE DETERMINING HEIRS OR DEVISEES OR BOTH,<br/>AND OF INTERESTS IN PROPERTY</b></p>   |   |

Upon consideration of the Petition for the Determination of Heirs or Devisees or Both, and of Interests in Property

**The Court finds that**

- 1 The statements in the Petition are true and correct,
- 2 Notice has been properly given or waived,
- 3 The Petitioner has standing to bring this action in accordance with §15-12-1302(1), C R S ,

[continued on the following page]



Eagle County, Colorado  
 Certified to be a true and correct  
 copy of the original in my custody.  
 Date Sept. 20, 2024  
Marilyn Hill  
 Clerk  
 By Christine Delgado  
 Deputy Clerk

4. The property that is the subject of the Petition is (including legal description if real property)

|            | Description of Property<br>(ONLY IF KNOWN, petitioner may include fractional or percentage ownership)  | Location of Property   |
|------------|--|------------------------|
| Property 1 | LEGAL DESCRIPTION OF "PETERSON PROPERTY"<br>A Parcel of Land located in Government Lot 4, Section 6, Township 5 South, Range 82 West of the 6th Principal Meridian, Eagle County, Colorado, and more particularly described as follows Beginning at a point on the North Line of said Section 6, from which the Northwest Corner of said Section 6 bears N89°46'45"W 1445 20 feet, thence upon said North Line of Section 6 S89°46'45"E 49 00 feet to the Northeast Corner of said Government Lot 4, thence departing said North Line of Section 6 S00°52'10"W 545 95 feet to the northerly right of way line of U S Highway 6, thence upon said northerly right of way N68°56'58"W 44 66 feet, thence departing said northerly right of way line N00°06'15"E 530 03 feet to the Point of Beginning Containing 0 56 Acres more or less | Eagle County, Colorado |
| Property 2 |  |                        |
| Property 3 |  |                        |
| Property 4 |  |                        |

**Original Decedent – Pearl G. Peterson**

Name of Original Decedent: Pearl G. Peterson

5a.  The Original Decedent died without a Will  
 The Original Decedent died with a Will The date of the Original Decedent's last Will is November 25, 1980 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6a The heirs or devisees of the Original Decedent are

| Name  | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc ) |
|---|---|
| Hubert N Peterson<br>(1 <sup>st</sup> Additional Decedent ), Deceased, date of death 12/29/2016 | Son of Pearl G Peterson, Original Decedent  |
| Velma M Collins<br>(2 <sup>nd</sup> Additional Decedent), Deceased, date of death 6/6/2010      | Daughter of Pearl G Peterson, Original Decedent   |
|   |   |
|   |   |

7a The Original Decedent held an interest in the property identified in Paragraph 4 above

8a The owners by descent or succession of the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession                       | Share of Original Decedent's Interest in Property (Fraction or Percentage) |
|---|--|
| Hubert N Peterson (1 <sup>st</sup> Additional Deceased) | 1/2 (50%)  |
| Velma M Collins (2 <sup>nd</sup> Additional Deceased)   | 1/2 (50%)  |
|   |  |
|   |  |

Paragraphs 5 through 8 will be addressed for each Additional Decedent addressed in the Petition.

**1<sup>st</sup> Additional Decedent – Hubert N. Peterson**

5b.  The First Additional Decedent died without a Will  
 The First Additional Decedent died with a Will The date of the First Additional Decedent's last Will is \_\_\_\_  
 \_\_\_\_ The dates of all codicils are \_\_\_\_  
 \_\_\_\_ The Will and any codicils are referred to as the Will

6b The heirs or devisees of the First Additional Decedent are

| Name            | Relationship (e.g spouse, partner in a civil union, child, brother, guardian for spouse, etc.) |
|-----------------|--|
| David Peterson  | Son of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                                 |
| Kevin Hopkins   | Stepson of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                             |
| Shawwna Hopkins | Stepdaughter of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                        |
|                 |  |
|                 |  |

7b. The First Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b. The owners by descent or succession of the First Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of First Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|--|
| David Peterson                    | 1/6 (16.67%)   |
| Kevin Hopkins                     | 1/6 (16.67%)   |
| Shawwna Hopkins                   | 1/6 (16.67%)   |
|                                   |  |

**2<sup>nd</sup> Additional Decedent – Velma M Collins**

5b  The Second Additional Decedent died without a Will  
 The Second Additional Decedent died with a Will The date of the First Additional Decedent's last Will is June 10, 1974 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Second Additional Decedent are

| Name             | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc )   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
| Dale R Collins   | Son of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-brother of Yalonda Newberry   |
|                  |   |
|                  |   |

7b The Second Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b The owners by descent or succession of the Second Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of Second Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|---|
| Yalonda Newberry                  | 1/4 (25%)   |
| Dale R Collins                    | 1/4 (25%)   |
|                                   |   |

**3<sup>rd</sup> Additional Decedent – Dale R Collins**

5b.  The Third Additional Decedent died without a Will  
 The Third Additional Decedent died with a Will The date of the First Additional Decedent's last Will is \_\_\_\_\_  
 \_\_\_\_\_ The dates of all codicils are \_\_\_\_\_  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Third Additional Decedent are

| Name | Relationship (e.g. spouse, partner in a civil union, |
|------|--|
|      |  |

|                  | <b>child, brother, guardian for spouse, etc )</b>   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
|                  |   |
|                  |   |
|                  |   |

- 7b** The Third Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above
- 8b** The owners by descent or succession of the Third Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| <b>Owner(s) by Descent or Succession</b> | <b>Share of Third Additional Decedent's Interest in Property (Fraction or Percentage)</b> |
|--|---|
| Yalonda Newberry                         | 1/2 (50%)   |
|  |   |
|  |   |

- 9.** Based on the foregoing, the Court determines the Original Decedent's interest in the property identified in Paragraph 4 to be held as follows

| <b>Owner(s) by Descent or Succession (including address)</b>                                  | <b>Share of Original Decedent's Interest in Property (Fraction or Percentage)</b> |
|---|---|
| David Peterson, as of December 29, 2016<br>11200 Sweet Pea Rd<br>Gilmer, TX 75644             | 1/6 (16.67%)  |
| Kevin Hopkins, as of December 29, 2016<br>648 North Terrace Drive<br>Grand Junction, CO 81507 | 1/6 (16.67%)  |
| Shawna Hopkins, as of December 29, 2016<br>1351 Rifle Heights Drive<br>Rifle, CO 81650        | 1/6 (16.67%)  |
| Yalonda Newberry, as of July 26, 2023<br>301 South Brown Street<br>Modesto, IL 62667          | 3/6 (50%)   |

**The Court further finds**

---



---

This judgment and decree shall be conclusive as to the rights of heirs or devisees in the subject property from the date of entry. If the judgment and decree affects title to real property, a certified copy of the judgment and decree must be recorded and indexed in the office of the county clerk and recorder of each county in which real property is located in manner and in like effect as a deed of conveyance from the decedent(s) to the heirs or devisees and the owners by descent or succession.

Date \_\_\_\_\_

\_\_\_\_\_  
 Judge    Magistrate    Registrar

Exhibit 2

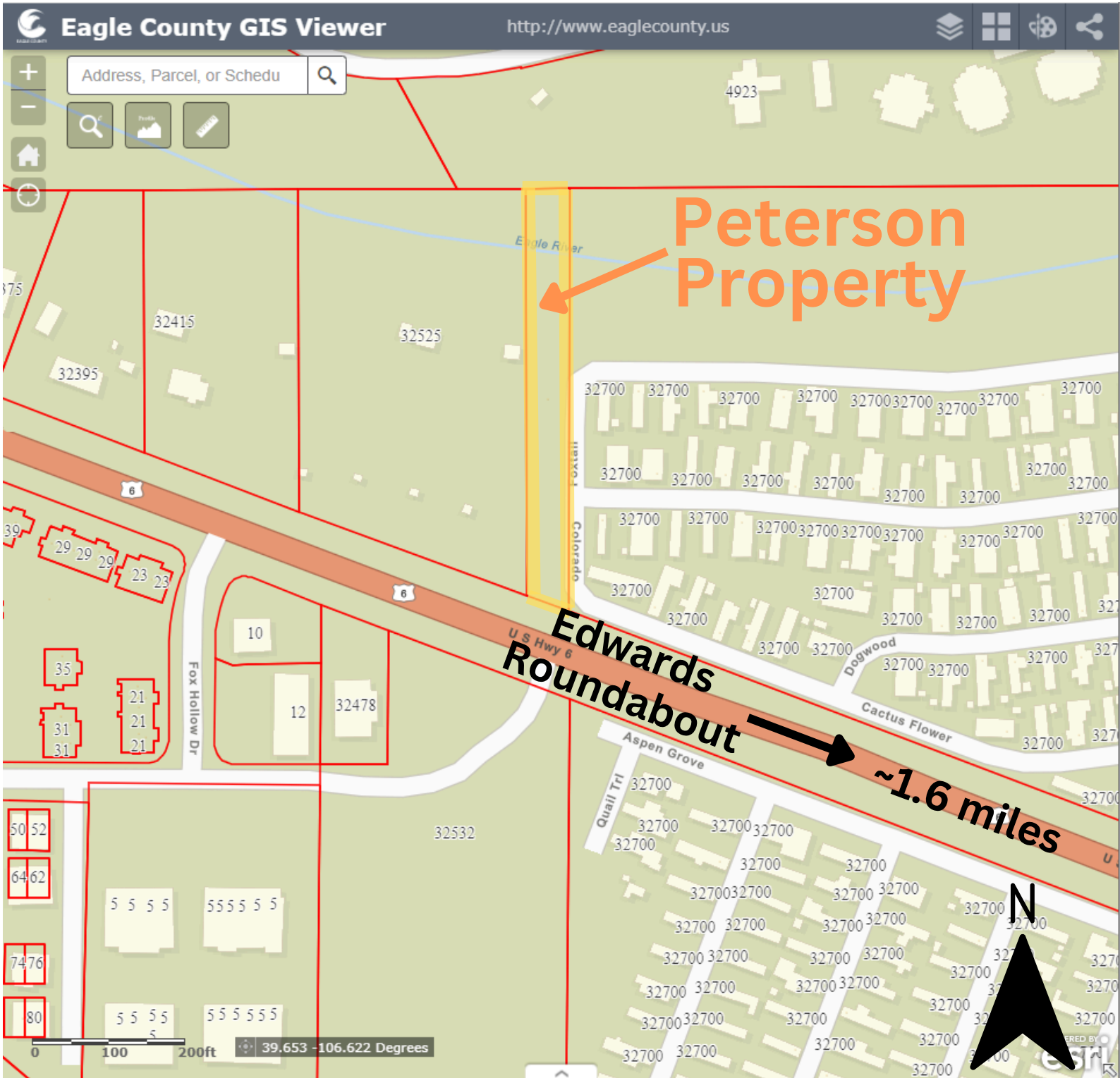


Exhibit 3

Peterson Property

Chain of Title

| COT # | Reception #   | Book | Page | Date                     | Grantor   | Grantee                               | Deed   | Notes   |
|-------|---|------|------|--------------------------|---|---------------------------------------|--|---|
| 1     | 1120279   | 48   | 5    | 12/14/1891               |   |                                       | Receipt (Peder C. Madsen)                                      | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 2     |   |      |      | 12/12/1891;<br>3/5/2025  | United States   | Peder C Madsen                        | Patent   | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 3     | 1125695   | 65   | 64   | 4/18/1899                | P.(Peder) C. Madsen   | D. (Daniel) G. Burnison               | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 4     | 1125948   | 65   | 317  | 12/16/1901               | Daniel G. Burnison  | T.J. Dice                             | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 5     | 1125993 / 21247                                     | 65   | 362  | 4/26/1902                | T.J. Dice   | Martha J. Hostadt                     | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 6     | 1143634 / 50939                                     | 106  | 555  | 12/6/1929                | Hayden Hohstadt, et al (heirs)                                      | F.H. Reynolds                         | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 7     | 1141883 / 50940                                     | 114  | 103  | 12/6/1929                | F.H. Reynolds   | G. Offerson                           | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 8     | 1151335 / 70604                                     | 128  | 362  | 2/18/1943                | Olive Offerson (Adminstrix of estate of G. Offerson)                | Beldon H. Bush                        | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 9     | 1150392 / 70807                                     | 127  | 205  | 5/5/1943                 | Beldon H. Bush  | H.H. and Ione Beatty                  | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 10    | 1153759 / 75774                                     | 133  | 206  | 9/19/1947                | H.H. and Ione Beatty  | J.S. and Mary E. Salazar              | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 11    | 1153760 / 75775                                     | 133  | 207  | 9/19/1947                | J.S. and Mary E. Salazar  | John and Pearl Peterson               | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 12 *  | 1162147 / 87229                                     | 148  | 147  | 10/18/1955               | John and Pearl Peterson   | Cleaver S. Kettrey and Geneva Kettrey | Warranty Deed  | Grant of easement for ROW along the eastern 20' of the Peterson Property                                  |
| 13 ** | 1169672 / 91510                                     | 161  | 329  | 7/22/1958                | John and Pearl G. Peterson  | Theodore E. and Hallie F. Mehbrandt   | Warranty Deed  | Part of Gov't Lot 4, Sec 6, T5S, R82N; Peterson Property created and retained                             |
| 14    | 1174164 / 101012                                    | 168  | 513  | 3/5/1965                 | John Peterson   | Pearl G. Peterson                     | QCD  | Part of Gov't Lot 4, Sec 6, T5S, R82N (included is the Peterson Property)                                 |
| 15    | 202400014, 202400015,<br>202400016, 202400017       |      |      | 1/2/2024                 | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | January 2024 Deeds for an undivided one-half interest in the Peterson Property, over-described            |
| 16    | 202403295, 202403296,<br>202403297, 202403298       |      |      | 3/28/2024                | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | March 2024 Deeds for a full interest in the Peterson Property, over-described                             |
| 17    | 202411131   |      |      | 9/20/2024                | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | Judgment and Decree Determining Heirs and Interest in Property | Judgment and decree affirming the heirs of Pearl G. Peterson and their interests in the Peterson Property |
| 18    | 202500493, 202500494,<br>202500495 and<br>202500795 |      |      | 1/13/2025 &<br>1/16/2025 | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | Refined legal description   |

\* - #12 is not technically part of the COT of the absolute fee interest of the Peterson Property, but contains the grant of an easement across a portion of the Peterson Property fbo the Kettreys

\*\* - #13 is not technically in the COT, but is the subdivision that created the Peterson Property and was retained by John and Pearl G. Peterson

Exhibit 4

COT Instrument 1

RECEIVER'S RECEIPT.—1176.—The Norris Company, Printers and Manufacturing Stationers, Chicago.

[4-121]

No. 1446

RECEIVER'S OFFICE AT Glenwood Springs Colo.

Nov 18<sup>th</sup>, 1899

Received from John P. Quinlan

of Eagle County, Colorado, the sum of One Hundred and Ninety Nine

63 Dollars and 63 cents; being in full for the

S<sup>1/4</sup> NE<sup>1/4</sup> S<sup>2</sup> NE<sup>1/4</sup> Sec 3 and S<sup>1/4</sup> NE

quarter of Section No. 4, in Township No. 3 S

of Range No. 86 W 6 P.M., containing 15.9 acres and

70 hundredths, at \$ 1.25 per acre.

No. 19963

J. S. Swan, Receiver.

Filed for Record the 28<sup>th</sup> day of July A. D. 1891 at 10<sup>10</sup> o'clock A.M.

Geo E. Rowland Recorder,

By \_\_\_\_\_ Deputy.

[4-121]

No. 959 M

RECEIVER'S OFFICE AT Glenwood Springs Colorado

December 4, 1891

Received from Mary E. Striker

of Eagle and Garfield County, Colorado, the sum of Two Hundred

40 Dollars and 40 cents; being in full for the

S.E. 1/4 Sec 21, N. 1/4 Sec 22, N.W. 1/4 Sec 27, and N.E. 1/4

quarter of Section No. 28, in Township No. 7 S

of Range No. 87 W 6 P.M., containing one Hundred and Sixty acres and

40 hundredths, at \$ 1.25 per acre.

No. 200

Clifford C. Parks, Receiver.

Filed for Record the 14 day of December A. D. 1891 at 8<sup>35</sup> o'clock A.M.

Geo E. Rowland Recorder,

By \_\_\_\_\_ Deputy.

[4-121]

No. 847

RECEIVER'S OFFICE AT Central City Colorado

April 6<sup>th</sup>, 1891

Received from Peder C. Madson

of Eagle County, Colorado, the sum of Two Hundred & Ten

40 Dollars and 40 cents; being in full for the

S<sup>1/4</sup> NE<sup>1/4</sup> S<sup>1/4</sup> NE<sup>1/4</sup> and Lots 4 & 5

quarter of Section No. 6, in Township No. 3 S

of Range No. 83 W 6<sup>th</sup> P.M., containing one Hundred Sixty Eight acres and

Eleven hundredths, at \$ 1.25 per acre.

No. 2167

Sam W. Newell, Receiver.

Filed for Record the 14 day of December A. D. 1891 at 10 o'clock A.M.

Geo E. Rowland Recorder,

By \_\_\_\_\_ Deputy.

See starting testimony 28-10-1891 at 2:15 p.m. 14 folios 2 & 1/2 c. 13

COT Instrument 2

# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

CERTIFICATE )

No. 847 ) *Whereas Peder C. Madsen of Eagle County Colorado.*

*has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Central City Colorado whereby it appears that full payment has been made by the said Peder C. Madsen*

*according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the south West quarter of the North East quarter, the south East quarter of the North West quarter, and the Lots numbered four and five of Section six in Township five south of Range eighty-two West of the sixth Principal Meridian in Colorado containing one hundred and sixty eight acres and eleven hundredths of an acre*

*according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Peder C. Madsen*

*Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Peder C. Madsen*

*and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Peder C. Madsen*

*and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.*

*In testimony whereof I, Benjamin Harrison President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.*

*Given under my hand, at the City of Washington, the twelfth day of December, in the year of our Lord one thousand eight hundred and ninety one, and of the Independence of the United States the one hundred and sixteenth*

L.S.

By the President: *Benjamin Harrison*

By *M. McKean* Secretary.  
*L. V. Roberts*, Recorder of the General Land Office.

114

# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greetings:

CERTIFICATE)

No. 847

County Colorado

Whereas Peder C. Madsen of Eagle

has deposited on the General Land Office of the United States a Certificate of the Register of the Land Office at Central City Colorado whereby it appears that full payment has been made by the said Peder C. Madsen

according to the provisions of the Act of Congress of the 24th of April 1820, entitled 'An Act making further provision for the sale of the Public Lands and the acts supplemental thereto for the South West quarter of the North East quarter, the South East quarter of the North West quarter, and the Lots numbered four and five of Section six in Township five South of Range eighty two West of the Sixth Principal Meridian in Colorado containing one hundred and sixty eight acres and eleven hundredths of an acre.

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Peder C. Madsen

Now know ye, That the United States of America in consideration of the premises and in conformity with the several Acts of Congress on such case made and provided have given and granted, and by these presents do give and grant unto the said Peder C. Madsen

and to his heirs the said Tract above described To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereto belonging unto the said Peder C. Madsen

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts and also subject to the right of the proprietors of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I Benjamin Harrison

President of the United States of America have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed

Given under my hand at the City of Washington the twelfth day of December in the year of our Lord one thousand eight hundred and ninety one and of the Independence of the United States the one hundred and sixteenth

[L.S.]

By the President Benjamin Harrison

By M. McKean

Secretary

A. P. Roberts

Recorder of the General Land Office

I hereby certify that this reproduction is a copy of the official record on file in this office

MAR - 3 2025

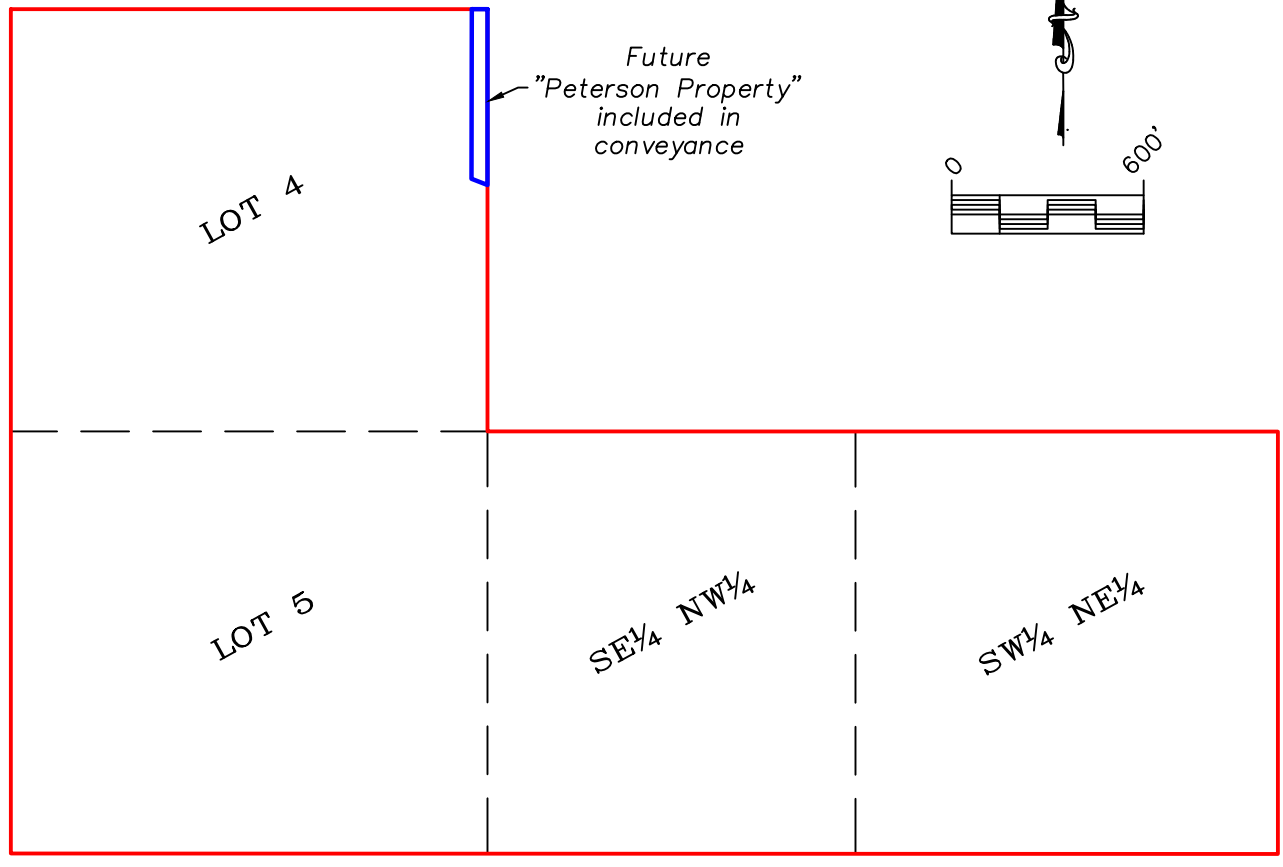
Authorized Signature

Colorado State Office Denver Colorado

# COT Exhibit #2B

(Patent US to Madsen)

SEC. 6 T. 5S R. 82W



COT Instrument 3

WARRANTY DEED - The Out West Printing and Stationery Co., Colorado Springs, Colo.

This Deed, Made this 18th day of April in the year of our Lord one thousand eight hundred and ninety nine between P. G. Madson of the County of Eagle and State of Colorado, of the first part, and D. L. Burmison of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, that the said part 1st of the first part, for and in consideration of the sum of \$4000.00 Dollars, to the said part 1st of the first part in hand paid by the said part 2nd of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said part 1st of the second part, his heirs and assigns, forever, all the following described lot or parcel of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit: Lots Four (4) and Five (5) in Section Six (6) Township Five (5) South of Range 82 East of Sixth P. M.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said part 1st of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and conveyed, with the appurtenances, unto the said part 1st of the second part, his heirs and assigns forever. And the said P. G. Madson, part 1st of the first part, for himself, his heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said part 1st of the second part, his heirs and assigns, that at the time of the enacting and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except one trust deed for the sum of four hundred dollars which the grantee herein assumes and agrees to pay and the above bargained premises in the quiet and peaceable possession of the said part 1st of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part 1st of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said part 1st of the first part has hereunto set his hand and seal the day and year first above written. Signed, Sealed and Delivered in Presence of P. G. Madson (with seal) and four witnesses (with seals).

STATE OF COLORADO, ss. County of Eagle, I, M. H. Bowland, Deputy County Clerk, in and for the said County, in the State aforesaid, do hereby certify that P. G. Madson who is personally known to me to be the person whose name is subscribed to the annexed deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act for the uses and purposes therein set forth.

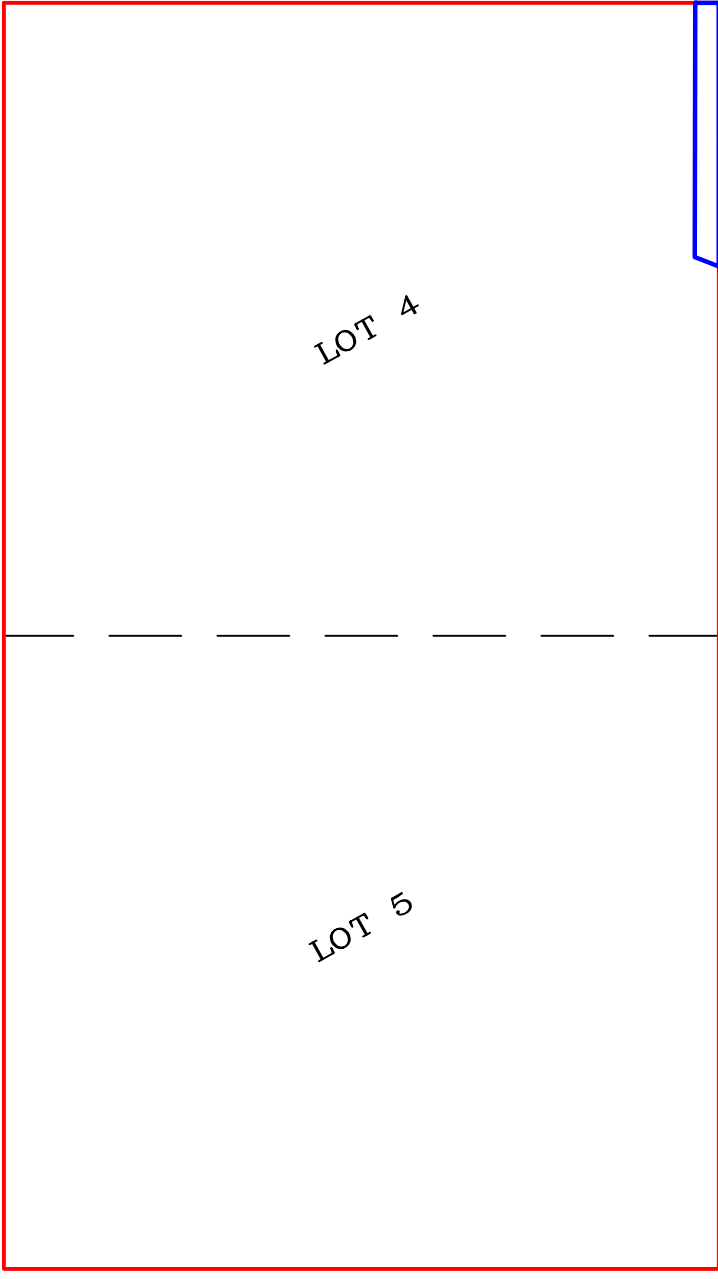
Given under my hand and official seal, this 18th day of April, A. D. 1899. My commission expires... M. H. Bowland, Deputy C. Clerk

Filed for Record the 18th day of April, A. D. 1899, at 3:42 o'clock P. M. Geo. G. Bowland, Recorder. By M. H. Bowland, Deputy.

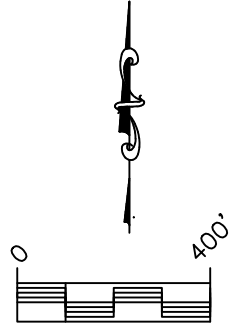
# COT Exhibit #3B

(WD 65/64 Madsen to Burnison)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 4

No. \_\_\_\_\_ WARRANTY DEED - The Out West Printing and Stationery Co., Colorado Springs, Colo.  
This Deed, Made this 7th day of November in the year of our Lord one thousand one hundred and ninety 1901 between Daniel G. Burmison of the County of Eagle and State of Colorado, of the first part, and J. J. Dice of the County of Eagle and State of Colorado, of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of \$1200.00 Twelve hundred Dollars, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns, forever, all the following described lots or parcels of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit: Lot four (4) and Five (5) in Section six (6) Township Five (5) South of Range (82) West of Sixth P. M.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said Daniel G. Burmison party of the first part, for himself heirs, executors and administrators, doth covenant, grant, bargain and agree, to and with the said party of the second part his heirs and assigns, that at the time of the executing and delivery of these presents, he well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever; subject to a mortgage of Twelve hundred Dollars \$1200.00 and the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.  
Signed, Sealed and Delivered in Presence of  
Meyer B. Haas } Daniel G. Burmison (SEAL)  
\_\_\_\_\_ } \_\_\_\_\_ (SEAL)  
\_\_\_\_\_ } \_\_\_\_\_ (SEAL)  
\_\_\_\_\_ } \_\_\_\_\_ (SEAL)

STATE OF COLORADO, }  
County of Eagle } SS. I, Meyer B. Haas Notary Public,  
in and for the said County, in the State aforesaid, do hereby certify that Daniel G. Burmison  
personally known to me to be the person whose name is subscribed to the annexed deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act for the uses and purposes therein set forth.



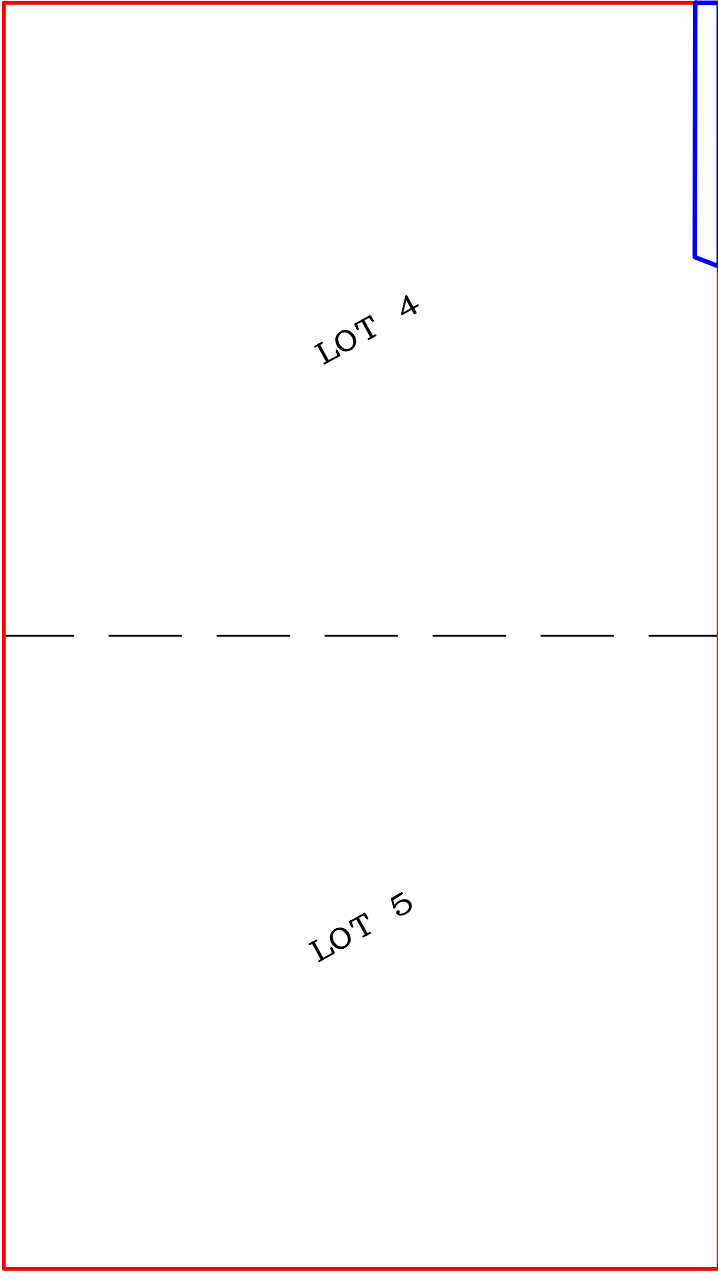
Given under my hand and Notarial seal, this 7th day of November A. D. 1901  
My commission expires My Commission Expires October 20, 1903.  
Meyer B. Haas  
Notary Public

Filed for Record the 16th day of December A. D. 1901, at 2<sup>40</sup> o'clock P. M.  
Geo. C. Rowland Recorder.  
By \_\_\_\_\_ Deputy.

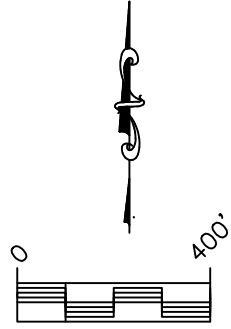
# COT Exhibit #4B

(WD 65/317 Burnison to Dice)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 5

362 No. 21247

WARRANTY DEED.—The Out West Printing and Stationery Co., Colorado Springs, Colo.

This Deed, Made this 22nd day of April in the year of our Lord one thousand nine hundred and twenty Two (1922) between Thomas J. Dice of the County of Eagle and State of Colorado, of the first part, and Martha J. Hoeldd of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, that the said part of the first part, for and in consideration of the sum of One thousand six hundred (\$1600) Dollars, to the said part of the first part in hand paid by the said part of the second part, the receipt whereof is hereby confessed and acknowledged, he granted, bargained, sold and conveyed, and by these presents do sell, grant, bargain, sell, convey and confirm unto the said part of the second part, heirs and assigns, forever, all the following described lot, or parcel of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit: Lots Four (4) and Five (5), in Section Six (6) Township Five (5) South, of Range 12 West of the Sixth P. M.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said part of the second part, heirs and assigns forever. And the said part of the first part, for himself, heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said part of the second part, heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and he has good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever;

and the above bargained premises in the quiet and peaceable possession of the said part of the second part, heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said part of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of Thomas J. Dice (SEAL)

STATE OF COLORADO, ss. County of Eagle I, James D. Cooper, County Clerk in and for the said County, in the State aforesaid, do hereby certify that Thomas J. Dice who is personally known to me to be the person whose name is subscribed to the annexed deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act for the uses and purposes therein set forth.



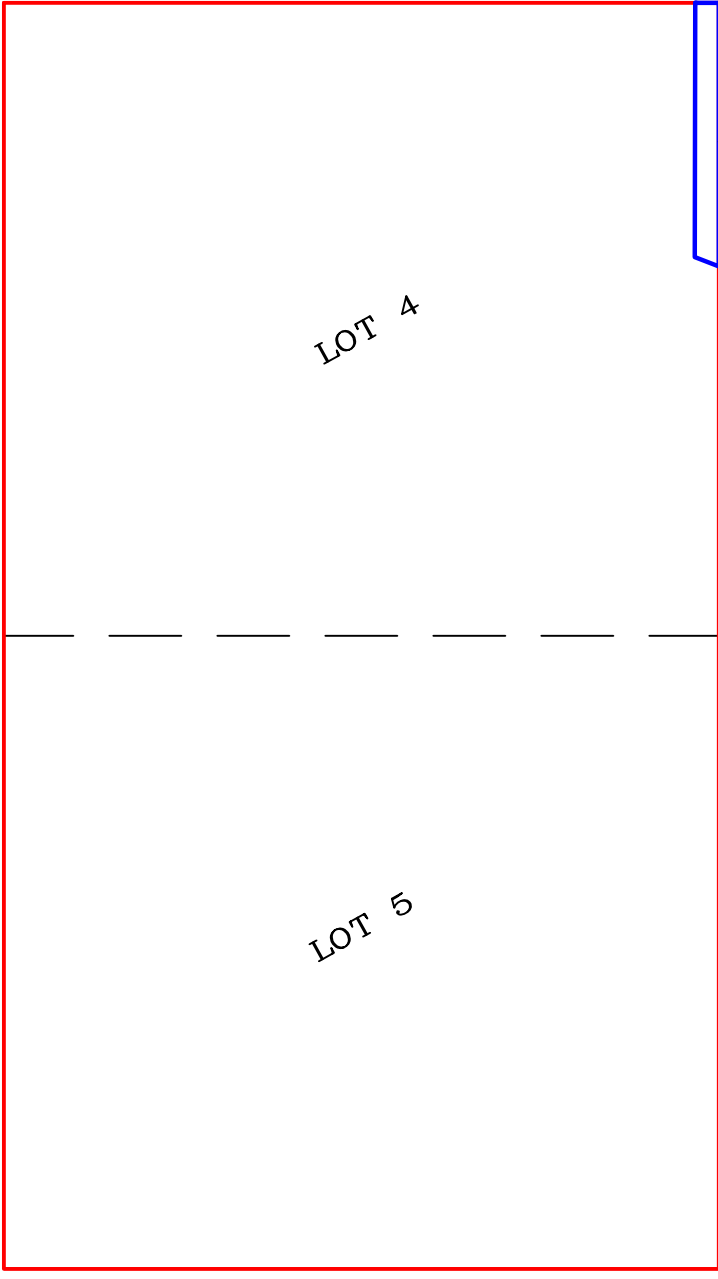
Given under my hand and Official seal, this 22nd day of April A. D. 1922 My commission expires James D. Cooper County Clerk

Filed for Record the 26th day of April A. D. 1922 at 10:20 o'clock A.M. By James D. Cooper Recorder Deputy

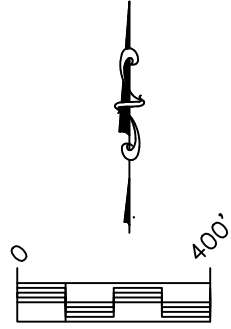
# COT Exhibit #5B

(WD 65/362 Dice to Hostadt)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 6

110 with Priority No. 163, in Water District No. 37, State of Colorado.

TOGETHER With all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD The said premises above bargained and described, with the appurtenances, unto the said parties of the second part, their heirs and assigns forever. And the said THOMAS CAROLAN, party of the first part, for himself and his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the ensealing and delivery of these presents he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority, to grant, bargain, sell and convey the same, in manner and form aforesaid, and the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever; Except the taxes for the year of 1929, which the grantor expressly assumes and agrees to pay, and the above bargained premises, in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and delivered in Presence of )  
 ) Thomas Carolan (SEAL)  
 ) (SEAL)  
 ) (SEAL)  
 ) (SEAL)

STATE OF COLORADO, )  
 ) ss.  
COUNTY OF Eagle. )

I, Gene K. Luby, a Notary Public in and for said County, in the State aforesaid, do hereby certify that THOMAS CAROLAN, who is personally known to me to be the person whose name is subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth. Given under my hand and notarial seal, this 14th day of September, A. D. 1929  
(Notarial) My Commission expires April 5, 1931.  
( Seal ) Gene K. Luby  
 Notary Public.

Filed for record the 15 day of November 1929 at 9:15 o'clock A.M. Nettie M. Cave, Recorder by Forrest W. Cave, Deputy

No. 50939. WARRANTY DEED.

THIS DEED, Made this twentieth day of September, in the year of our Lord one thousand nine hundred and twenty-nine between Effie Fleck, of the County of Wabaunsee and State of Kansas, Raye Reynolds, formerly Raye Rabedew, of the County of Eagle and State of Colorado, Tese Penny, of the County of Gila and State of Arizona and Hayden Hohstadt of the County of Los Angeles and State of California, of the first part, and F. H. Reynolds, of the County of Eagle and State of Colorado, of the second part: WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all the following described lots or parcels of land, situate, lying and being in the County of Eagle, and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6), in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian, except the County Road as it now exists.

Together with the buildings and all other improvements situate upon said above described lots or in anywise appertaining thereto.

Also together with any and all ditches, water, springs, reservoirs, and ditch, water, spring and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to said above described lots, and more particularly, without limitation of the preceding description, all right, title and interest of said parties of the first part of, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered

38, in Water District No. 37, State of Colorado, and Four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No. 203, in Water District No. 37, State of Colorado.

It being the intent of the parties of the first part to convey to said party of the second part all right, title, and interest said parties of the first part now have and/or may hereafter acquire of, in and to the property hereinabove described by virtue of being heirs at law of Martha J. Hohstadt, Deceased, and/or Charles Hohstadt, Deceased, or otherwise.

TOGETHER With all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title and interest, claim and demand whatsoever of the said parties of the first part, either in law or in equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD The said premises above bargained and described, with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said Effie Fleck, Raye Reynolds, formerly Raye Rabadew, Tese Penny and Hayden Hohstadt, parties of the first part, for themselves and their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of the enrolling and delivery of these presents they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever; except any and all taxes now due or to become due against said property and also except any and all claims, which may be filed or allowed against the estate of Charles Hohstadt, Deceased. Also excepting that certain Deed of Trust given by Charles Hohstadt to the Public Trustee for the use of Louis K. Fleck, which Deed of Trust was given to secure one note in the sum of Four Hundred Dollars (\$400.00) and is recorded in Book 98, at Page 148, in the office of the Clerk and Recorder within and for Eagle County, Colorado, and the above bargained premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Effie Fleck (Seal)  
Raye Reynolds (Seal)  
Formerly Raye Rabadew  
Tese Penny (Seal)  
Hayden Hohstadt (Seal)

STATE OF COLORADO, )  
: SS.  
COUNTY OF EAGLE. )

I, Gene K. Luby, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Effie Fleck and Raye Reynolds, formerly Raye Rabadew, who are personally known to me to be the persons whose names are subscribed to the above and foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 20th day of September, A. D. 1929.  
My Commission expires April 5, 1931.

Gene K. Luby, Notary Public.

( Notarial Seal )

STATE OF ARIZONA, )  
: SS.  
COUNTY OF GILA. )

I, D. S. Heron, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Tese Penny, who is personally known to me to be the person whose name is subscribed to the above and foregoing Deed, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 2nd day of October, A. D. 1929.

My Commission expires Jan 9-1932

D. S. Heron, Notary Public.

(Notarial Seal)

STATE OF CALIFORNIA, )  
: SS.  
COUNTY OF LOS ANGELES. )

I, Elmer W. Hansen, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Hayden Hohstadt, who is personally known to me to be the person whose name is subscribed to the above and foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 7th day of October, A. D. 1929.  
My Commission expires My Commission Expires January 5th, 1933.

( Notarial Seal )

Elmer W. Hansen  
Notary Public.  
Notary Public in and for the  
County of Los Angeles, State of  
California.

Filed for record December 6, 1929, at 11:45 o'clock A.M. Nettie M. Cave, Recorder,  
By Forrest W. Cave, Deputy.

No. 50943.

QUIT CLAIM DEED.

THIS DEED, Made this 16th day of November in the year of our Lord one thousand nine hundred and twenty nine, between J. B. Colt Company, a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey of the first part, and H. H. Elliott, also Known as Henry H. Elliott, and Mrs. H. H. Elliott, also known as Mrs. Lena Elliott, of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable considerations to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and QUIT CLAIMED, and by these presents does remise, release, sell, convey and QUIT CLAIM unto the said parties of the second part their heirs and assigns forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described real property situate, lying and being the County of Eagle and State of Colorado, to-wit:

Southwest quarter of the southeast quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section eleven (11), and the northeast quarter of the northwest quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) and the north half of the northeast quarter (N $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section fourteen (14), in Township five (5) South, Range eighty-one (81) West, 6th Prin, Mer., containing 160 acres more or less according to the government survey thereof.

The intent and purpose of this quit-claim deed being to release, discharge and satisfy the lien now existing against the above described premises by reason of the recording of a transcript of that certain judgment of the District Court of the City and County of Denver, State of Colorado, wherein the grantor was plaintiff and the grantees defendants, which judgment was entered in said court on August 28, 1928, in amount of \$421.27; and by the execution and delivery of this instrument said judgment is and is to be released, discharged and satisfied, and the lien thereof held for naught.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part; their heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its signature by the hand of its Vice President, duly attested by the signature of its Assistant Secretary and the seal of said corporation, the day and year above written.

Attest

P. F. Smith, Asst. Secretary  
O. K. W. C. Roszel.  
( Corporate Seal )

J. B. Colt Company  
By Jno. D. Swain, Vice President  
O.K. W. C. Roszel

STATE OF NEW YORK,    ↓  
                              : SS.  
COUNTY OF NEW YORK. ↓

I, Isabella M. Drysdale, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that John D. Swain, as Vice President of J. B. Colt Company, a corporation, who is personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 30th day of November, A.D. 1929.  
My commission expires March 30, 1931.

( Notarial Seal )

Isabella M. Drysdale, Notary Public.

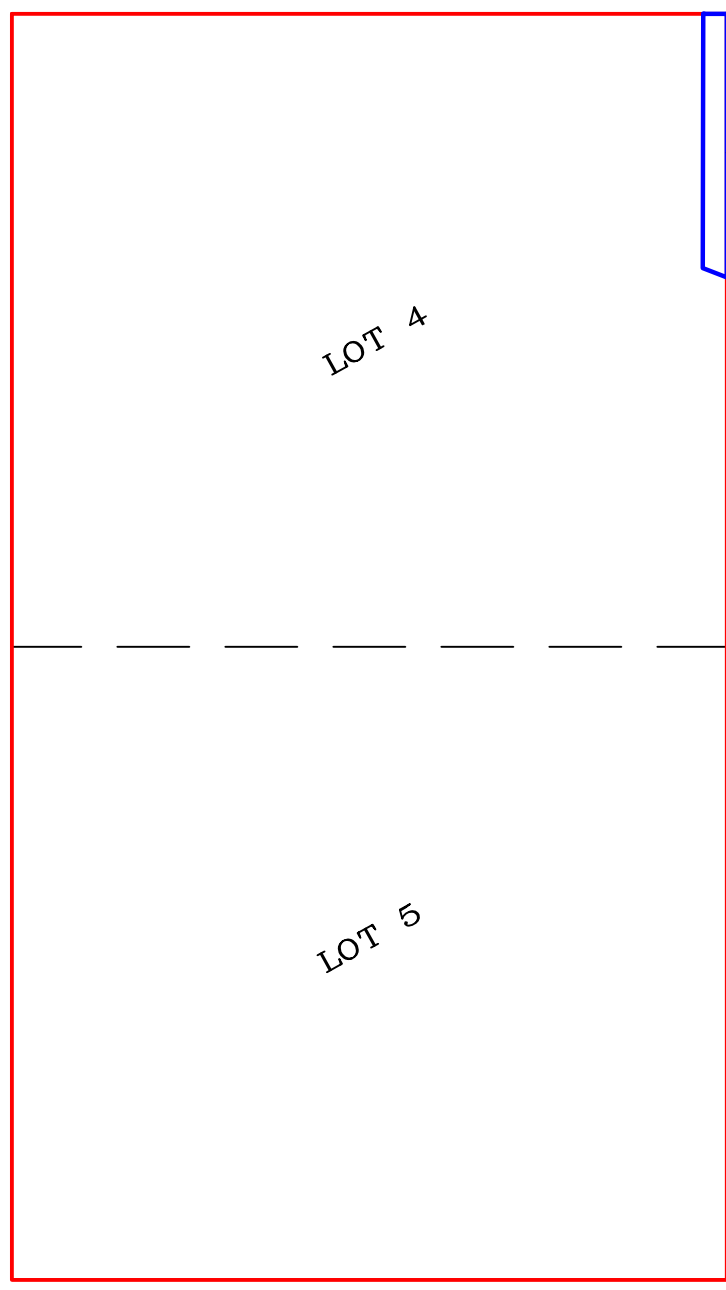
Notary Public, Bronx County  
Bronx County Clerk's No. 69  
Bronx County Register's No. 3131  
Certificate filed in New York Co. Clerk's  
No. 175  
New York County Register's No. 1D187  
Commission Expires March 30, 1931.

Filed for record December 6, 1929, at 2:05 o'clock P.M. Nettie M. Cave, Recorder  
By Forrest W. Cave, Deputy.

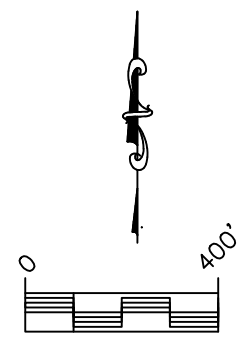
# COT Exhibit #6B

(WD 106/555 Hostadt et al to Reynolds)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 7

No. 50940

WARRANTY DEED.—Out West Printing and Stationery Co., Colorado Springs, Colo. 82112

This Deed, Made this second day of December in the year of our Lord one thousand nine hundred and twenty-nine between F. H. REYNOLDS

of the County of Eagle and State of Colorado, of the first part, and G. OFFERSON of the County of Eagle and State of Colorado, of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all the following described lot or parcels of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6), in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian, except the County road as it now exists.

Together with the buildings and all other improvements situate upon said above described lots or in any wise appertaining thereto.

Also together with any and all ditches, water, springs, reservoirs, and ditch, water, spring and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to, said above described lots, and more particularly, without limitation of the preceding description, all right, title and interest of said party of the first part of, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered 38, in Water District No. 37, State of Colorado, and Four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No. 203, in Water District No. 37, State of Colorado.

Together With all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold The said premises above bargained and described, with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said F. H. REYNOLDS,

party of the first part, for him self and his heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part, his heirs and assigns, that at the time of the encasing and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever. Except the taxes for the year of 1929, which said taxes the said party of the first part agrees to pay same before same become delinquent,

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

the said party of the first part shall and will Warrant and Forever Defend. In Witness Whereof, The said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, Sealed and Delivered in Presence of Wm. H. Luby

F. H. Reynolds (with seal) and other witnesses (with seals)

STATE OF COLORADO } ss. County of Eagle, I, Gene K. Luby, a Notary Public in and for said County, in the State aforesaid, do hereby certify that F. H. REYNOLDS,

personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.



Given under my hand and notarial seal, this 2nd day of December, A. D. 1929.

My commission expires April 5, 1931.

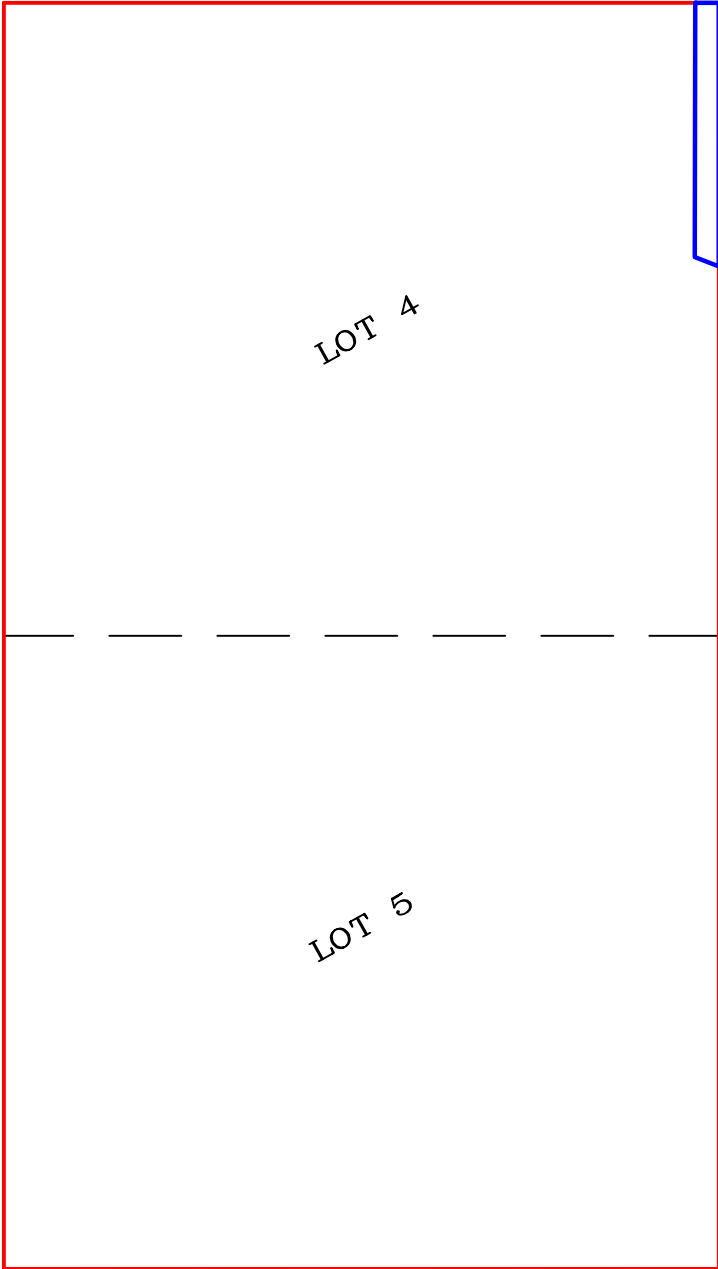
Gene K. Luby, Notary Public

Filed for Record the 6 day of December, 1929, at 11:46 A.M. Nettie M. Cave, Recorder. By Forrest W. Cave, Deputy.

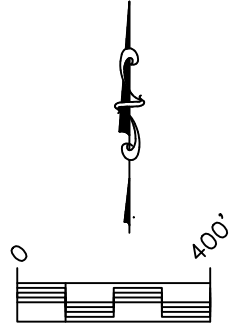
# COT Exhibit #7B

(WD 114/103 Reynolds to Offerson)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 8

Decree of Final Settlement and Determination of Heirship in the Estate of Nathaniel D. Payton deceased, as the same appears on file and of record in my office remaining.

(Seal of County Court )  
(Eagle County, Colorado)

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court this 15th day of February A D. 1943

Mabel A. Ethel  
Judge and Ex-officio Clerk

By \_\_\_\_\_ DEPUTY

Filed for record the 15th day of February, A.D. 1943 at 10:40 o'clock A.M. Mae Cox  
County Clerk and Recorder.

No. 70596 PATENT  
Denver 045954 4--1007

THE UNITED STATES OF AMERICA,  
To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Denver, Colorado, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William H. Odgen has been established and duly consummated, in conformity to law, for the south half of the southeast quarter and the northeast quarter of the southeast quarter of Section twenty-two, the west half of the southwest quarter of Section twenty-three, the northwest quarter of the northwest quarter of Section twenty-six and the north half of the northeast quarter of Section twenty-seven in Township six south of Range eighty-seven west of the Sixth Principal Meridian, Colorado, containing three hundred twenty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the FIFTEENTH day of JANUARY in the year of our Lord one thousand nine hundred and FORTH-THREE and of the Independence of the United States the one hundred and SIXTY-SEVENTH.

(Seal of the United States)  
(General Land Office )

By the President: Franklin D. Roosevelt

By Ruth W. Talley, Secretary

R. S. Clinton  
Chief, Patents Division, General Land Office.

RECORDED: Patent Number 115937

Filed for record the 16th day of February, 1943 at 1:20 o'clock P. M. Mae Cox  
County Clerk and Recorder.

No. 70604 SPECIAL WARRANTY DEED

THIS DEED, Made this 30th day of January in the year of our Lord one thousand nine hundred and forty-three between OLIVE OFFERSON, as Administratrix of the estate of Gulling Offerson, also known as G. Offerson, and OLIVE OFFERSON as provided for in that certain Order, Judgment and Decree recorded in Book 128 at Page 331 of the records in the Office of the County Clerk and Recorder of Eagle County, Colorado, of the County of Eagle and State of Colorado, of the first part, and BELDON H. BUSH of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns, forever, all the following described lots or parcels of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6) in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian, except the County Road as it now exists.

Together with the buildings and all other improvements situate upon said above described lots or in anywise appertaining thereto.

Also together with any and all ditches, water, springs, reservoirs and ditch, water, spring, and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to said above described lots, and more particularly, without limitation of the preceding description, all right, title and interest of said party of the first part, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered 38 in Water District No. 37, State of Colorado, for four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No. 203, in Water District No. 37, State of Colorado.

(Documentary Stamps \$2.75, Cancelled 1/30/43, O.O. A. O. )

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said party of the second part, his heirs and assigns forever. And the said Olive Offererson party of the first part, for herself and for her heirs, executors and administrators does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, by, through or under the said party of the first part, the said party of the first part to WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year above written.

Olive Offererson (SEAL)

STATE OF COLORADO )  
 ) ss.  
County of Eagle )

I, Forrest W. Cave a Notary Public in and for said County, in the State aforesaid, do hereby certify that OLIVE OFFERSON personally known to me to be the person whose name is subscribed to the annexed Deed, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 30th day of January, A. D. 1943.  
My commission expires January 24, 1946

(NOTARIAL SEAL)

Forrest W. Cave  
Notary Public

Filed for record the 18th day of February, 1943 at 3:25 o'clock P. M. Mae Cox  
County Clerk and Recorder

No. 70609 CERTIFIED COPY  
DECREE OF FINAL SETTLEMENT C O P Y

STATE OF COLORADO )  
 ) ss. IN THE COUNTY COURT:  
COUNTY OF CONEJOS )

IN THE MATTER OF THE ESTATE )  
 OF )  
MERWIN A. WILDER, known also as )  
MERWIN ALBERT WILDER, )  
 DECEASED.) )  
 DECREE OF FINAL SETTLEMENT

And now on this day comes John F. Bennett, the administrator with the will annexed of the Estate of Merwin A. Wilder, known also as Merwin Albert Wilder, deceased, and presents to the Court a final report of his acts and doings as such; asks that the same be approved and that he be discharged and said estate decreed to be fully administered according to law.

And it appearing to the Court from the records and files herein, and the Court doth find that said Merwin A. Wilder, known also as Merwin Albert Wilder, departed this life on or about the 31st day of October, A.D. 1938; and thereafter said John F. Bennett was duly appointed administrator with the will annexed of said Estate.

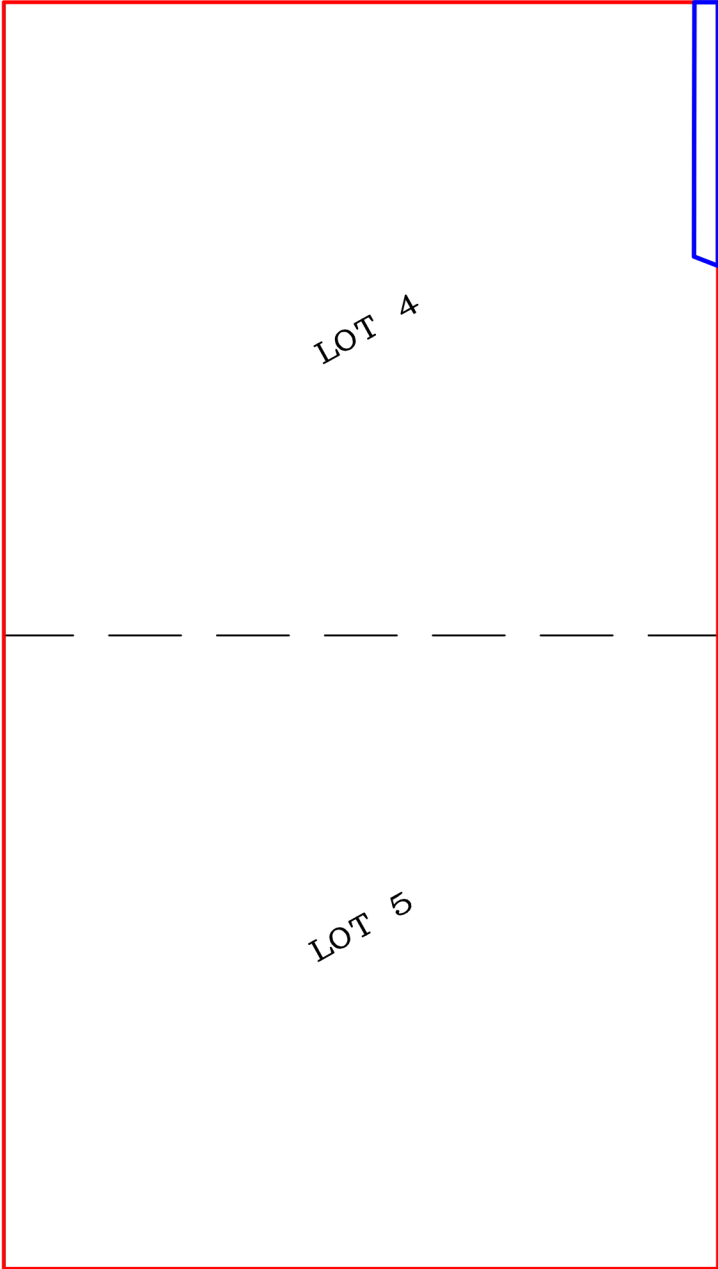
And the Court doth further find that more than one year has elapsed since letters were issued herein and that there has been published, in the manner and as required by law, and in accordance with an order of this Court, a notice that said final report would be presented for approval on Monday, the 16th day of November, A.D. 1942, and that the hearing thereon was regularly continued to this date.

And it further appearing to the Court from the records and files herein, and the Court doth find that said administrator with the will annexed has sold or otherwise disposed of all of the property and estate of said decedent, situate in the State of Colorado which has come to his hands or knowledge, except an undivided 7/24 interest in the Warrior's Mark Lode Mining Claim, U.S. Survey No. 5419, situate in Eagle County, Colorado, of which the Court finds said decedent to have died seized and possessed and to be a portion of the

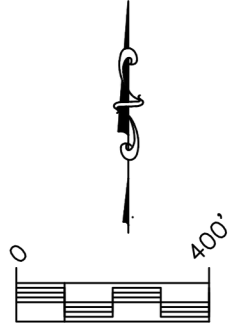
# COT Exhibit #8B

(WD 128/362 Offerson to Bush)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 9

No. 70807 560-B-Revised WARRANTY DEED TO JOINT TENANTS—Out West Printing and Stationery Co., Colorado Springs, Colo. B1461

This Deed, Made this 4th day of May, in the year of our Lord one thousand nine hundred and forty-three, between BELDON H. RUSH,

of the County of Eagle and State of Colorado, of the first part, and H. H. BEATTY and IONE BEATTY,

of the County of Eagle and State of Colorado, of the second part;

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, to the said part Y of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, ha. s. granted, bargained, sold and conveyed, and by these presents do es. grant, bargain, sell, convey and confirm, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot. s. or parcel. s. of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6), in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian in Colorado.

Together with the buildings and all other improvements situate thereon, or in anywise belonging or appertaining thereto.

Also together with all water, ditches, springs and reservoirs, and ditch, water, spring and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to said above described land, and particularly including, but without limitation of the preceding description, all right, title and interest of said party of the first part of, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered 38, in Water District No. 37, State of Colorado, and Four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No. 203, in Water District No. 37, State of Colorado.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part Y of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and To Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said part Y of the first part, for himself and heirs, executors, and administrators, do es. covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and ha. s. good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, Except the taxes for the year of 1943, which grantees agree to pay, and subject to rights of way for roads and ditches now of record,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part Y of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said part Y of the first part ha. s. hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Beldon H. Bush. (Documentary Stamps 34.40 cancelled 5-4-43-B.H.B.)

STATE OF COLORADO, County of Eagle. The foregoing instrument was acknowledged before me this day of 19, by Witness my hand and official seal. My commission expires NOTARY PUBLIC.

STATE OF COLORADO, County of Eagle. I, M. Frances Gamble, a Notary Public in and for Eagle County, in the State aforesaid, do hereby certify that Beldon H. Bush,

who is personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act and deed, for the uses and purposes therein specified set forth.

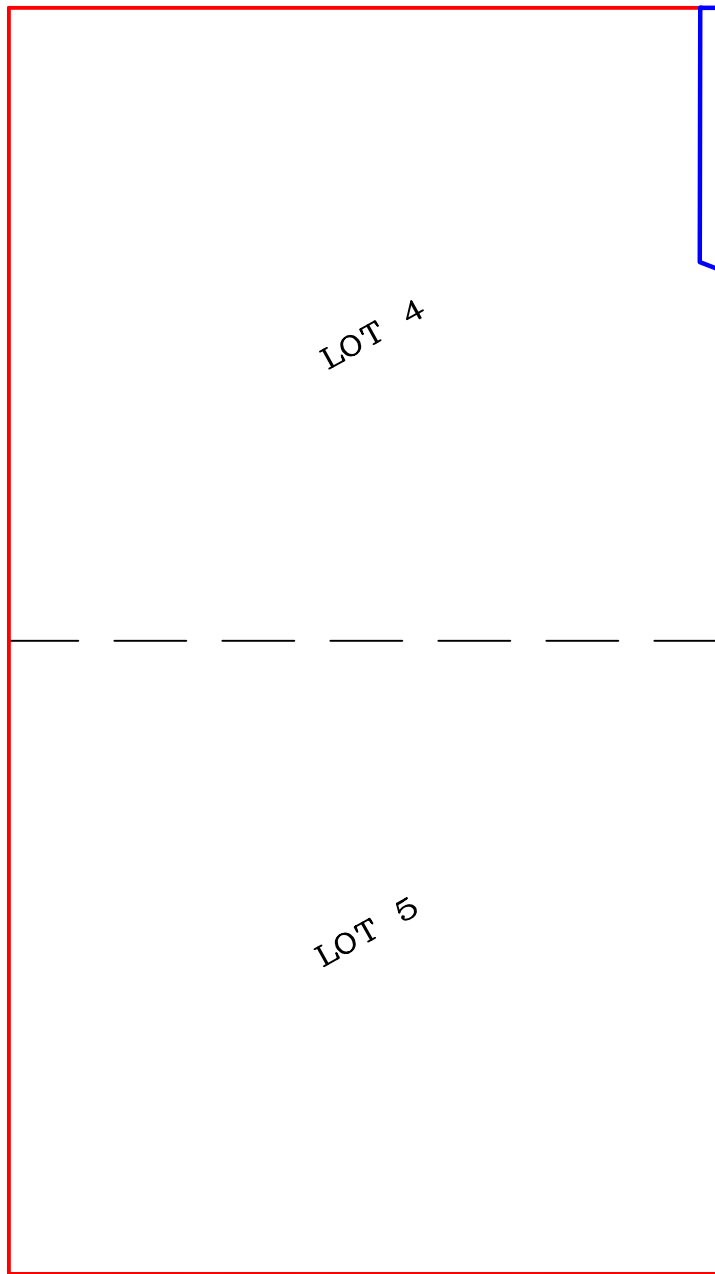
Given under my hand and official seal, this 4th day of May, A. D. 1943. My commission expires July 23, 1946, A. D. 19 M. Frances Gamble NOTARY PUBLIC.

Filed for record the 5th day of May, A. D. 1943, at 10:30 o'clock A. M. Mae Cox RECORDER. By DEPUTY.

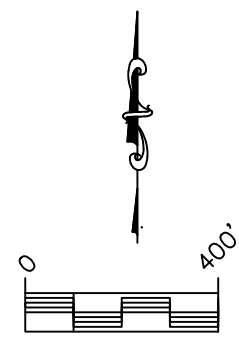
# COT Exhibit #9B

(WD 127/205 Bush to Beatty)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 10

**This Deed,** Made this 1 day of October in the year of our Lord one thousand nine hundred and forty-five, between H. H. BEATTY and IONE BEATTY, of the County of Eagle and State of Colorado, of the first part, and J. S. SALAZAR and MARY E. SALAZAR, of the County of Eagle and State of Colorado, of the second part;

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, ~~DOLLARS~~ to the said part ies of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have ve granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot s or parcel s of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6), in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian in Colorado. Together with the buildings and all other improvements situate thereon, or in anywise belonging or appertaining thereto.

Also together with all water, ditches, springs and reservoirs, and ditch, water, spring and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to said above described land, and particularly including, but without limitation of the preceding description, all of grantors' right, title and interest of, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered 38, in Water District No. 37, State of Colorado, and Four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No.203, in Water District No. 37, State of Colorado.

(DOCUMENTARY STAMPS \$4.40 CANCELLED 9/19/47 HHB IB)

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part ies of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and To Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said part ies of the first part, for themselves and for their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensembling and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have ve good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except the taxes for the year of 1945, which grantors agree to pay, and taxes subsequent thereto which grantees agree to pay, and subject to rights of way for roads and ditches as same now exist,

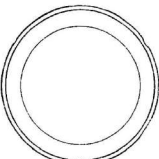
and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part ies of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said part ies of the first part have ve hereunto set their hand s and seal s the day and year first above written:

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF } H H Beatty Seal  
 } Ione Beatty Seal  
 } Seal



STATE OF COLORADO, }  
 County of Eagle } ss. The foregoing instrument was acknowledged before me this  
1 day of October, 1945, by H. H. Beatty and Ione Beatty.  
 Witness my hand and official seal.  
 My commission expires Jan. 24, 1946.  
Forrest W Cave  
 NOTARY PUBLIC.



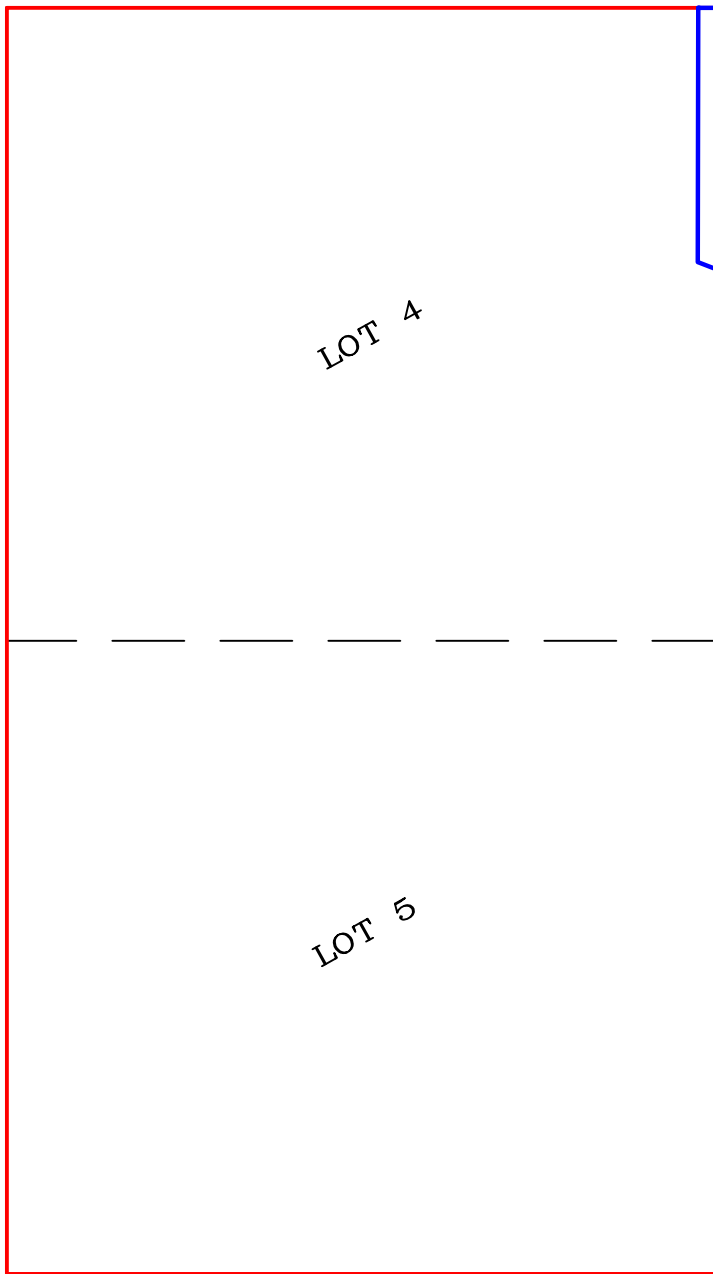
STATE OF COLORADO, }  
 County of Eagle } ss. I, \_\_\_\_\_  
 a Notary Public in and for said County, in the State aforesaid, do hereby certify that \_\_\_\_\_  
 who \_\_\_\_\_ personally known to me to be the person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the foregoing  
 Deed, appeared before me this day in person, and acknowledged that \_\_\_\_\_ signed, sealed and delivered the  
 said instrument of writing as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes therein specified.  
 My notarial commission expires \_\_\_\_\_, A. D. 19\_\_\_\_\_  
 Given under my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_  
 \_\_\_\_\_  
 NOTARY PUBLIC.

Filed for record the 19 day of Sept., A. D. 1947, at 3:45 o'clock P. M. Thomas F. McBreen RECORDER.  
 By \_\_\_\_\_ DEPUTY.

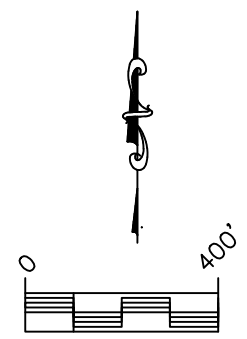
# COT Exhibit #10B

(WD 133/206 Beatty to Salazar)

SEC. 6 T. 5S R. 82W



Future  
"Peterson Property"  
included in  
conveyance



COT Instrument 11

This Deed, Made this 10th day of September, in the year of our Lord one thousand nine hundred and forty-seven between J. S. SALAZAR and MARY E. SALAZAR, of the County of Eagle and State of Colorado, of the first part, and JOHN PETERSON and PEARL G. PETERSON, of the County of Eagle and State of Colorado, of the second part;

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ONE HUNDRED DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

Lots numbered Four (4) and Five (5) of Section Six (6), in Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian in Colorado.

Together with the buildings and all other improvements situate thereon, or in anywise belonging or appertaining thereto.

Also together with all water, ditches, springs and reservoirs, and ditch, water, spring and reservoir rights and priorities used upon, belonging to, or in any manner connected with or appertaining to said above described land, and particularly including, but without limitation of the foregoing, all of grantors' right, title and interest of, in and to the Hohstadt Enlargement and Extension of the Brett Ditch, which said Brett Ditch is numbered 38, in Water District No. 37, State of Colorado, and Four and two-tenths (4.2) cubic feet of water per second of time decreed to said Hohstadt Enlargement and Extension of the Brett Ditch by decree of the District Court wherein said Hohstadt Enlargement and Extension of the Brett Ditch was given Priority No. 203, in Water District No. 37, State of Colorado.

(DOCUMENTARY STAMPS \$4.95 CANCELLED JSS MES 9/19/47)

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and To Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said parties of the first part, for themselves and for their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensembling and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except the taxes for the year of 1947, payable in 1948, which grantees assume and agree to pay, and subject to rights of way for roads and ditches of record and as same exist,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF J S Salazar Seal Mary E Salazar. Seal Seal

STATE OF COLORADO, County of Eagle. The foregoing instrument was acknowledged before me this 10th day of September, 1947, by J. S. Salazar and Mary E. Salazar. Witness my hand and official seal. My commission expires January 24, 1950. Forrest W Cave NOTARY PUBLIC.

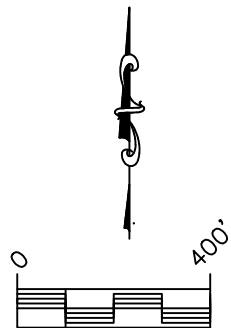
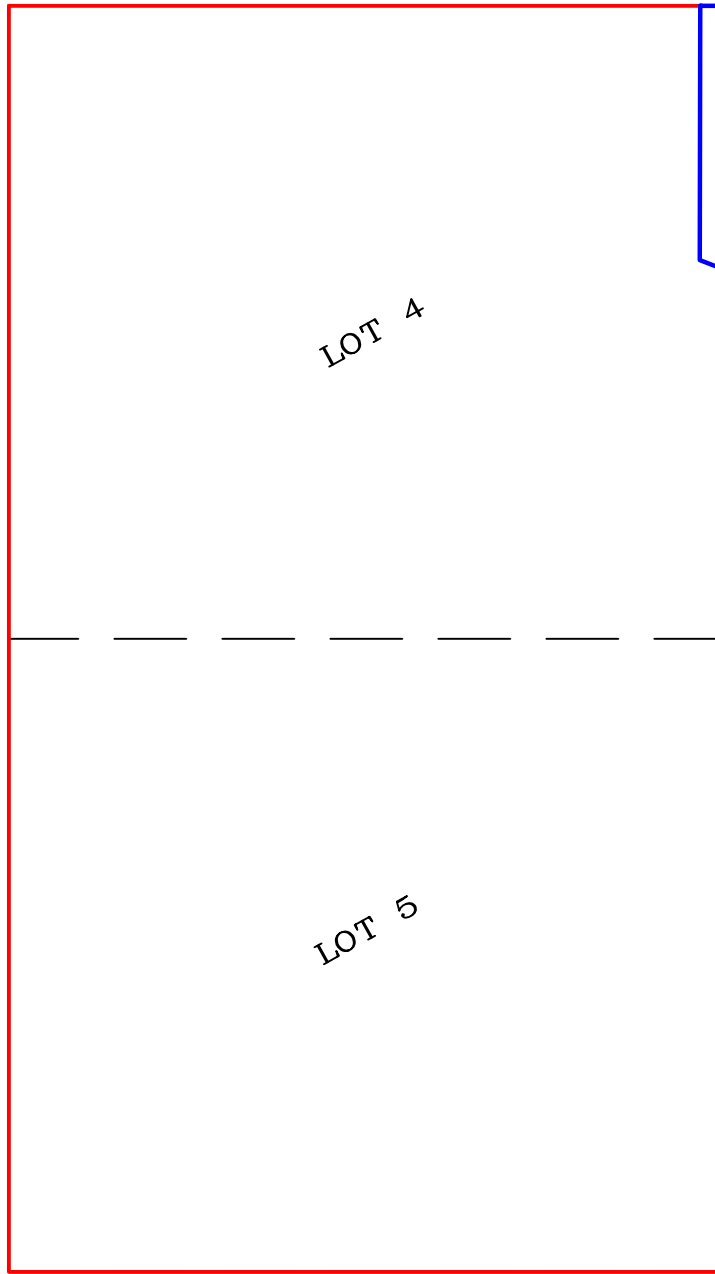
STATE OF COLORADO, County of Eagle. I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that who personally known to me to be the person whose name subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that signed, sealed and delivered the said instrument of writing as free and voluntary act and deed, for the uses and purposes therein specified. My notarial commission expires, A. D. 19 Given under my hand and notarial seal, this day of, A. D. 19 NOTARY PUBLIC.

Filed for record the 19 day of Sept, A. D. 1947, at 3:48 o'clock P.M. Thomas F. McBreen RECORDER. By DEPUTY.

# COT Exhibit #11B

(WD 133/207 Salazar to Peterson)

SEC. 6 T. 5S R. 82W



COT Instrument 12

147

Recorded at 2:55 o'clock P.M., October 18, 1955

Reception No. 87229 Thomas F. McBreen Recorder.

THIS DEED, Made this 14 day of October in the year of our Lord one thousand nine hundred and fifty-five between JOHN PETERSON and PEARL G. PETERSON

of the County of Eagle and State of Colorado, of the first part, and CLEVER S. KETTREY and GENEVA KETTREY

of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS

to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lots or parcels of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

That part of Lot four (4) lying south of United States highway numbered 6 and 24 together with an easement of right-of-way twenty feet in width along the easterly side of said Lot 4 and extending from said highway northerly to the northerly boundary of said Lot 4, all of Lot five (5), in Section six (6), Township five (5) South of Range 82 West of the 6th P.M., together with all improvements situate thereon, excepting therefrom that part heretofore conveyed to the Colorado State Highway Department of the State of Colorado under a deed recorded in Book 122 at Page 468 of the records of the County Clerk and Recorder of Eagle County, Colorado.

Also, together with all water, ditches, springs and reservoirs used upon, situate upon or in any manner connected with or appertaining to the above described land, including but without limitation, all of the grantor's right, title and interest in and to the Hohstadt Enlargement and Extension of the Brett Ditch No. 38, Water District No. 37, and 4.2 cubic feet of water per second of time decreed to said Enlargement and Extension under Priority No. 203 but reserving to the grantors and excepting herefrom 13.98 percent of the rights to the use of water above mentioned.

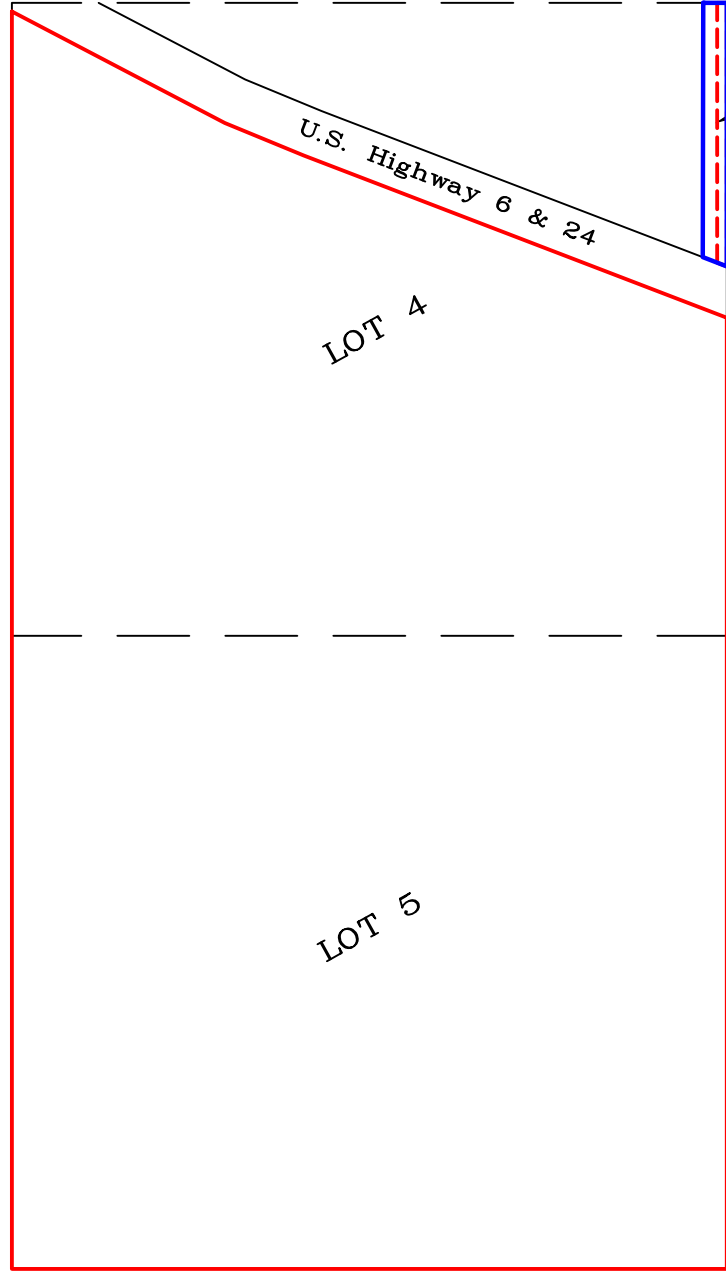


TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

# COT Exhibit #12B

(WD 148/147 Peterson to Kettrey)

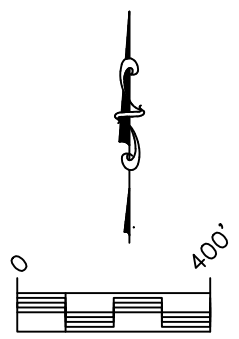
SEC. 6 T. 5S R. 82W



20' ROW Easement  
across future  
"Peterson Property"  
fbo Lot 4 & 5  
(south of Hwy)  
included in  
conveyance

LOT 4

LOT 5



COT Instrument 13

329

Filed for record the 22 day of July A. D. 19 58, at 3:50 o'clock P. M.  
Reception No. 91510 Thomas F. McBreen RECORDER

**This Deed,** Made this -22nd- day of -July- in the year of our Lord one thousand nine hundred and -Fifty-eight- between JOHN PETERSON and PEARL G. PETERSON of the County of Eagle and State of Colorado, of the first part, and THEODORE E. MEHLBRANDT and HALLIE F. MEHLBRANDT of the County of Denver and State of Colorado, of the second part;

FEE PAID UNDER S. B. No. 27  
FEE PAID UNDER PROTEST No. 10  
FEE EXCLUDED

Witnesseth, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION- - - ~~money~~ to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

A parcel of land, being a part of Lot Four (4), Section Six (6), Township Five South (5S), Range Eighty-two West (82W) of the Sixth (6th) Principal Meridian, more particularly described as follows:  
Beginning at a point on the North line of Sec. 6, Twp. 5 South, Range 82 West of the 6th Principal Meridian, whence the Northwest corner of the said Section 6 bears West 1148.2 feet; thence East 297.0 feet; thence South 0°07' East 519.9 feet to the northerly right-of-way line of U. S. Highway Nos. 6 & 24; thence northwesterly along the said right-of-way line to a point 407.1 feet south of the place of beginning; thence North 407.1 feet to the place of beginning. Containing 3.16 acres, more or less.

Together with the buildings and all other improvements situate on or belonging to the above described land or in anywise appertaining thereto.



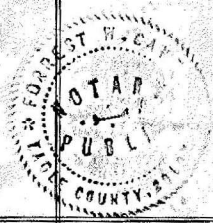
Together with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the enrolling and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
*John Peterson* Seal  
*Pearl G. Peterson* Seal



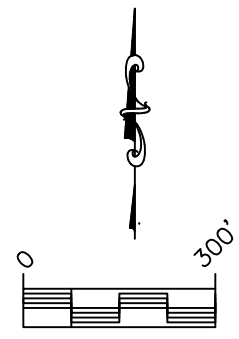
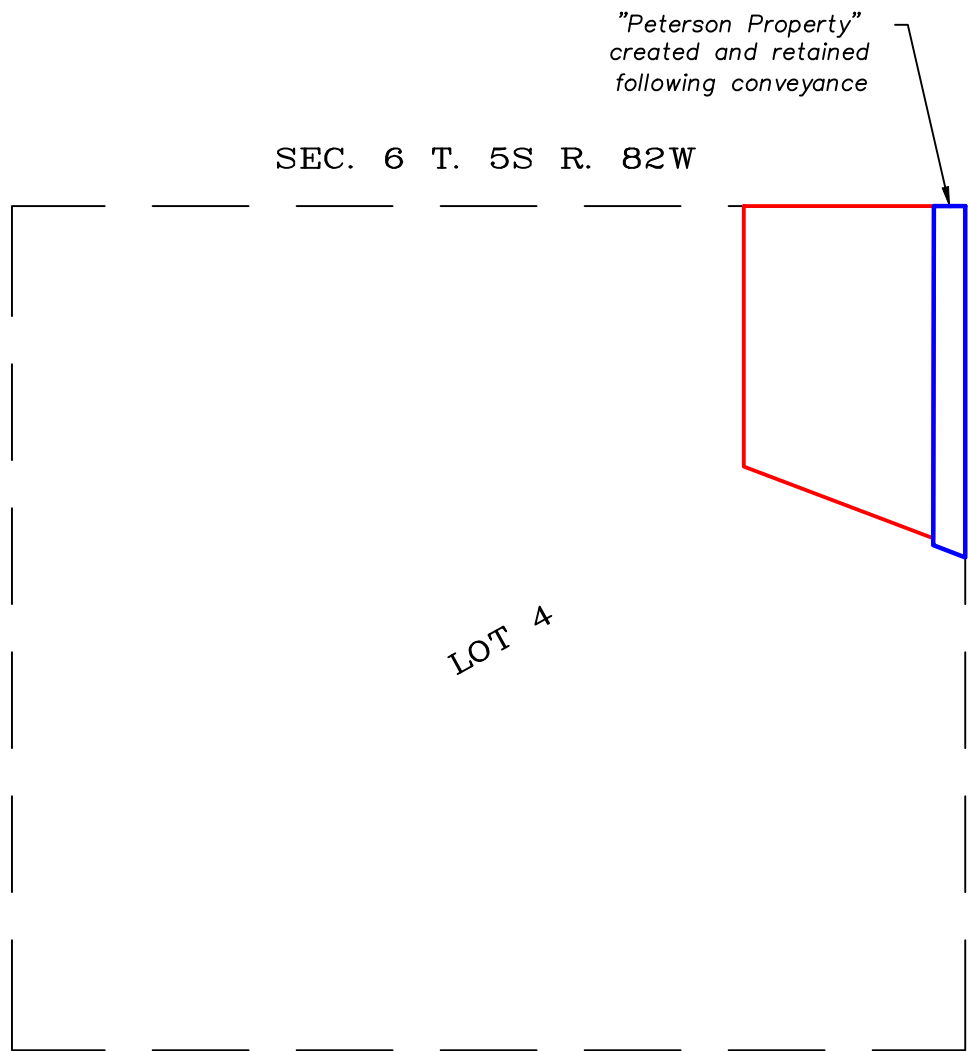
STATE OF COLORADO,  
County of Eagle } ss. The foregoing instrument was acknowledged before me this 22nd day of July, 1958,  
by John Peterson and Pearl G. Peterson.

Witness my hand and official seal.  
My commission expires Jan 25 1962  
*Forrest W. Cave*  
Notary Public

\*If acting in official or representative capacity, insert name and also office or capacity and for whom acting.

# COT Exhibit #13B

(WD 161/329 Peterson to Mehlbrandt)



COT Instrument 14

513

Filed for record the 5 day of March, A. D. 1965, at 8 o'clock A. M. Thomas F. McBreen RECORDER.  
Reception No. 101012 By \_\_\_\_\_ DEPUTY.

Know all Men by these Presents, That I,

JOHN PETERSON

of the County of Eagle and State of Colorado, for the consideration of ----- TEN AND NO/100 ----- DOLLARS, in hand paid, hereby sell and quit-claim to

PEARL G. PETERSON

of the County of Eagle and State of Colorado, the following real property, situate in the County of Eagle and State of Colorado, to-wit: That part of Lot Four (4) in Section Six (6), Township Five (5) South, Range Eighty-two (82) West of the Sixth (6th) Principal Meridian, lying North of the right of way of U. S. Highway 6 and 24. EXCEPTING those parcels heretofore conveyed out by Deeds recorded in Book 148 at Page 147, Eagle County records, and Book 161 at Page 329, Eagle County records,

with all its appurtenances.

Signed and delivered this 2nd day of March, A. D. 1965.

IN THE PRESENCE OF

*John Peterson*

STATUTORY ACKNOWLEDGMENT

STATE OF COLORADO, *Arizona* ss.  
County of *Yuma*  
The foregoing instrument was acknowledged before me this 2nd day of March, 1965, by John Peterson.  
Witness my hand and official seal.  
My commission expires April 20, 1968

*Marcell M. Moser*  
NOTARY PUBLIC.

\*If acting in official or representative capacity, insert name and also office or capacity and for whom acting.

COT Instrument 15









COT Instrument 16





**Grantee's Address:**

Rediger Development LLC  
3003 E. 3<sup>rd</sup>. Ave, Suite B109A  
Denver, CO 80206

**Bargain and Sale Deed**

**THIS BARGAIN AND SALE DEED** is dated 3-18-24 and is made between Yalonda Newberry (**Grantor**) and Rediger Development LLC, a Colorado limited liability company (**Grantee**).

**WITNESS** that Grantor, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, hereby sells and conveys to Grantee all of Grantor's rights, title, and interest, without any warranties, in the following real property:

Township 5 South, Range 82 West of the Sixth Principal Meridian,  
County of Eagle, State of Colorado.

Grantor covenants that if Grantor subsequently acquires any additional rights, title, and interest of Dale Collins in the foregoing property, then Grantor shall automatically sell and convey to Grantee all of any such rights and without any warranties.

**IN WITNESS WHEREOF**, Grantor has executed this bargain and sale deed on the date set forth above.

By YALONDA NEWBERRY  
Yalonda Newberry

STATE OF Illinois )  
 ) ss.  
COUNTY OF Morgan )

On this 18<sup>th</sup> day of March, 2024 before me appeared Yalonda Newberry who, being by me duly sworn, acknowledged she executed this bargain and sale deed as her free act and deed.

**IN WITNESS WHEREOF**, I have set my hand and affixed my official seal in County of Morgan, State of Illinois, on the day and year above written.

My commission expires: 12-6-25

Sandra K McCue  
Notary Public





COT Instrument 17

|  |   |
|--|---|
| <p>DISTRICT COURT, EAGLE COUNTY, COLORADO</p> <p>Eagle County Justice Center<br/>885 Chambers Avenue<br/>Eagle, CO 81631</p>   | <p><b>SO ORDERED BY COURT</b></p> <p>09/20/2024<br/><i>Jonathan Shamis</i></p> <p><b>JONATHAN KEITH SHAMIS</b><br/>District Court Judge</p> <p>▲ ▲</p> <p><b>COURT USE ONLY</b></p> |
| <p><b>In the Matter of the Determination of Heirship or Devisees or Both, and Interests in Property of:</b></p> <p>Pearl G Peterson (deceased)<br/>Hubert N Peterson (deceased)<br/>Velma M Collins (deceased)<br/>Dale R Collins (deceased)</p> <p>Petitioner Rediger Development LLC</p> | <p>Case Number 2024PR30063</p> <p>Division</p> <p>Courtroom</p>   |
| <p align="center"><b>AMENDED<br/>JUDGMENT AND DECREE DETERMINING HEIRS OR DEVISEES OR BOTH,<br/>AND OF INTERESTS IN PROPERTY</b></p>   |   |

Upon consideration of the Petition for the Determination of Heirs or Devisees or Both, and of Interests in Property

**The Court finds that**

- 1 The statements in the Petition are true and correct,
- 2 Notice has been properly given or waived,
- 3 The Petitioner has standing to bring this action in accordance with §15-12-1302(1), C R S ,

[continued on the following page]



Eagle County, Colorado  
 Certified to be a true and correct  
 copy of the original in my custody.  
 Date Sept. 20, 2024  
Marilyn Hill  
 Clerk  
 By Christine Delgado  
 Deputy Clerk

4. The property that is the subject of the Petition is (including legal description if real property)

|            | Description of Property<br>(ONLY IF KNOWN, petitioner may include fractional or percentage ownership)  | Location of Property   |
|------------|--|------------------------|
| Property 1 | LEGAL DESCRIPTION OF "PETERSON PROPERTY"<br>A Parcel of Land located in Government Lot 4, Section 6, Township 5 South, Range 82 West of the 6th Principal Meridian, Eagle County, Colorado, and more particularly described as follows Beginning at a point on the North Line of said Section 6, from which the Northwest Corner of said Section 6 bears N89°46'45"W 1445 20 feet, thence upon said North Line of Section 6 S89°46'45"E 49 00 feet to the Northeast Corner of said Government Lot 4, thence departing said North Line of Section 6 S00°52'10"W 545 95 feet to the northerly right of way line of U S Highway 6, thence upon said northerly right of way N68°56'58"W 44 66 feet, thence departing said northerly right of way line N00°06'15"E 530 03 feet to the Point of Beginning Containing 0 56 Acres more or less | Eagle County, Colorado |
| Property 2 |  |                        |
| Property 3 |  |                        |
| Property 4 |  |                        |

**Original Decedent – Pearl G. Peterson**

Name of Original Decedent: Pearl G. Peterson

5a.  The Original Decedent died without a Will  
 The Original Decedent died with a Will The date of the Original Decedent's last Will is November 25, 1980 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6a The heirs or devisees of the Original Decedent are

| Name  | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc ) |
|---|---|
| Hubert N Peterson<br>(1 <sup>st</sup> Additional Decedent ), Deceased, date of death 12/29/2016 | Son of Pearl G Peterson, Original Decedent  |
| Velma M Collins<br>(2 <sup>nd</sup> Additional Decedent), Deceased, date of death 6/6/2010      | Daughter of Pearl G Peterson, Original Decedent   |
|   |   |
|   |   |

7a The Original Decedent held an interest in the property identified in Paragraph 4 above

8a The owners by descent or succession of the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession                       | Share of Original Decedent's Interest in Property (Fraction or Percentage) |
|---|--|
| Hubert N Peterson (1 <sup>st</sup> Additional Deceased) | 1/2 (50%)  |
| Velma M Collins (2 <sup>nd</sup> Additional Deceased)   | 1/2 (50%)  |
|   |  |
|   |  |

Paragraphs 5 through 8 will be addressed for each Additional Decedent addressed in the Petition.

**1<sup>st</sup> Additional Decedent – Hubert N. Peterson**

5b.  The First Additional Decedent died without a Will  
 The First Additional Decedent died with a Will The date of the First Additional Decedent's last Will is \_\_\_\_  
 \_\_\_\_ The dates of all codicils are \_\_\_\_  
 \_\_\_\_ The Will and any codicils are referred to as the Will

6b The heirs or devisees of the First Additional Decedent are

| Name            | Relationship (e.g spouse, partner in a civil union, child, brother, guardian for spouse, etc.) |
|-----------------|--|
| David Peterson  | Son of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                                 |
| Kevin Hopkins   | Stepson of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                             |
| Shawwna Hopkins | Stepdaughter of Hubert N Peterson (1 <sup>st</sup> Additional Decedent)                        |
|                 |  |
|                 |  |

7b. The First Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b. The owners by descent or succession of the First Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of First Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|--|
| David Peterson                    | 1/6 (16.67%)   |
| Kevin Hopkins                     | 1/6 (16.67%)   |
| Shawwna Hopkins                   | 1/6 (16.67%)   |
|                                   |  |

**2<sup>nd</sup> Additional Decedent – Velma M Collins**

5b  The Second Additional Decedent died without a Will  
 The Second Additional Decedent died with a Will The date of the First Additional Decedent's last Will is June 10, 1974 The dates of all codicils are N/A  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Second Additional Decedent are

| Name             | Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc )   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
| Dale R Collins   | Son of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-brother of Yalonda Newberry   |
|                  |   |
|                  |   |

7b The Second Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

8b The owners by descent or succession of the Second Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| Owner(s) by Descent or Succession | Share of Second Additional Decedent's Interest in Property (Fraction or Percentage) |
|-----------------------------------|---|
| Yalonda Newberry                  | 1/4 (25%)   |
| Dale R Collins                    | 1/4 (25%)   |
|                                   |   |
|                                   |   |

**3<sup>rd</sup> Additional Decedent – Dale R Collins**

5b.  The Third Additional Decedent died without a Will  
 The Third Additional Decedent died with a Will The date of the First Additional Decedent's last Will is \_\_\_\_\_  
 \_\_\_\_\_ The dates of all codicils are \_\_\_\_\_  
 \_\_\_\_\_ The Will and any codicils are referred to as the Will

6b. The heirs or devisees of the Third Additional Decedent are

| Name | Relationship (e.g. spouse, partner in a civil union, |
|------|--|
|      |  |

|                  | <b>child, brother, guardian for spouse, etc )</b>   |
|------------------|---|
| Yalonda Newberry | Daughter of Velma M Collins (2 <sup>nd</sup> Additional Decedent) and half-sister of Dale R Collins (3 <sup>rd</sup> Additional Decedent) |
|                  |   |
|                  |   |
|                  |   |

- 7b** The Third Additional Decedent held a fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above
- 8b** The owners by descent or succession of the Third Additional Decedent's fractional or percentage interest in the Original Decedent's interest in the property identified in Paragraph 4 above

| <b>Owner(s) by Descent or Succession</b> | <b>Share of Third Additional Decedent's Interest in Property (Fraction or Percentage)</b> |
|--|---|
| Yalonda Newberry                         | 1/2 (50%)   |
|  |   |
|  |   |

- 9.** Based on the foregoing, the Court determines the Original Decedent's interest in the property identified in Paragraph 4 to be held as follows

| <b>Owner(s) by Descent or Succession (including address)</b>                                  | <b>Share of Original Decedent's Interest in Property (Fraction or Percentage)</b> |
|---|---|
| David Peterson, as of December 29, 2016<br>11200 Sweet Pea Rd<br>Gilmer, TX 75644             | 1/6 (16.67%)  |
| Kevin Hopkins, as of December 29, 2016<br>648 North Terrace Drive<br>Grand Junction, CO 81507 | 1/6 (16.67%)  |
| Shawanna Hopkins, as of December 29, 2016<br>1351 Rifle Heights Drive<br>Rifle, CO 81650      | 1/6 (16.67%)  |
| Yalonda Newberry, as of July 26, 2023<br>301 South Brown Street<br>Modesto, IL 62667          | 3/6 (50%)   |

**The Court further finds**

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---

This judgment and decree shall be conclusive as to the rights of heirs or devisees in the subject property from the date of entry. If the judgment and decree affects title to real property, a certified copy of the judgment and decree must be recorded and indexed in the office of the county clerk and recorder of each county in which real property is located in manner and in like effect as a deed of conveyance from the decedent(s) to the heirs or devisees and the owners by descent or succession.

Date \_\_\_\_\_

\_\_\_\_\_  
 Judge  Magistrate  Registrar

COT Instrument 18









Exhibit 5

## Matt Larson

---

**From:** Kim Shultz <kshultz@ltgc.com>  
**Sent:** Friday, February 9, 2024 9:12 AM  
**To:** Matt@redigerdev.com  
**Subject:** Title Chain  
**Attachments:** PETERSON.TITLECHAIN.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Matt:

Thanks for clearing those deeds. After running this title chain on this Parcel of land located in Government Lot 4, Section 6, Township 5 South, Range 82 West and East of 32525 Hwy 6 in Edwards I found no evidence that this property has been transferred out of Pearl G. Petersons or her heirs names, so it appears that this is what we would identify as a remainder parcel that was simply left over after the Petersons transferred all of their other interests out of their name. I have enclosed an invoice for the title chain research. Please let me know if you need anything else from me or if you have any questions on this.

Sincerely,

### Kim Shultz

Title Officer - Colorado License #108386  
Land Title Guarantee Company  
200 Basalt Center Circle, Suite 100  
PO Box 3440  
Basalt, CO 81621  
Direct: (970) 927-0405 x 2011  
efax: [\(877\) 346-4115](tel:8773464115)  
[www.ltgc.com](http://www.ltgc.com)



[Please visit our website for directions, rates, placing orders and much more!](#)

**Please note that all Land Title offices will be closed Monday, February 19, 2024 in observance of Presidents Day.**

Exhibit 6

## Matt Larson

---

**From:** Matt Larson <matt@RedigerDev.com>  
**Sent:** Monday, April 15, 2024 10: 2 AM  
**To:** mark.chapin@eaglecounty.us; assessor@eaglecounty.us  
**Subject:** Peterson Property Acknowledgment  
**Attachments:** Peterson Property TD 1000.pdf 20240001 Affidavit Pearl Peterson.pdf  
202400019 Affidavit Shawwna Hopkins.pdf 202400020 Affidavit Kevin  
Hopkins.pdf 202400021 Affidavit Alonda Newberry.pdf 20240000 Affidavit  
Pearl Peterson.pdf

Good Morning Mr. Chapin,

Rediger Development recently purchased the Peterson Property from the heirs of Pearl G. Peterson (please see attached TD 1000).

We would like to get the Peterson Property back on the assessment roll and get caught up on back taxes per CRS 39-5-125.

In addition to the recorded conveyance documents referenced in the TD 1000, attached are affidavits of the Peterson heirs. Please let me know what, if any, additional information you require (e.g., our abstract, confirmation of our analysis by Land Title, trusts/wills of Pearl G. Peterson and her children, etc.).

Thank you.

Matt

### **Matt Larson, Partner**

#### **Rediger Development LLC**

3003 E. 3rd Ave., Suite B-109A

Denver, CO 80206

(O) [303.825.0108](tel:303.825.0108)

(C) [303.808.6997](tel:303.808.6997)

[Matt@RedigerDev.com](mailto:Matt@RedigerDev.com)

Exhibit 7

**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

May 22, 2024

Matt Larson  
Partner  
Rediger Development LLC  
3003 East 3<sup>rd</sup> Ave., Suite B109-A  
Denver, Colorado 80206  
Via email to: [matt@redigerdev.com](mailto:matt@redigerdev.com)

Re: April 8, 2024 Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor asked me to review a written request you made to his office on April 8, 2024, in which you asked him to revise his official records to reflect “Rediger Development” as the owner of certain real property located in Eagle County described in the correspondence as the “Peterson Property.” You assert that you purchased the Peterson Property from the heirs of Pearl G. Peterson, and requested that the Assessor change his ownership records so that the property “would be back on the assessment roll and caught up on back taxes per CRS 39-5-125.”

In connection with your request to the Assessor, you presented the following:

- Bargain and Sale Deed between Grantor, Yalonda Newberry, and Grantee, Rediger Development LLC, a Colorado limited liability company (“Rediger Development LLC”), dated December, 19, 2023, and recorded in the C&R Records at Reception No. 202400017;
- Bargain and Sale Deed between Grantor, Yalonda Newberry, and Grantee, Rediger Development LLC, dated March 18, 2024, and recorded in the C&R Records at Reception No. 202403297;
- Affidavit of Yalonda Newberry signed on December 19, 2023 and recorded in the C&R Records at Reception No. 202400021;
- Quit Claim Deed between Grantor, Kevin Hopkins, and Grantee, Rediger Development LLC, dated December 27, 2023, and recorded in the C&R Records at Reception No. 202400016;
- Quit Claim Deed between Grantor, Kevin Hopkins, and Grantee, Rediger Development LLC, dated March 26, 2024, and recorded in the C&R Records at Reception No. 202403295;
- Affidavit of Kevin Hopkins signed on December 27, 2023, and recorded in the C&R Records at Reception No. 202400020;
- Quit Claim Deed between Grantor, Shawna Hopkins, and Grantee, Rediger Development LLC, dated December 19, 2023, and recorded in the C&R Records at Reception No. 202400015;
- Quit Claim Deed between Grantor, Shawna Hopkins, and Grantee, Rediger Development LLC, dated March 11, 2024, and recorded in the C&R Records at Reception No. 202403296;

- Affidavit of Shawna Hopkins signed on December 19, 2023, and recorded in the C&R Records at Reception No. 202400019;
- Quit Claim Deed between Grantor, The Peterson Family Trust dated February 5, 1992, and Grantee, Rediger Development LLC, dated December 22, 2023, and recorded in the C&R Records at Reception No. 202400013;
- Quit Claim Deed between Grantor, The Peterson Family Trust dated February 5, 1992, and Grantee, Rediger Development LLC, dated March 20, 2024, and recorded in the C&R Records at Reception No. 202403299;
- Quit Claim Deed between Grantor, David Peterson, and Grantee, Rediger Development LLC, dated December 22, 2023, and recorded in the C&R Records at Reception No. 202400014;
- Quit Claim Deed between Grantor, David Peterson, and Grantee, Rediger Development LLC, dated March 20, 2024, and recorded in the C&R Records at Reception No. 202403298; and
- Affidavit of David Peterson signed on December 22, 2023, and recorded in the C&R Records at Reception No. 202400018.

The Assessor is statutorily required to list all taxable real property in the county and ascertain ownership of all real property pursuant to the records of the county clerk and recorder (“C&R Records”). C.R.S. § 39-5-101; C.R.S. § 39-5-102(1). The record-title holder as reflected in the C&R Records is considered to be the owner of real property for the Assessor’s records. *Id.*; *Mook v. Bd. of Cty Comm’rs of Summit Cty*, 2020 CO 12 ¶¶79-81. An instrument that appears of record in the C&R Records that purports to affect title to real property, but which is executed by one who has no record interest in the real property on the date it is recorded, is considered a “wild deed” outside the chain of title. *GMAC Mort. Corp v. PWI Group, Colo. App.*, 155 P.3d 556, 557 (2006). Correspondingly, the Colorado Property Tax Administrator’s Assessor Reference Library Manuals, published pursuant to C.R.S. § 39-2-109(1)(e), which is binding on the sixty-three Colorado county assessors, dictates that “the grantor’s name on the deed must match the assessor’s ownership records” before the assessor may change his or her official records. 2 ALR §3.61; *Huddleston v. Grand Cty Bd. of Equalization*, 913 P.2d 15, 17 (Colo. App. 1996). In accordance with these authorities, the Assessor must list ownership of property based on records inside the chain of title – and cannot change his records based on wild deeds outside of the chain of title, or based on asserted claims or asserted property rights. *Mook*, 2020 CO 12 ¶¶79-81; *Hinsdale Cty Bd. of Equalization v. HDH P’ship*, 2019 CO 22 ¶¶ 24-26.

I have reviewed the C&R Records. The current record-title owner of the Peterson Property is Pearl G. Peterson. None of the grantors identified in any of the conveyance documents of record in the C&R Records, or that you provided to the Assessor are Pearl G. Peterson. Affidavits of individuals claiming to be heirs of the record-title owner do not transfer ownership, nor do they close the gap in the chain of title for purposes of assessment records. As such, the Assessor’s records cannot be legally changed at this time. Please feel free to contact me with any questions.

Sincerely,

/s/ Christina Hooper

cc: Mark Chapin, Eagle County Assessor

Exhibit 8

**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

December 20, 2024

Matt Larson  
Rediger Development LLC  
3003 East 3<sup>rd</sup> Ave., Suite B109-A  
Denver, Colorado 80206  
Via email to: [matt@redigerdev.com](mailto:matt@redigerdev.com)

Re: Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor asked me to review a written request you made to his office on September 12, 2024, in which you asked him to revise his official records to reflect “Rediger Development” as the owner of certain real property located in Eagle County described in the correspondence as the “Peterson Property.” You assert that a Judgment and Decree Determining Heirs or devisees or Both, and of Interests in Property issued on September 12, 2024 (as amended on September 20, 2024) (“Decree of Heirship”) evidences a change in ownership that should be reflected in the Assessor’s records. I appreciate your many efforts to contact the County Attorney’s Office to discuss this matter over the last several months. This matter took quite a bit of time to research, and I thank you for your patience as that unfolded.

First, after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination. Indeed, the chain of title as evidenced by the records of the Eagle County Clerk and Recorder has never been clear enough for the Assessor to list any owner of the land identified as the “Peterson Property,” and therefore, according to our records, that land has not been associated with any owner and taxes have not been assessed. Enclosed is an Assessor’s tax map from 1985 showing that even then the land was labeled as a right of way.

Moreover, no clarity on the issue can be gleaned from the documents you rely on to claim ownership. Documents relating to title of real property must sufficiently identify the property affected. This generally means that “the description of real property [] is such that thereby it can be identified, either with or without extrinsic evidence, and does not mislead the owner.” *Seymour v. Deisher*, 80 P. 1038, 1039 (1905) (quoted with approval in *Lake Canal Reservoir Co. v. Beethe*, 227 P.3d 882, 891 (Colo.2010)). Colorado statute requires conveyance documents to contain both a legal description and a street address or other identifying information, though failure to do so does not automatically render the document invalid. C.R.S. § 38-35-122. Failure to include such detail should be considered in the totality of the circumstances to determine whether the document is valid or invalid. *Id.* A legal description may still be considered sufficient if the property can be

identified by extrinsic evidence and the owner is not misled. *Battle N., LLC v. Sensible Hous. Co.*, 2015 COA 83, ¶ 68. You have presented Quit Claim Deeds and Bills of Sales from David Peterson, Kevin Hopkins, Shawna Hopkins, and Yolanda Newberry, along with a Decree of Heirship, which you indicate reflect a transfer of the subject land to Rediger Development LLC. However, the legal descriptions contained in the Quit Claim Deeds and Bills of Sale are incomplete if not insufficient. They identify only the township and range, without reference to a lot, block, section, metes or bounds, parcel number, or situs address, and merely state these individuals are transferring any interest they may have in the same. Meanwhile, the property identified in the Decree of Heirship uses metes and bounds rather than legal descriptions in the Quit Claim Deeds or Bill of Sale Documents and makes no finding as to the rights in said land that may have been conveyed prior to the date of the Decree.

As such, the Assessor's records cannot be legally changed without an order and decree quieting title after a complete adjudication of rights in the land. Please feel free to contact me with any questions.

Sincerely,

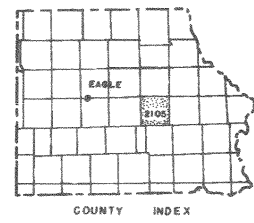
*/s/ Christina Hooper*

Encl.

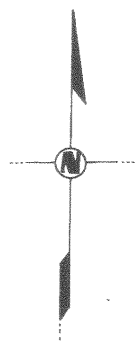
cc: Mark Chapin, Eagle County Assessor

EAGLE COUNTY

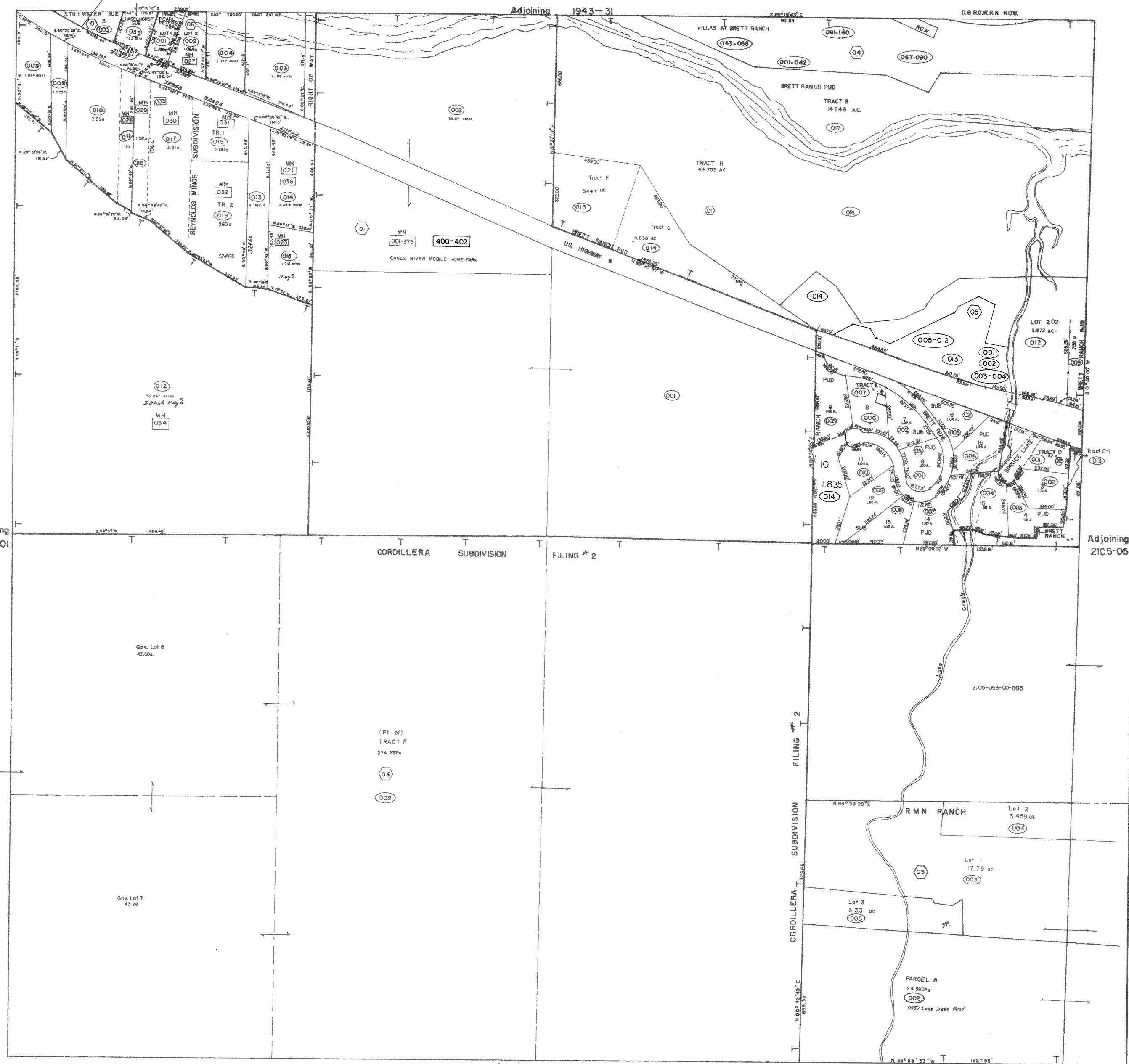
| REVISIONS |           |                                      |
|-----------|-----------|--------------------------------------|
| Date      | By        | Remarks                              |
| 5-13-74   | W. Kunkel | Initial parcel map divided into lots |
| 5-20-74   | R.P.      | Change of dimensions on road front   |
| 9-3-81    | D. G. H.  | Final plat notes/HA added H.W. note  |
| 1-21-83   | L.L.A.    | Original notes added                 |
| 1-21-83   | J.C.      | The Boundary, P. 10-5, amended       |



| TOWNSHIP INDEX |   |   |   |   |   |   |   |   |    |    |    |
|----------------|---|---|---|---|---|---|---|---|----|----|----|
| 1              | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|                |   |   |   |   |   |   |   |   |    |    |    |
|                |   |   |   |   |   |   |   |   |    |    |    |
|                |   |   |   |   |   |   |   |   |    |    |    |
|                |   |   |   |   |   |   |   |   |    |    |    |
|                |   |   |   |   |   |   |   |   |    |    |    |



Johnson and Kunkel Land Surveying Company  
Eagle, Colorado



TAX AREA N.A.

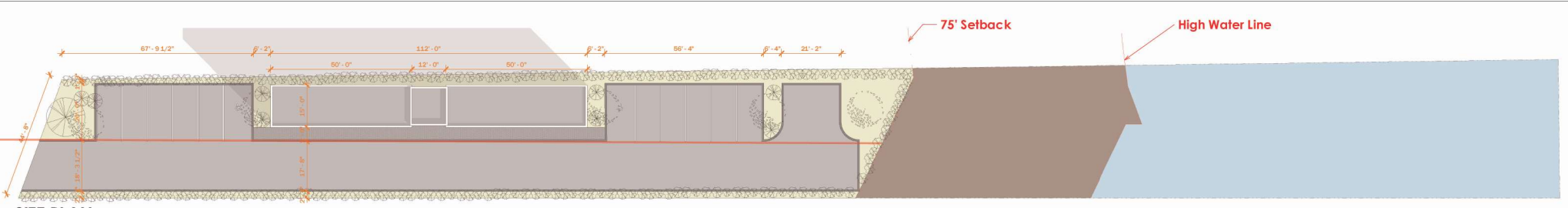
2105-06  
T.5S. R.82W. Sec. 6

Last metes and bounds parcel number used is \_\_\_\_\_

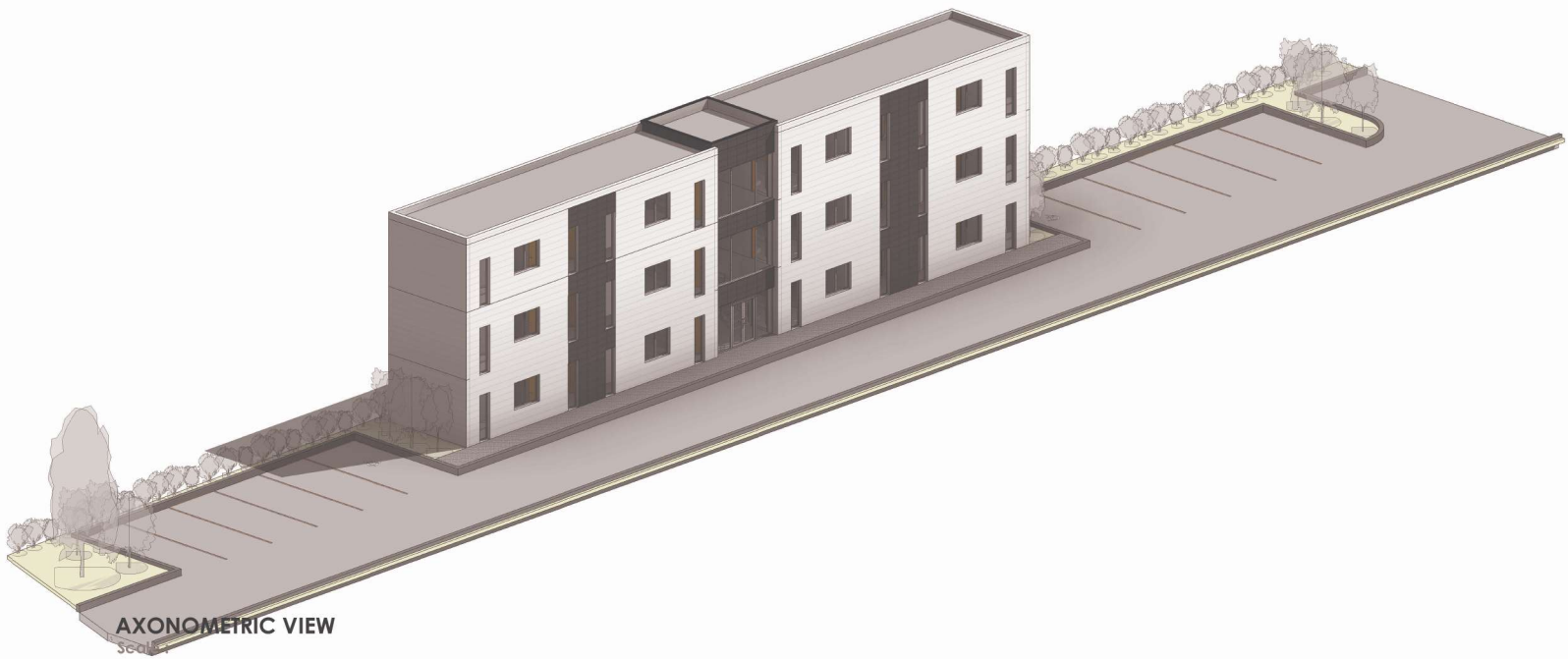
Exhibit 9



# LEFT BANK - SITE PLAN & AXONOMETRIC VIEW



**SITE PLAN**  
Scale: 1/16" = 1'-0"

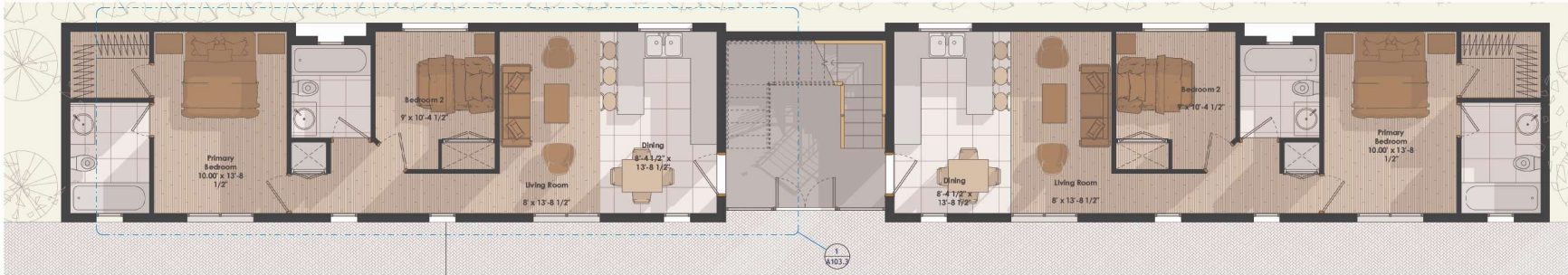


**AXONOMETRIC VIEW**  
Scale: 1/16" = 1'-0"

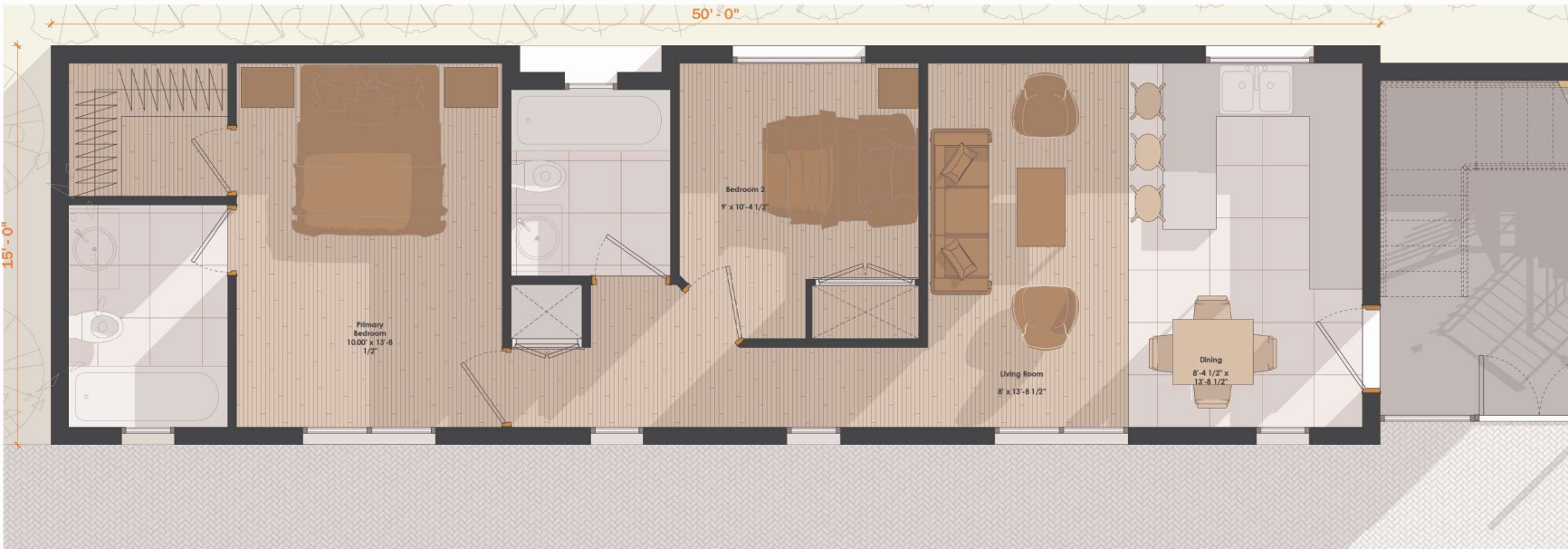


# LEFT BANK - FLOOR PLAN

A Val Vally Rent-Controlled Apartment Development



**FLOOR PLAN**  
Scale: 1/4" = 1'-0"



**TYP. FLOOR PLAN**  
Scale: 1/2" = 1'-0"



A Vail Valley Rent-Controlled Apartment Development

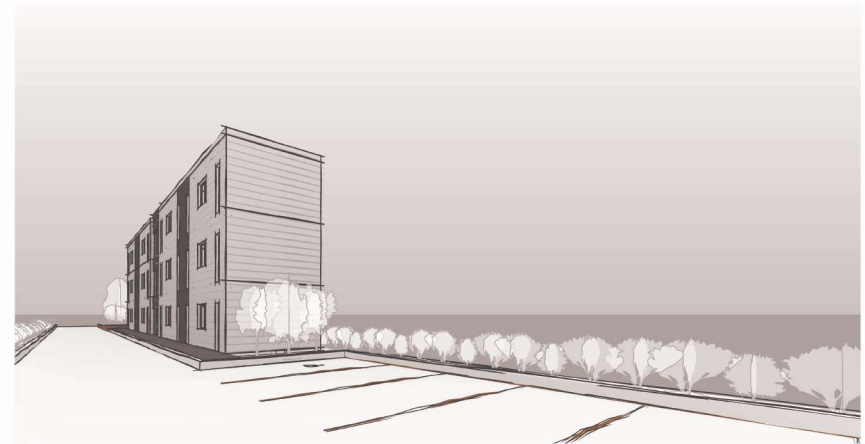
# LEFT BANK - RENDERINGS



**3D View 1**  
Scale :



**3D View 2**  
Scale :



**3D View 3**  
Scale :

Exhibit 10

### Subpart B.1 – Case Studies

The Two10 Development and the Stillwater Development were selected as Case Studies because they were developed by government and quasi-government entities and therefore are assumed to have reasonably objective data (whereas private developments run the risk of a developer, for lack of better words, sandbagging the numbers).

#### Case Study #1 – Two10 Development

In June 2019, Eagle County broke ground on an affordable housing development referred to as Two10 at Castle Peak (the “**Two10 Development**”).<sup>19</sup> The Two10 Development is a 22-unit for-rent apartment building in Eagle Ranch, located approximately 1.5 miles from downtown Eagle, that was completed in the summer of 2020.

#### Graphic 6 – Two10 Development



(photo credit: <https://www.eaglecounty.us/housing/two10castlepeak>)

The Two10 Development cost Eagle County approximately \$9.2M to develop.<sup>20</sup> The parcel that the Two10 Development was built on was already owned by Eagle County and the \$9.2M total expense *excludes the cost of land*.<sup>21</sup>

[continued on the following page]

<sup>19</sup> <https://www.vaildaily.com/news/county-celebrates-ground-breaking-for-two10-at-castle-peak-in-eagle/>

<sup>20</sup> 4/6/21 email communication with Jill Klosterman, Eagle County Finance Director, and Tori Franks, Eagle County Real Estate and Development Manager

<sup>21</sup> 4/6/21 email communication with Jill Klosterman, Eagle County Finance Director, and Tori Franks, Eagle County Real Estate and Development Manager

Table 7.1 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Initial Sales Price Calculations” at 100% AMI for 1 Bedroom and 2 Bedroom dwellings as \$284,200 and \$320,289, respectively.

As indicated in Graphic 7.A below, the \$9.2M cost of the Two10 Development equates to an average cost/unit of \$418,182. Assuming a maximum initial sales price at 100% AMI of \$302,245<sup>22</sup>, a subsidy of \$115,937/unit or \$2,550,621 total (i.e., 28% of the total cost) would still be required just to breakeven (and this excludes the cost of land and a reasonable profit commensurate with the effort and risks of development – so the actual required subsidy would be even higher).

Graphic 7.A – Two10 Affordable Development – “For-Sale” Subsidies

| Two10 Case Study - For Sale   |             |                          |             |                    |
|---|-------------|--------------------------|-------------|--------------------|
|   | 1-Bed       | 1-Bed + Den              | 2-Bed       | Total              |
| Units   | 5           | 15                       | 2           | 22                 |
| Weighted Construction Cost Breakeven \$/Unit <sup>(1)</sup>                 | \$356,129   | \$415,484                | \$593,548   | <b>\$418,182</b>   |
| Total \$ (excluding land) <sup>(2)</sup>                                    | \$1,780,645 | \$6,232,258              | \$1,187,097 | <b>\$9,200,000</b> |
| Max. Initial Sales \$/Unit @ 100% AMI <sup>(3)(5)</sup>                     | \$284,200   | \$302,245 <sup>(4)</sup> | \$320,289   | <b>\$302,245</b>   |
| Required Subsidy/Unit @ 100% AMI (\$)<br><i>(breakeven/excluding land)</i>  | \$71,929    | \$113,239                | \$273,259   | <b>\$115,937</b>   |
| Required Subsidy/Unit @ 100% AMI (%)<br><i>(breakeven/excluding land)</i>   | 20%         | 27%                      | 46%         | <b>28%</b>         |
| Total Required Subsidy @ 100% AMI (\$)<br><i>(breakeven/excluding land)</i> |             |                          |             | <b>\$2,550,621</b> |
| Total Required Subsidy @ 100% AMI (%)<br><i>(breakeven/excluding land)</i>  |             |                          |             | <b>28%</b>         |

(1) Unit mix per R2019-030, PDF pg. 189  
 (2) Jill Klosterman, Finance Director; Tori Franks, Real Estate and Development Manager; 4/6/21  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.1, pg. 20  
 (4) Assumes that a "1-Bed + Den" is equivalent to the avg. of a "1-Bed" and "2-Bed"  
 (5) See note (4) above, and also assumes that 1-Bed and 2-Bed units offset each other

[continued on the following page]

<sup>22</sup> A maximum initial sales price at 100% AMI of \$302,245 assumes that the “1-bedroom + den” product of the Two10 Development is the average of the maximum initial sales price at 100% AMI of a 1-bedroom (\$284,200) and a 2-bedroom (\$320,289); also, the 1-bedroom and 2-bedroom units of the Two10 Development are assumed to offset each other.

Table 7.2 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Monthly Rental Rates” at 100% AMI for 1 Bedroom and 2 Bedroom dwellings as \$1,873 and \$2,248, respectively.

As indicated in Graphic 7.B below, the \$9.2M cost of the Two10 Development would require a subsidy of between \$2.7M and \$3.6M (i.e., between 30% and 40% of the total cost) to generate a *minimum* return of 5.5% that a private developer would require (*and this excludes the cost of land – so the actual required subsidy would be even higher*).

Graphic 7.B – Two10 Development – “For-Rent” Subsidies

| Two10 Case Study - For Rent   |                            |                           |             |           |
|---|----------------------------|---------------------------|-------------|-----------|
| Total Cost<br><i>(excluding land)</i>   | \$9,200,000 <sup>(1)</sup> |                           |             |           |
|   | 1-Bed                      | 1-Bed + Den               | 2-Bed       | Total     |
| Units <sup>(2)</sup>  | 5                          | 15                        | 2           | 22        |
| Average SqFt <sup>(3)</sup>   | 600                        | 700                       | 1,000       |           |
| Max. Monthly Rent @ 100% AMI <sup>(4)</sup>   | \$1,873                    | \$2,061                   | \$2,248     |           |
| Monthly Rent (Unit Type)  | \$9,365                    | \$30,908                  | \$4,496     | \$44,769  |
| Annual Rent (Unit Type)   | \$112,380                  | \$370,890                 | \$53,952    | \$537,222 |
| Gross Potential Rent  | \$537,222                  |                           |             |           |
| Vacancy Loss  | (\$26,861)                 | (5% of Gross Annual Rent) |             |           |
| Concessions   | (\$5,372)                  | (1% of Gross Annual Rent) |             |           |
| Total Rental Income   | \$504,989                  |                           |             |           |
| Operating Expenses (%)  | 30.00%                     | 35.00%                    | 40.00%      |           |
| Operating Expenses  | (\$151,497)                | (\$176,746)               | (\$201,995) |           |
| NOI   | \$353,492                  | \$328,243                 | \$302,993   |           |
| Return on Total Cost<br><i>(excluding land)</i>                                       | 3.84%                      | 3.57%                     | 3.29%       |           |
| Min. Return Required  | 5.50%                      |                           |             |           |
| Adjusted Total Cost<br>to Achieve Min. Return<br><i>(excluding land)</i>              | \$6,427,129                | \$5,968,048               | \$5,508,967 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(excluding land)</i>                 | \$2,772,871                | \$3,231,952               | \$3,691,033 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(% of total cost excluding land)</i> | 30.14%                     | 35.13%                    | 40.12%      |           |

(1) Jill Klosterman, Finance Director; Tori Franks, Real Estate and Development Manager; 4/6/21  
 (2) Unit mix obtained at file "R19-030 Issuance of COP", PDF pg. 189  
 (3) Avg. unit sizes obtained at <https://www.eaglecounty.us/housing/two10castlepeak>  
 (4) See 2020 Affordable Housing Administrative Procedures, Table 7.2, pg. 20

Case Study #2 – Stillwater ERWSD Employee Development

The Stillwater employee housing development (“**Stillwater Development**”) was completed in the summer of 2019 and was developed by Eagle River Water and Sanitation District (“**ERWSD**”) at a cost of \$14 million.

ERWSD built the Stillwater Development because water and sewer services are critical to the Vail Valley and losing key employees due to the Vail Valley’s affordable housing crisis is an ongoing threat.

On information and belief, the \$14M cost excludes the cost of land, water rights, and tap fees.<sup>23</sup> The Stillwater Development is located in West Edwards and consists of 21 units (6 one-bedroom condos, 13 two-bedroom townhomes, and 2 three-bedroom duplexes).<sup>24</sup>

Graphic 8 – Stillwater Development



(photo credit: <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>)

[continued on the following page]

<sup>23</sup> <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>

<sup>24</sup> <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>

Table 7.1 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Initial Sales Price Calculations” at 100% AMI for 1 Bedroom, 2 Bedroom, and 3 Bedroom dwellings as \$284,200, \$320,289, and \$369,911, respectively.

**As indicated in Graphic 9.A below, the \$14M cost of the Stillwater Development equates to an average cost/unit of \$666,667. Assuming a maximum initial sales price at 100% AMI of \$320,289, a subsidy of \$346,378/unit or \$7,273,931 total (i.e., 52% of the total cost) would still be required just to breakeven (and on information and belief, this excludes the cost of water rights, tap fees, land and a reasonable profit commensurate with the efforts and risks of development – so the actual required subsidy would be even higher).<sup>25</sup>**

Graphic 9.A – Stillwater Development – “For-Sale” Subsidies

| Stillwater Case Study - For Sale                                  |       |       |       |              |
|---|-------|-------|-------|--------------|
|   | 1-Bed | 2-Bed | 3-Bed | Total        |
| Units (1)   | 6     | 13    | 2     | 21           |
| Construction Cost Breakeven \$/Unit (2)                           |       |       |       | \$666,667    |
| Total \$ (excluding water rights, tap fees, and land) (3)         |       |       |       | \$14,000,000 |
| Max. Initial Sales \$/Unit @ 100% AMI                             |       |       |       | \$320,289    |
| Required Subsidy/Unit @ 100% AMI (\$) (breakeven/excluding land)  |       |       |       | \$346,378    |
| Required Subsidy/Unit @ 100% AMI (%) (breakeven/excluding land)   |       |       |       | 52%          |
| Total Required Subsidy @ 100% AMI (\$) (breakeven/excluding land) |       |       |       | \$7,273,931  |
| Total Required Subsidy @ 100% AMI (%) (breakeven/excluding land)  |       |       |       | 52%          |

(1) Unit mix obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (2) Total cost obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.1, pg. 20;  
 100% AMI for 2-Bed; Assumes that the 1-Bed and 3-Bed units offset each other

[continued on the following page]

<sup>25</sup> The maximum initial sales price at 100% AMI of \$320,289 for a 2-bedroom unit assumes that the 1-bedroom and 3-bedroom units of the Stillwater Development offsets each other.

Table 7.2 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Monthly Rental Rates” at 100% AMI for 1 Bedroom, 2 Bedroom, and 3 Bedroom dwellings as \$1,873, \$2,248, and \$2,597, respectively.

**As indicated in Graphic 9.B below, the \$14M cost of the Stillwater Development would require a subsidy of between \$7.4M and \$8.3M, or between 53% and 59% of the total cost, to generate a *minimum* return of 5.5% that a private developer would require (and on information and belief, this excludes the cost of water rights, tap fees, and land – so the actual required subsidy would be even higher).**

Graphic 9.B – Stillwater Development – “For-Rent” Subsidies

| Stillwater Case Study - For Rent  |                             |                           |             |           |
|---|-----------------------------|---------------------------|-------------|-----------|
| Total Cost<br><i>(excluding land)</i>   | \$14,000,000 <sup>(1)</sup> |                           |             |           |
|   | 1-Bed                       | 2-Bed                     | 3-Bed       | Total     |
| Units   | 6                           | 13                        | 2           | 21        |
| Max. Monthly Rent @ 100% AMI <sup>(2)</sup>   | \$1,873                     | \$2,248                   | \$2,597     |           |
| Monthly Rent (Unit Type) <sup>(3)</sup>   | \$11,238                    | \$29,224                  | \$5,194     | \$45,656  |
| Annual Rent (Unit Type)   | \$134,856                   | \$350,688                 | \$62,328    | \$547,872 |
| Gross Potential Rent  | \$547,872                   |                           |             |           |
| Vacancy Loss  | (\$27,394)                  | (5% of Gross Annual Rent) |             |           |
| Concessions   | (\$5,479)                   | (1% of Gross Annual Rent) |             |           |
| Total Rental Income   | \$515,000                   |                           |             |           |
| Operating Expenses (%)  | 30.00%                      | 35.00%                    | 40.00%      |           |
| Operating Expenses  | (\$154,500)                 | (\$180,250)               | (\$206,000) |           |
| NOI   | \$360,500                   | \$334,750                 | \$309,000   |           |
| Return on Total Cost<br><i>(excluding land)</i>                                       | 2.57%                       | 2.39%                     | 2.21%       |           |
| Min. Return Required  | 5.50%                       |                           |             |           |
| Adjusted Total Cost<br>to Achieve Min. Return<br><i>(excluding land)</i>              | \$6,554,541                 | \$6,086,360               | \$5,618,178 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(excluding land)</i>                 | \$7,445,459                 | \$7,913,640               | \$8,381,822 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(% of total cost excluding land)</i> | 53.18%                      | 56.53%                    | 59.87%      |           |

(1) Unit mix obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (2) Total cost obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.2, pg. 20

Conclusion of the Case Studies –  
Cost of Construction is a Fundamental Obstacle to Affordable Housing

The Two10 Development and the Stillwater Development case studies support the following:

- The high cost of construction in the Vail Valley required even government and quasi-government entities with significant advantages (e.g., free land, limited fees and favorable financing) to subsidize price-capped for-sale or price-capped for-rent housing.
- Stated differently, unless the high cost of construction in the Vail Valley can somehow be overcome, price-capped for-sale and price-capped for-rent housing is not economically feasible without a subsidy (whether a “formal external subsidy” or an “informal internal subsidy;” see below for definitions).

[continued on the following page]

Exhibit 11

Eagle County Funded  
(external subsidy)

The following summary is intended to reflect the amount expended by either Eagle County government and/or Eagle County Housing Development Authority (ECHDA) over the past 10 years since 2012 and the corresponding number of affordable housing units.<sup>36</sup>

Graphic 15 – Eagle County / ECHDA Funded

| Project                    | # of Units | Type of Affordable Housing | Equalization Adjustment | Equalized # of Units | EC / ECHDA Funds Expended | Approx. Timeframe |
|----------------------------|------------|----------------------------|-------------------------|----------------------|---------------------------|-------------------|
| Castle Peak Senior (1)     | 64         | Rental, Capped             | 1                       | 64                   | 5,000,000                 | 2014 - 2017       |
| Two10 at Castle Peak (1)   | 22         | Rental, Capped             | 1                       | 22                   | 8,851,478                 | 2018 - 2020       |
| 431 Broadway (1)           | 1          | Rental, Capped             | 1                       | 1                    | 588,000                   | 2018              |
| 800 Castle (1)             | 2          | Rental, Capped             | 1                       | 2                    | 745,000                   | 2021              |
| Qual Run (ECO Transit) (1) | 2          | Rental, Capped             | 1                       | 2                    | 1,064,000                 | 2022              |
| Good Deeds Units (2)       | 30         | For Sale, Capped, RO       | 1                       | 30                   | 2,483,702                 | 2021 - 2022       |
| 6 West Apartments (3)      | 17         | Rental, RO                 | 1/4                     | 4.25                 | 353,261                   | 2018              |
|                            | 138        |                            |                         | 125.25               | 19,085,441                |                   |

(1) On information and belief, all of the units are rent-capped  
 (2) Adjustments assumed to offset each other because no data available to calculate actual adjustments  
 (3) Rental RO deed restrictions assumed to be purchased at cost of approx. \$21k/unit

[continued on the following page]

<sup>36</sup> Eagle County’s 11/14/22 reply to Applicant’s Colorado Open Records Act request; excluded are (1) down payment assistance loans as these funds will eventually be repaid; and (2) projects where the apparent sole subsidy was a property tax exemption and/or property management.

Developer Constructed  
(internal subsidy)

The following summary is intended to reflect the number of affordable housing units constructed by private developers within unincorporated Eagle County over the past 10 years since 2012 and the corresponding number of affordable housing units.<sup>37</sup> Excluded are projects that were approved, but have not been built.

Graphic 16 – Private Development (Constructed / Unincorporated Eagle County)

| Project                          | # of Units (Affordable) | Type of Affordable Housing    | Equalization Adjustment | Equalized # of Units (Affordable) | Approx. Timeframe |
|----------------------------------|-------------------------|-------------------------------|-------------------------|-----------------------------------|-------------------|
| 10 Acre PUD (1)                  | 3                       | For Sale, Capped              | 1                       | 3                                 | 2021              |
| Anglers (2)                      | 3                       | For Sale, Non-RO Transfer Fee | 1/4                     | 0.75                              | 2016              |
| Hagedorn PUD (3)                 | 1                       | Employee Housing Credit       | 1                       | 1                                 | 2021              |
| Kudel / Riverfront Estates (4)   | 2                       | For Sale, RO                  | 1/2                     | 1                                 | 2020              |
| Tree Farm (Rental, Capped) (5)   | 40                      | Rental, Capped                | 1                       | 40                                | 2022              |
| Tree Farm (For Sale, Capped) (5) | 10                      | For Sale, Capped              | 1                       | 10                                | 2022              |
| Tree Farm (For Sale, RO) (5)     | 150                     | For Sale, RO                  | 1/2                     | 75                                | 2022              |
| 6 West Apartments (6)            | 60                      | Rental, RO                    | 1/4                     | 15                                | 2018              |
|                                  | 269                     |                               |                         | <b>145.75</b>                     |                   |

(1) Price gap funding payment in lieu of \$184,987.73; HFHRF partnership  
 (2) 2% spread across 9 lots and reduced proportionately, but original mitigation requirement approx. 3  
 (3) Purchase of an affordable housing credit  
 (4) 2 of the 4 units RO deed restricted; remaining 2 units 2% transfer fee (not taken into account)  
 (5) See pg. 44 of the Tree Farm PUD  
 (6) 120 of 120 units rental RO, developer contribution 60 (excluding external subsidies)

Stillwater was not included because, on information and belief, occupancy is limited to ERWSD staff

[continued on the following page]

<sup>37</sup> On information and belief, Eagle County does not track the number of affordable housing units constructed by private developers pursuant to Eagle County’s Affordable Housing Guidelines and the foregoing is based on Applicant’s Colorado Open Records Act requests and a review by Applicant of approved projects within the past 10 years that have been built or are in the process of being built

Exhibit 6  
May 2025 Letter to CBOE and Assessor

May 5, 2025

Eagle County Assessor  
Eagle County Board of Equalization  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

RE: *Value of the Omitted Peterson Property*

Dear Eagle County Assessor and CBOE Members:

In a letter dated April 10, 2025, Rediger Development LLC (“Rediger”) submitted a request to the County Board of Equalization (“CBOE”) to instruct the Assessor to update its records by adding the omitted Peterson Property to the Eagle County assessment roll and listing Rediger as the current record owner. Please see [here](#) for a copy of the April 10, 2025 request.

In a follow-up email sent on April 24, 2025, the CBOE was informed that the chain of title has been updated to reflect the recent conveyance of the Peterson Property to a special purpose entity (SPE) – Edwards Affordable Housing LLC – which is a necessary step for financing purposes and our plan to pursue federal Low-Income Housing Tax Credits. Please see Rec. No. 202505178.

In addition to the duty to add omitted property to the assessment roll and list the record owner, Colorado law provides that the Assessor “...shall immediately determine the value of such omitted property.” § 39-5-125(1), C.R.S., “Omission – Correction of Errors.”

This letter addresses the valuation of the Peterson Property for tax assessment purposes. Specifically, the 2023 appraisal prepared for Eagle County’s purchase of the River House property (Parcel No. 210506200003) – which included a valuation of the Peterson Property – contains several fundamental flaws. This letter is submitted proactively to help ensure that these flaws are not mistakenly carried over into the tax assessment valuation of the Peterson Property.

|                   |
|-------------------|
| <b>Background</b> |
|-------------------|

**Peterson Property & River House Property**

The Peterson Property, as legally described at Rec. No. 202505178 (“Peterson Property”), is an approximately half-acre parcel, varying in width from approximately 40 to 50 feet, roughly one-third of which is within the Eagle River. It is located in West Edwards, between U.S. Highway 6 and the Eagle River. The Peterson Property is adjacent to the Eagle River Mobile Home Park (Parcel No. 210506200002) to the east and Parcel No. 210506200003 to the west (“River House Property”).

A vicinity map is attached as [Exhibit 1](#).

**Eagle County's 2023 Purchase of the River House Property**

In 2023, Eagle County purchased the River House Property from Kit Williams (“Seller”). In connection with this purchase, an appraisal of the River House Property was conducted (“2023 Appraisal”).

**Fundamental Flaw #1 –**  
**Artificially Grossed Up Value to Save the Seller “Several Hundred Thousand Dollars” in Taxes**

**\$3.2M Cash Consideration , NOT \$3.8M**

The Special Warranty Deed recorded on August 7, 2023, at Rec. No. 202311023, provides the legal description of the River House Property (Parcel No. 210506200003) – with no mention of the Peterson Property – and recites consideration of \$3.8 million. Based on this deed alone, one would reasonably infer that Eagle County paid \$3.8 million for the 3.16 assessed acres (or 3.23 surveyed acres) comprising the River House Property.

However, recent CORA disclosures reveal that this is misleading: the actual cash consideration paid by Eagle County was \$3.2 million.

**\$3.8M Purchase Price - \$3.2M Cash Consideration = \$600k Charitable Contribution**

The \$600,000 difference between the \$3.8 million consideration recited in the deed and the \$3.2 million cash actually paid was apparently intended to be structured as a charitable contribution through a “bargain sale.”

A legitimate "bargain sale" is a transaction in which property is sold to a qualified charitable organization for less than its fair market value, with the difference treated as a charitable contribution for tax purposes. Under Section 170(c)(1) of the Internal Revenue Code, Eagle County qualifies as a charitable organization for these purposes.

This structure was initially proposed by the Seller in an email dated April 25, 2023, to the former Eagle County Attorney:

Seller:

*“I [Seller] have an idea which could be very tax beneficial to myself without any additional consequence for Eagle County.”* (annotations added). See [Exhibit 2](#).

In that email, the Seller suggested amending the purchase agreement to reflect a grossed-up purchase price of \$3.8 million instead of \$3.2 million, with the \$600,000 difference to be treated as a charitable contribution. See [Exhibit 2](#).

The Seller subsequently estimated that the tax savings could be “several hundred thousand dollars.” See [Exhibit 3](#).

[continued on the following page]

## Likely Failure of the Charitable Contribution

### Disclaimer

*Please forgive the brief disclaimer: While I am a licensed attorney in Colorado and, several years after law school, attended night classes to obtain a post-graduate master’s degree (LL.M.) in Taxation, I have never practiced law in a traditional setting—tax or otherwise. Following some health challenges in 2015, I founded a nonprofit pharmaceutical organization and obtained 501(c)(3) tax-exempt status after litigating a favorable settlement with the IRS in U.S. Tax Court. Through that experience, I gained a working knowledge of tax-exempt organizations and basic charitable giving. That said, my understanding of the “bargain sale” structure used by the Seller in the County’s acquisition of the River House Property is still developing as our research continues.*

*I am not your attorney, and you should consult your own counsel—ideally someone with tax expertise and specific experience in charitable giving.*

### Reasons for the Likely Failure

#### ▪ Reason #1 - Sham Transaction Doctrine

*In my opinion, artificially grossing up the purchase price from \$3.2 million to \$3.8 million—and the resulting \$600,000 charitable deduction – is likely to be disallowed under the IRS’s sham transaction doctrine.*

The sham transaction doctrine, now codified at Section 7701(o) of the Internal Revenue Code, permits the IRS and the courts to disregard a transaction that lacks both (1) economic substance and (2) a legitimate non-tax business purpose.

The Seller’s objective is apparent from the initial proposal, which focused entirely on the Seller’s own tax avoidance benefit (“very tax beneficial to myself”), while acknowledging that the change would not affect the economics of the transaction (“without any additional consequence for Eagle County”):

Seller:

*“I [Seller] have an idea which could be very tax beneficial to myself without any additional consequence for Eagle County.” See [Exhibit 2](#).*

The lack of economic substance is further reinforced by the Seller’s instruction that the title policy for the River House Property (Parcel No. 210506200003) should reflect only the original \$3.2 million – rather than the inflated \$3.8 million:

Seller:

*“For title company purpose the policy issued shall be \$3,200,000.” See [Exhibit 2](#).*

- #### ▪ Alternative Reason #2 - Failure of the “Extraordinary Assumption” of the 2023 Appraisal
- Even setting aside the sham transaction doctrine, the Seller’s claimed charitable contribution fails independently due to the failure of the 2023 Appraisal’s “extraordinary assumption.” Critically, the*

“*extraordinary assumption*” remained unsatisfied as of the date of the alleged bargain sale contribution and cannot be retroactively corrected.

The 2023 Appraisal included both the River House Property (Parcel No. 210506200003), which the Seller conveyed to Eagle County by Special Warranty Deed (Rec. No. 202311023) for recited consideration of \$3.8 million, and the adjacent Peterson Property, which the Seller granted a quitclaim deed (Rec. No. 202311024) to Eagle County for recited consideration of \$10.

Notably, the timeline of the Seller’s tax savings proposal and the former County Attorney’s attempt to obtain a quitclaim for the Peterson Property makes clear that the two are not connected—i.e., the \$600,000 charitable donation was not given in exchange for the quitclaim deed. Specifically:

- The Seller made his tax savings proposal on April 25, 2023 (see [Exhibit 2](#));
- A purchase and sale contract, with a legal description of only the River House Property, was executed between the Seller and Eagle County as of May 2, 2023;
- Subsequently, on May 25, 2023, the former County Attorney proposed an addendum for the Seller to grant Eagle County a quitclaim deed for the Peterson Property (after apparently discussing this briefly in person on May 16, 2023). See [Exhibit 4](#).

It is unclear why both the River House Property and the Peterson Property were included in the 2023 Appraisal. For example, the River House Property was held in joint tenancy, and when the Seller’s late wife passed in 2016, he received a stepped-up basis equal to the fair market value of her one-half interest at that time. In 2017, the Seller wisely initiated an appraisal for the specific purpose of documenting the fair market value of the River House Property as of the date of her death. That 2017 appraisal made no mention of the Peterson Property.

Nonetheless, the 2023 Appraisal valued both properties together, applying the same per-square-foot rate to each, to achieve the \$3.8 million valuation. This combined valuation is essential to support the \$600,000 claimed deduction – the difference between the appraised value of \$3.8 million and the \$3.2 million cash actually paid.

But that valuation is explicitly contingent on an “extraordinary assumption”:

2023 Appraisal – Extraordinary Assumption:

*“The valuation analysis is contingent on certain definitions, assumptions, and limiting conditions that are found at the end of this report, and is not made pursuant to any hypothetical conditions, but subject to an **extraordinary assumption** that the strip of land at the eastern edge of the property [i.e., the Peterson Property] is owned by [Seller], and will be conveyed to Eagle County in fee simple, with quiet title action completed in the near future to confirm this.”* (emphasis added). See the 2023 Appraisal, PDF pg. 2, ¶ 1.

The 2023 Appraisal’s “Definitions” section further provides:

2023 Appraisal – Definition of Fee Simple:

*“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”* (emphasis added). See the 2023 Appraisal, PDF pg. 14.

Putting aside for a moment our ownership of the Peterson Property, the “fee simple” assumption fails – most plainly because the property is burdened by a *private* right-of-way easement recorded in 1955. (See the April 10, 2025 [letter](#) to the CBOE at “Misunderstanding #3.”) The easement, granted by the Petersons to the Kettreys, encumbers the easternmost 20 feet of the property and remains a recorded encumbrance as of this writing. The Eagle County Surveyor acknowledged this in a 2019 internal email:

Eagle County Surveyor:

*“I question if there really is a county road easement on the east portion, I think it may have been just a deeded right of way as highlighted in Book 148, Page 147 it talks about a 20' easement along the easterly portion of Government Lot 4.”* See [Exhibit 5](#).

The presence of this *private* right-of-way easement renders the “fee simple” condition of the “extraordinary assumption” false. And because the appraisal assigned the same per-square-foot value to both properties, this failure compromises the integrity of the entire \$3.8 million valuation. For example:

- The River House Property (3.23 surveyed acres = 140,698 sq. ft.) was valued at \$23.17/sq. ft. = \$3,259,972;
- The Peterson Property (0.56 acres = 24,393 sq. ft.) was also valued at \$23.17/sq. ft. = \$565,185;
- Combined appraised value = \$3,825,157.

Thus, when the “fee simple” condition of the “extraordinary assumption” for the Peterson Property fails, so does the basis for the charitable deduction.

Under federal tax law, a charitable contribution must reflect the fair market value of the property *as of the date of the contribution* – based solely on facts and conditions existing at that time, and not on hypothetical future events. See Treas. Reg. §§ 1.170A-17(a)(2)(i), 1.170A-1.

Even if a quiet title action were to succeed at some future point in extinguishing the recorded encumbrance of the *private* right-of-way easement (a complex and uncertain process), the relevant value is that which existed on the contribution date: August 7, 2023. A future court decree cannot retroactively eliminate the easement or satisfy the appraisal’s failed assumption – either legally or for purposes of a charitable deduction.

### **Underappreciated Legal Hurdles to Satisfying the “Extraordinary Assumption” Through a Quiet Title Action**

Based on a preliminary review of several CORA request responses, it appears that the former County Attorney – and several non-attorney Eagle County staff – may misunderstand how quiet title actions, adverse possession, and easement extinguishment operate under Colorado law.

For example, when the title company for the River House Property transaction declined to prepare the quitclaim deed for the Peterson Property due to uncertainty over ownership, the former County Attorney responded that

the Seller had used the land as his driveway for over 30 years and that ownership could therefore be established in the Seller's favor through a quiet title action.

Title Company:

*“So I did discuss this with title and both of us feel that we would rather not prepare this deed for that sliver of land [aka Peterson Property]. I don't believe it is anything we are able to insure because I don't think anyone seems to know who owns it exactly. Do you all know who owns it? I think I spoke with someone at the Assessor's a while ago about this piece of land and if I remember correctly they didn't know who owned it.”* (annotation added). See [Exhibit 6](#).

Former County Attorney:

*“That makes sense. The assessor's records don't show an owner but [Seller] has used it as his driveway for over 30 years. So, we intend to do a quiet title action at some point to clean it all up. We will prepare the quit claim for that sliver.”* (annotation added). See [Exhibit 6](#).

This response reflects an incomplete understanding of the complex legal hurdles – particularly the 2008 legislative reforms—that now govern adverse possession in Colorado. That same misunderstanding likely influenced the 2023 Appraisal's “extraordinary assumption,” which conveys the impression that obtaining clear title to the Peterson Property would be simple and straightforward. Meanwhile, CORA disclosures suggest the appraiser may have taken direction from the former County Attorney in reaching that assumption.

My suggestion: consult with a real estate attorney who is well-versed in quiet title actions, adverse possession, and the extinguishment of easements. Even then, it's important to recognize that attorneys – like everyone else – have bills to pay. Eagle County is an ideal client from a billing perspective, as payment is virtually guaranteed. You are unlikely to encounter much reluctance from attorneys asked to pursue the case on an hourly basis. However, if the County is confident in the strength of its claim, it should have no difficulty finding experienced real estate counsel willing to take the case on a success-fee basis or similar outcome-dependent arrangement. The more reluctance you encounter toward that structure, the more caution you should exercise regarding the claim's merits.

Any effort by Eagle County to claim clear title to the Peterson Property in order to satisfy the “fee simple” condition of the 2023 Appraisal's “extraordinary assumption” would face substantial legal and practical obstacles. I'm obviously biased – but this is not just my opinion. For example, the respected Colorado law firm Fairfield & Woods summarized the heightened burdens under Colorado's post-2008 adverse possession laws as follows:

*“Therefore, for cases seeking to establish title to real property by adverse possession filed after June 30, 2008, plaintiffs will face a steeper burden. In addition to proving the common law elements — the six-prong test discussed above — claimants will also have to present evidence proving they (or their predecessor in title) had a good faith and reasonable belief they are the actual owners of the property. The burden of proof to establish adverse possession claims has been raised from a preponderance of the evidence to clear and convincing evidence. Furthermore, even if such a plaintiff is victorious in court, under the new law, judges will have the discretion to award damages to the losing party for the loss of property and could even require the successful plaintiff to reimburse the loser for property taxes and*

*assessments on the property for the prior eighteen years."* (emphasis added). See <https://natlawreview.com/article/adverse-possession-claims-colorado>

In addition, the procedural and administrative burdens associated with extinguishing the private right-of-way easement are formidable. The dominant estate has been subdivided extensively, with numerous properties now condominiumized, held in joint or fractional ownership, or encumbered by recorded financing. Preliminary estimates suggest that more than 100 parties would need to be named and properly served in any action – creating a complex, expensive, and time-intensive litigation burden for the County, not to mention the unfavorable optics of suing so many of its own constituents.

Government Lot 4 (South of U.S. Hwy 6) & Government Lot 5



***A Few Friendly Words of Caution***

Ordinarily, a Seller's chosen tax structure is of no concern to the Purchaser – in this case, Eagle County. That presumes, however, that the County does not cross the line by actively assisting in, or knowingly participating in, a transaction whose primary purpose is tax avoidance and which lacks economic substance or a legitimate non-tax business purpose. If the County knowingly facilitates a false charitable contribution – or one it knows has failed due to the "extraordinary assumption" underlying the 2023 Appraisal – it risks jeopardizing its status as a qualified donee under the Internal Revenue Code and could expose County employees to personal liability.

Based on a preliminary review of various CORA disclosures, it appears that Eagle County may have come dangerously close to crossing that line – if not already crossed it entirely.

- **“Public Document, Harder to Explain”:** In response to the Seller’s concern about letting the \$3.2 million offer lapse – and whether the County could later amend the contract to reflect a grossed-up price of \$3.8 million – the former County Attorney wrote:

Former County Attorney:

*“Since this will be a public document, I would rather not approve a 3.2 and then amend to 3.8. Harder to explain.”* See [Exhibit 3](#).

That statement raises concern. Substantive changes are defensible. Superficial amendments crafted to disguise tax-motivated structuring are not.

- **Title Policy for Grossed-Up \$3.8M:** Although the Seller initially stated, *“For title company purpose the policy issued shall be \$3,200,000”* (see [Exhibit 2](#)), the final title policy was issued for the grossed-up amount of \$3.8 million. The shift raises concerns of potential efforts to “paper” the transaction in a way that falsely suggests economic substance.
- **Seller Appeal to Appraiser to Maximize Appraisal:** In an email involving the Seller, the former County Attorney, and the appraiser, the Seller wrote:

Seller:

*“Walking the property with both of you I’m sure you understand what maximizing the appraisal is a huge life changing event for me me [sic] and yet passed a substantial value onto Eagle.”* See [Exhibit 7](#).

- **Implicit Agreement to Amend Purchase Agreement to Reflect Appraised Value:** The underlying communications suggest that the Seller was always willing to sell the property for \$3.2 million and that the appraisal simply served as a tool to justify an inflated “donation” for tax purposes. In substance, there was no gift – only a contingent, tax-driven strategy designed to create the appearance of a charitable contribution without any actual economic sacrifice by the Seller. The fact that the parties discussed amending the contract if the appraisal came in lower further confirms that the \$3.8 million price was never fixed or real. That undermines the validity of the deduction and supports the conclusion that the transaction lacked economic substance and was structured primarily to evade taxes.

Seller:

*“No issue signing the document  
Should we wait until after the appraisal is completed so we can adjust the gross price to match??  
And sign just one document??”* See [Exhibit 4](#).

Former County Attorney:

*“Works for me. No hurry on the amendment so we can wait and do it all at once if there are further amendments. Enjoy Florida. Let's touch base when we get the appraisal. Nothing else to do until then on our end.”* See [Exhibit 4](#).

In a subsequent communication after receiving the 2023 Appraisal.

County Attorney:

*“Thanks, [Appriaser]. Will get the invoice processed ASAP.*

*[Seller], we still need to do the addendum to include the .561-acre parcel as a quit claim transfer. Doesn't look like we will need to amend the contract any further based on the appraisal. I will send out a revised addendum since Kathy Chandler-Henry signed the original one back in May...” See [Exhibit 8](#).*

- **Eagle County’s Statement to Assist Seller’s Claimed Charitable Deduction:**  
On January 31, 2024, the Seller requested that the Eagle County CFO provide a clarifying statement in support of the claimed donation for use by his CPA. The County CFO responded on February 2, 2024. See [Exhibit 9](#). While likely well-intended, the CFO’s statement appears to mischaracterize the structure of the transaction as originally proposed (see [Exhibit 2](#)) and, more critically, fails to disclose that the \$3.8 million valuation was based on an “extraordinary assumption” that remained unsatisfied – not only as of the contribution date (as is required), but also nearly six months afterward when the CFO provided her clarifying statement.
- **IRS Form 8283:** On information and belief, Eagle County signed IRS Form 8283, as required of donee organizations receiving non-cash charitable contributions in excess of \$5,000. If so, the County would have attested to the \$3.8 million valuation without disclosing that the “extraordinary assumption” was unsatisfied – both at the time of the alleged donation and for many months thereafter when the form was signed – and that the “extraordinary assumption” remains unsatisfied to this day. This omission is material and could carry legal and regulatory consequences.

Again, I’m not your attorney. However, based on the materials reviewed to date, I believe there is cause for concern. I recommend that Eagle County retain outside counsel with specific expertise in federal tax law – particularly charitable giving and fraud risk management. The IRS has increased its scrutiny of real property donations, and the Seller himself acknowledged that the transaction is likely to be audited (see [Exhibit 9](#)).<sup>1</sup> My sense is that curative actions may still be available. Taking them promptly may help reduce potential exposure for both the County and its employees – if, indeed, further investigation confirms that the concerns outlined above are valid.

### **A Better Understanding of the Seller’s and former County Attorney’s Anger**

In or around November 2023, I contacted the Seller to inform him that an entity I was affiliated with was under contract to purchase the Peterson Property from the heirs of Pearl G. Peterson. I also asked whether he had any insight into the *private* right-of-way easement recorded on the property. Although the Seller had closed on the sale of the River House Property several months earlier, I was surprised by his reaction – he became angry, made a physical threat, and said he would do everything he could to frustrate our efforts.

At the time, I assumed his hostility might stem from a belief that our plans for the Peterson Property could interfere with what he understood to be a County-funded memorial park honoring his late wife. In an effort to

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<sup>1</sup> For example, [https://www.wsj.com/personal-finance/taxes/charitable-donation-tax-deduction-irs-rules-11658444288?st=KRejQa&reflink=article\\_email\\_share](https://www.wsj.com/personal-finance/taxes/charitable-donation-tax-deduction-irs-rules-11658444288?st=KRejQa&reflink=article_email_share); and [https://www.wsj.com/personal-finance/taxes/oscar-tang-met-museum-donation-ff8e03f7?st=ceTfWP&reflink=article\\_email\\_share](https://www.wsj.com/personal-finance/taxes/oscar-tang-met-museum-donation-ff8e03f7?st=ceTfWP&reflink=article_email_share)

deescalate and better understand the situation, I asked whom he had been working with at the County. He identified the former Eagle County Attorney.

A few days later, I spoke directly with the former County Attorney. That conversation was similarly surprising. The former County Attorney initially threatened to use the full resources of his office to fight us, to retain the most aggressive litigator he could find, and to bury us in litigation. I found this response confusing, especially given that we were proposing to build deed-restricted affordable housing, priced well below market levels. I tried to steer the conversation toward common ground – explaining that our goal was not to fight, but to gain firsthand experience working with federal Low-Income Housing Tax Credits. I even offered to sell the Peterson Property to the County at our cost basis.

In hindsight, the intense reactions from both the Seller and the former County Attorney are more understandable in light of the issues outlined in Fundamental Flaw #1, above.

While tedious and time-consuming, we continue to research these issues – not only to clarify the valuation of the Peterson Property, but also because we suspect they may help explain why Eagle County continues to insist that a quiet title action is required to recognize Edwards Affordable Housing LLC (Rediger’s successor entity) as the record owner. For additional background, please see our April 10, 2025 [letter](#).

[continued on the following page]

**Fundamental Flaw #2 –**  
**Overreliance on “Price-Per-Square Foot” as the Primary Valuation Metric (Flaw #2.A);**  
**Poor Comparable Sales & Misunderstanding of Entitlement Status (Flaw #2.B);**  
**Inclusion of Unusable Square Footage Beneath the Eagle River (Flaw #2.C)**

The flaws in the 2023 Appraisal are cumulative, beginning with:

- (A) an overreliance on “price-per-square foot” as the primary valuation metric – an approach that fails to account for the fact that land derives its value primarily from the uses it can accommodate, not merely its dimensions;
- (B) the selection of poor comparable sales, including at least two with misunderstood or misstated entitlement histories; and
- (C) the application of the assumed per-square-foot value uniformly to both usable land and submerged land within the Eagle River – which constitutes approximately one-third of the appraised parcel – even though half of the chosen comparables have no river frontage at all, and thus no equivalent loss of developable area.

**Flaw #2.A – Overreliance on “Price-Per-Square Foot” as the Primary Valuation Metric**

The 2023 Appraisal explicitly relies on “price-per-square foot” as its primary valuation method:

*“The Sales Comparison Approach is the only valuation technique that was employed, based upon listings, contracts, and recent sales of comparable development sites on price per square foot basis.”*  
(emphasis added).

See the 2023 Appraisal, PDF pg. 2.

To justify this approach over a use-specific metric like “price-per-unit,” the appraiser claims that unit pricing varies too significantly:

*“These transactions were compared to the subject property as follows on price per square foot basis, as the price per unit can vary widely based on type of product and/or size of the multi-family units.”*  
(emphasis added).

See the 2023 Appraisal, PDF pg. 9.

But while “price-per-unit” may fluctuate based on product type or unit size, the variation is typically narrower – and far more meaningful – than the broad range seen in “price-per-square foot” valuations that ignore permitted or economically feasible uses. Moreover, this concern is overstated: the available multi-family comps generally share a similar unit mix (e.g., studio, one-bedroom, two-bedroom), as well as comparable square footages.

Valuing vacant land purely by square footage, without regard to allowable use, is like pricing a blank canvas solely by its size – without asking whether the artist is permitted to paint a masterpiece, a stick figure, or nothing at all, or whether anyone even wants to buy it. The value of the canvas isn’t in its square inches; it lies in what can be created on it – and whether there’s a market for that creation. Vacant, unentitled land is no different.

**Flaw #2.B – Poor Comparable Sales & Misunderstanding of Entitlement Status**

**Poor Comparable Sales**

▪ **Low-Density Sales Do Not Support the Highest and Best Use**

The 2017 Appraisal of the River House Property, which valued it at \$1,500,000, correctly identified the highest and best use as “residential uses to the highest allowable density.”  
See 2017 Appraisal, PDF p. 16.

We agree with that conclusion.

Several comparable sales used in the 2023 Appraisal – particularly the Anglers PUD (Comparable Sale #4) and the rural residence west of Old Edwards Estates (Comparable Sale #6) – reflect significantly lower-density development scenarios, such as single-family and duplex use. These scenarios result in lower residual land values and are not appropriate comparisons.

More importantly, the River House Property’s immediate proximity to the sewage treatment plant and a trailer park makes these low-density comparables inappropriate. Both the Anglers PUD and the rural residence benefit from far superior locations – near Arrowhead and the Edwards commercial core, respectively.

▪ **Omission of Relevant High-Density Comparable**

Notably, the 2023 Appraisal omits a highly relevant transaction: the 2019 sale of the Avon Apartments (also known as The Piedmont). That project is a representative example of a high-density residential apartment development in the Vail Valley and should have been included in the comparable sales analysis.

▪ **Quasi-Governmental Transactions Are Not Indicative of the Market**

The 2023 Appraisal’s own definition of “market value” (PDF p. 14) states that the valuation must reflect “*the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*”

Two comparables fail to meet that standard:

- Fox Hollow (Comparable Sale #1), developed for Vail Health; and
- Stillwater (Comparable Sale #5), developed for Eagle River Water & Sanitation District.

Both are quasi-governmental entities with highly favorable access to capital and subsidies. The stated objective of these projects was to secure workforce housing – not to achieve market returns. They should be excluded.

[continued on the following page]

*Inaccurate Characterization of Entitlement Status*

In Eagle County, projects that obtain Preliminary Plan PUD approval are typically considered “approved” for valuation purposes. The bulk of discretionary entitlement risk is eliminated upon Preliminary Plan approval. While Final Plat approval is still required, it is generally more of an objective process that confirms compliance with the already-approved Preliminary Plan.

- Sales Comparable #3: The 2017 sale of the future 6 West property occurred with Preliminary Plan approval in place for 70 units under the VIA PUD. The buyer later acquired an additional 1.674-acre parcel in 2018 for \$436,570 and amended the PUD to increase the total unit count to 120 across the combined properties.
- Sales Comparable #4: The 2015 sale of the Anglers PUD also included Preliminary Plan approval. The buyer later made only non-material amendments.

The 2023 Appraisal itself acknowledges that approved land use entitlements approximately double the value of a parcel. Conversely, unentitled land is worth about half as much.  
See 2023 Appraisal, PDF p. 9.

Misunderstanding – or misstating – the entitlement status of these comparables materially distorts the valuation analysis.

*Modified Table of Sales Comparables & Valuation Based on Price-Per-Unit*

As described above, we believe the original set of comparable sales in the 2023 Appraisal requires adjustment.

- Fox Hollow (Comparable Sale #1) and Stillwater (Comparable Sale #5) should be excluded due to their quasi-governmental nature, which distorts market-based valuation.
- Anglers PUD (Comparable Sale #4) and the private rural residence near Old Edwards Estates (Comparable Sale #6) are also excluded, as they reflect low-density development scenarios that are inconsistent with the premise that the highest and best use of the River House Property is residential development at the highest allowable density.
- Lastly, we have added the 2019 sale of the Avon Apartments (also known as The Piedmont) – a relevant high-density, market-based apartment development that should have been included in the original analysis.

The modified table of comparables better reflects appropriate land use assumptions and market transactions and forms the basis for the valuation using a price-per-unit methodology.

[continued on the following page]

Modified Table of Sales Comparables  
(see 2023 Appraisal, PDF pg. 9)

| Comp. Sales # | Project Name<br>Physical Address<br>Location / Jurisdiction                  | Sale Date<br>Sale Price<br>Reception    | Gross Land Area<br>Units and Type<br>Project Density    | Price/Unit<br>Land SF<br>Price/SF | Land Use<br>Approval<br>at Sale | Notes   |
|---------------|--|---|---|-----------------------------------|---------------------------------|---|
| 1             | Fox Hollow<br>18 and 22 Murray Road<br>Edwards (Eagle County)                | 10/13/2022<br>\$8,250,000<br>#202216492 | 3.795 acres<br>87 condominiums<br>22.96 units per acre  | \$94,828<br>165,310<br>\$49.91    | Approved                        | Deleted due to Quasi-Gov't  |
| 2             | West End<br>34083 U.S. Highway 6<br>Edwards (Eagle County)                   | 12/30/2021<br>\$6,250,000<br>#202128667 | 5.291 acres<br>275 apartments<br>51.98 units per acre   | \$22,727<br>230,476<br>\$27.12    | Unapproved                      |   |
| 3             | 6 West Apartments<br>32478 U.S. Highway 6<br>Edwards (Eagle County)          | 4/13/2017<br>\$3,336,570<br>#201706540  | 5.727 acres<br>120 apartments<br>20.94 units per acre   | \$27,805<br>249,468<br>\$13.37    | Approved                        | 2023 Appraisal approval status error                                    |
| 4             | Anglers Preserve Sub.<br>TBD Miller Creek Road<br>Edwards (Eagle County)     | 10/30/2015<br>\$2,800,000<br>#201520852 | 3.90 acres<br>Nine single-family<br>2.31 units per acre | \$311,111<br>169,884<br>\$16.48   | Approved                        | 2023 Appraisal approval status error<br>Deleted due to low-density comp |
| 5             | Stillwater<br>32339 U.S. Highway 6<br>Edwards (Eagle County)                 | 4/28/2009<br>\$2,000,000<br>#200907989  | 3.007 acres<br>21 townhomes<br>6.98 units per acre      | \$95,238<br>130,985<br>\$15.27    |                                 | Deleted due to Quasi-Gov't  |
| 6             | Private Rural Residence<br>385 Edwards Access Road<br>Edwards (Eagle County) | 7/14/2021<br>\$2,560,000<br>#202116330  | 3.65 acres<br>None proposed<br>N/A                      | N/A<br>158,994<br>\$16.10         | N/A                             | Deleted due to low-density comp   |
| 7             | Avon Apartments<br>(aka The Piedmont)<br>Avon (Eagle County)                 | 8/15/2019<br>\$6,464,050<br>#201913100  | 240 apartments  | \$26,933                          | Approved                        | Added   |

[continued on the following page]

Price-Per-Unit of Relevant Comparable Sales

The price-per-unit values for the three most relevant high-density multifamily sales – **West End (2021)**, **6 West (2017 and 2018)**, and **Avon Apartments (2019)** – are summarized below.

These figures are then adjusted to reflect key differences in **entitlement status**, **market timing**, and **location**. A brief explanation of each adjustment is provided below.

Price-Per-Unit Sales Comparables of Relevant Comps

| Project                        | Sale Date  | Sale Price  | Units | Approval Status | Price-Per Unit Comp | Adjustments                  |                         |                       | Adjustments to Price-Per-Unit for River House 2023 | Notes  |
|--------------------------------|------------|-------------|-------|-----------------|---------------------|------------------------------|-------------------------|-----------------------|--|--|
|                                |            |             |       |                 |                     | Unapproved Adj. 50% discount | Time Value 35% increase | Location 20% decrease |  |  |
| West End                       | 12/30/2021 | \$6,250,000 | 275   | Unapproved      | \$22,727            | N/A                          | N/A                     | \$18,182              | \$18,182   | Decreased by 20% to reflect superior West End location   |
| 6 West (VIA PUD / 4.053 acres) | 4/13/2017  | \$2,900,000 | 70    | Approved        | \$41,429            | \$20,714                     | \$27,964                | N/A                   | \$27,964   | Decreased by 50% to reflect unapproved status of RH, increased by 35% to reflect   |
| 6 West (1.674 acres)           | 1/5/2018   | \$436,570   | 50    | Unapproved      | \$8,731             | N/A                          | \$11,787                | N/A                   | \$11,787   | Increased by 35% to reflect price-per-unit since 2018  |
| Avon Apartments                | 8/15/2019  | \$6,464,050 | 240   | Approved        | \$26,934            | \$13,467                     | \$18,180                | \$14,544              | \$14,544   | Decreased by 50% to reflect unapproved status of RH, increased by 35% to reflect increase in price-per-unit since 2019, decreased by |
| Avg.                           |            |             |       |                 | \$24,955            |                              |                         |                       | \$18,119   |  |

▪ Entitlement Discount for Unapproved Land (~50%):

An estimated 50% discount has been applied to reflect the lower value of unapproved raw land relative to land with approved entitlements. This figure is consistent with the 2023 Appraisal’s own estimate (see 2023 Appraisal, PDF p. 9) and is likely conservative.

For example, the 2017 sale of the VIA PUD (later developed as 6 West) reflected a price-per-unit of \$41,429 for land with approved entitlements (70 units). In contrast, the subsequent 2018 acquisition of additional unapproved land to expand the project by 50 units reflected a price-per-unit of just \$8,731. That transaction suggests a discount closer to 80%, further reinforcing the conservative nature of our 50% adjustment.

| <u>Entitlement Discount Example</u> | <u>Price-Per-Unit</u> |
|-------------------------------------|-----------------------|
| 6 West - approved units             | \$41,429              |
| 6 West - unapproved units           | \$8,731               |
| Multiple of Unapproved              | 4.74                  |
| Discount from Approved              | 78.92%                |

▪ Assumed Increase in Value Over Time (~35%):

While market rents have increased significantly since the 2017–2019 sales, so too have development costs – especially construction, financing, and operating expenses. This helps explain why raw land values have not appreciated at the same rate as existing homes, which are already built and not exposed to those rising input costs.

For instance, while the prices of finished homes in the Vail Valley may have doubled, raw land values have likely increased more modestly due to offsetting cost pressures. Moreover, interest rate hikes in 2023 have elevated exit cap rates, putting further downward pressure on development feasibility.

Despite these headwinds, we have applied a 35% appreciation factor to account for moderate growth – again, a conservative assumption in the context of these conflicting forces.

▪ Location Adjustment (20%):

Location is a critical component of land value. The West End benefits from walkable proximity to the Edwards commercial core, and the Avon Apartments enjoy a superior location closer to the ski resorts of Vail and Beaver Creek.

In contrast, the River House Property is located in west Edwards, near a trailer park and adjacent to a sewage treatment facility. Accordingly, a 20% downward adjustment has been applied to account for these locational disadvantages.

Price-Per-Unit Valuation Matrix for the River House Property

|                          |                | River House Property Valuation Matrix |           |             |             |             |             |             |
|--------------------------|----------------|---------------------------------------|-----------|-------------|-------------|-------------|-------------|-------------|
|                          |                | # of Units                            | 80        | 80          | 80          | 80          | 80          | 80          |
| <b><u>Unapproved</u></b> | Price-Per-Unit |                                       | \$11,787  | \$18,119    | \$22,727    | \$30,000    | \$40,000    | \$47,500    |
|                          | Value          |                                       | \$942,991 | \$1,449,552 | \$1,818,182 | \$2,400,000 | \$3,200,000 | \$3,800,000 |

▪ Context:

- 2018 6 West Unentitled Land → River House Property: ~\$942,991:  
In 2018, the developer of 6 West purchased 1.67 acres of unentitled land directly across the street from the River House Property for \$8,731 per unit, or the equivalent of \$11,787 per unit after adjusting for moderate appreciation since that time. Based on this comp, the implied valuation for the River House Property is approximately \$942,991. No location adjustment is needed given the proximity.
- Average Adjusted Price-Per-Unit of Relevant Comps → River House Property: ~\$1,449,552:  
Applying the average adjusted price-per-unit of \$18,119 from the relevant sales comparables (see prior table) yields an implied valuation of \$1,449,552 for the River House Property.
- Late 2021 (~ 20 Months Prior) West End Unentitled Land → River House Property: ~\$1,818,182:  
The West End property sold in late 2021 without entitlements – approximately 20 months before Eagle County’s acquisition of the River House Property – at a price of \$22,727 per unit. Applying this per-unit value to the River House Property, without any downward adjustment for its inferior location, suggests a value of \$1,818,182.
- Eagle County’s Cash Purchase Price of Unentitled River House Property → \$3.2M (or \$40,000 Per Unit):

Eagle County’s cash purchase of \$3.2 million of the unentitled River House Property equates to \$40,000 per unit, representing a significant premium:

- Approximately 76% higher than what East West Partners paid for the far superior West End site only approx. 20 months earlier (both the River House Property and the West End property were unentitled);
- The artificially gross-up \$3.8 million price for the River House Property equates to a price-per-unit of \$47,500 – more than double the price-per-unit of \$22,727 that East West Partners paid for the far superior West End site only approx. 20 months earlier (and again, at the time of each sale, both the River House Property and the West End Property were unentitled); and
- Roughly 450% higher than the 2018 unentitled land purchase by the 6 West developer, directly across the street.

**Flaw #2.C – Including the Unusable Square Footage Beneath the Eagle River**

The 2023 Appraisal applies the same price-per-square-foot metric across the entire River House Property, including both usable land and unusable areas located within the Eagle River setback and beneath the river itself. According to the appraisal, this unusable portion comprises approximately 40% of the total site area. See 2023 Appraisal, PDF p. 8.

This approach inflates the effective value of the property. Notably, at least half of the comparable sales used to derive the price-per-square-foot metric do not include any unusable land associated with a river or corresponding river setback. Applying a uniform per-foot value across fundamentally dissimilar land types – particularly when many comps are entirely developable – distorts the appraisal’s conclusions and results in an overstated valuation.

**Extension of Fundamental Flaws to the Peterson Property**

As outlined above, the 2023 Appraisal overstates the price-per-square-foot by applying a flat rate of \$23.17, which – when extended to the 0.56 acres of the Peterson Property – yields a valuation of \$565,199.

Even partially correcting this overstatement produces a far lower value. If we apply the same \$23.17 rate only to the usable portion of the land (excluding the estimated 40% rendered unusable by the Eagle River), the resulting value drops to \$339,119.

Next, factoring in the impact of the private right-of-way easement – which effectively renders the eastern half of the parcel unbuildable – the value is reduced again by half, to approximately \$169,559, or \$170,000.

However, even this adjusted figure likely overstates the true market value of the Peterson Property in its current condition, given its physical, land use, and functional limitations.

**Market Per-Unit Approach**

As outlined above, a more accurate valuation method for the Peterson Property is a per-unit approach, assuming a maximum density of six units. However, further downward adjustments are required due to the site’s extreme constraints.

The Peterson Property is narrow – ranging from approximately 40 to 50 feet in width – with the widest portion located beneath the Eagle River. In addition, a private right-of-way encumbers the easternmost 20 feet, further reducing the buildable area. Based on preliminary analysis, no units could be constructed without variances from existing land use standards. Achieving six units on such a constrained site would likely require a compelling public benefit, such as deeply affordable, price-capped housing.

Even if approvals are granted based on such a benefit – e.g., units capped at 60% of AMI – the site configuration would necessitate extremely narrow units, with exterior widths of approximately 15 feet or less.

The valuation matrix below reflects a 50% discount to account for:

- The inevitable price-cap restrictions tied to any future development; and
- To a significantly lesser extent, the market undesirability of ultra-narrow units on a constrained site.

We believe this is overly conservative, and that the discount – particularly given the economics of capping rents at 60% of AMI – should be significantly deeper. (See the Cost Approach section, which demonstrates that even higher rent caps can yield negative land values.)

| <b>Peterson Property Valuation Matrix</b>                 |                 |                 |                 |                  |
|---|-----------------|-----------------|-----------------|------------------|
| # of Units  | 6               | 6               | 6               | 6                |
| <b><i>Unapproved</i></b> Price-Per-Unit                   | \$11,787        | \$18,119        | \$22,727        | \$40,000         |
| Value   | \$70,724        | \$108,716       | \$136,364       | \$240,000        |
| <b>50% Discount for Price-Cap &amp; Unit Desirability</b> | <b>\$35,362</b> | <b>\$54,358</b> | <b>\$68,182</b> | <b>\$120,000</b> |

▪ Context:

- 2018 6 West Unentitled Land → Peterson Property: ~\$35,362:  
Using the 2018 comparable sale across the street (no location adjustment required), the developer of 6 West paid the equivalent of \$8,731 per unit, or the equivalent of \$11,787 per unit after adjusting for moderate appreciation since that time. Based on this comp, the implied valuation for the Peterson Property is approximately \$35,362.
- Average Adjusted Price-Per-Unit of Relevant Comps → Peterson Property: ~\$54,358:  
Applying the average adjusted price-per-unit of \$18,119 from the relevant sales comparables (see prior table) yields an implied valuation of \$54,358 for the Peterson Property.
- Late 2021 (~ 20 Months Prior) West End Unentitled Land → Peterson Property: ~\$68,182:  
The West End property sold in late 2021 – approximately 20 months before Eagle County’s acquisition of the River House Property – at a price of \$22,727 per unit. Applying this per-unit value to the Peterson Property, without any downward adjustment for the Peterson Property’s inferior location, suggests a value of \$68,182.
- Eagle County’s Cash Purchase Price of Unentitled River House Property → \$3.2M (or \$40,000 Per Unit):

Eagle County’s cash purchase of \$3.2 million of the unentitled River House Property equates to \$40,000 per unit, representing a significant premium:

- Approximately 76% higher than what East West Partners paid for the far superior West End site (or more than double the price of the West End property on a per-unit basis if the artificially grossed-up price of \$3.8 million is assumed); and
- Roughly 450% higher than the 2018 unentitled land purchase by the 6 West developer, directly across the street.

Applying that \$40,000 per-unit benchmark to six potential units yields a valuation of \$120,000 for the Peterson Property – extremely generous under current constraints and relative to the per-unit comparable sales.

### Cost Approach

As demonstrated by prior developments in Eagle County (see [Exhibit 10](#)), the high cost of construction in the Vail Valley makes it prohibitively expensive to build much-needed, price-capped affordable housing – even in the case studies where the land carried no cost. Put differently, rent caps often imply a negative land value.

Capping rents at an average of 60% of AMI would further reduce the land’s value. As discussed above, the Peterson Property’s highly constrained configuration will likely require significant variances, which in turn will likely necessitate a compelling public benefit – such as deeply price-capped affordable units – to justify those variances.

In addition, the substantial costs associated with obtaining land use entitlements would drive the land value even further into negative territory.

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We respectfully reiterate the request made in our April 10, 2025 [letter](#) that the CBOE fulfill its statutory obligation under § 39-8-102(1), C.R.S., by instructing the Assessor to list the Peterson Property on the assessment roll and identify Edwards Affordable Housing LLC – successor to Rediger – as the current record owner, consistent with the clear chain of title reflected in the records of the Eagle County Clerk and Recorder.

Additionally, in accordance with the Assessor’s obligation to immediately determine the value of omitted property under § 39-5-125(1), C.R.S., we respectfully request that the fundamental flaws in the 2023 Appraisal outlined in this letter not be mistakenly carried over into the valuation of the Peterson Property for tax assessment purposes.

According to Eagle County’s Comprehensive Plan, by 2030 only 56% of the workforce is projected to live within the County, with daily inbound commuters expected to reach 33,153.<sup>2</sup> This is not a problem the County can solve alone. A prior PUD application submitted by an affiliated entity estimated that resolving Eagle County’s affordable housing deficit through the construction of price-capped units would require approximately \$1.3 billion in subsidies – more than ten times the County’s then-total annual budget for all services. See [Exhibit 11](#).

Developing affordable housing in Eagle County is challenging even under the best of circumstances. Unfortunately, our working relationship has become increasingly strained by misunderstandings and

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<sup>2</sup> Eagle County Comprehensive Plan, pg. 59

breakdowns in communication. We respectfully renew our plea for improved dialogue – and, ideally, a more collaborative working relationship (see April 10, 2025 [letter](#), p. 12).

Sincerely,

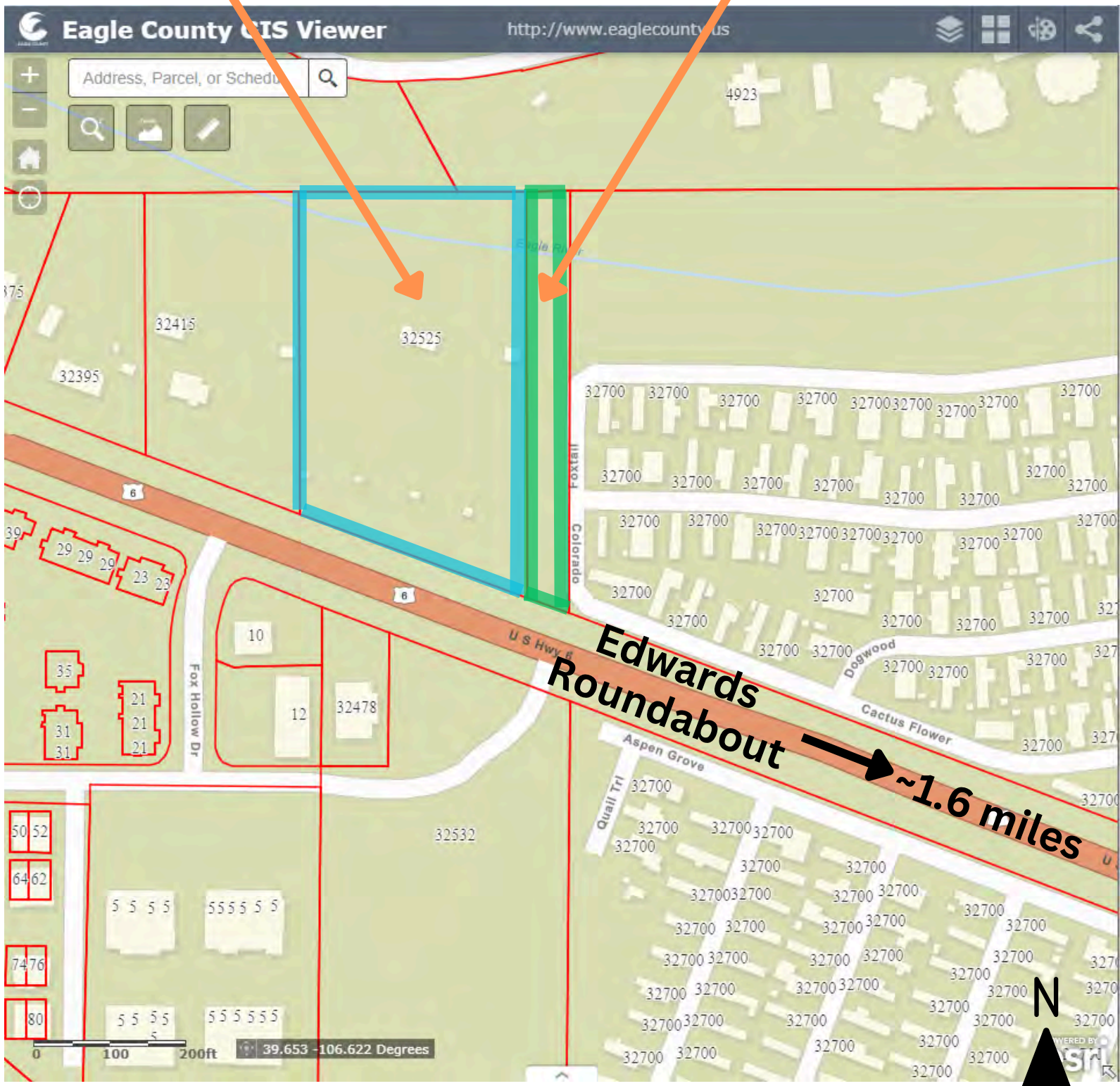
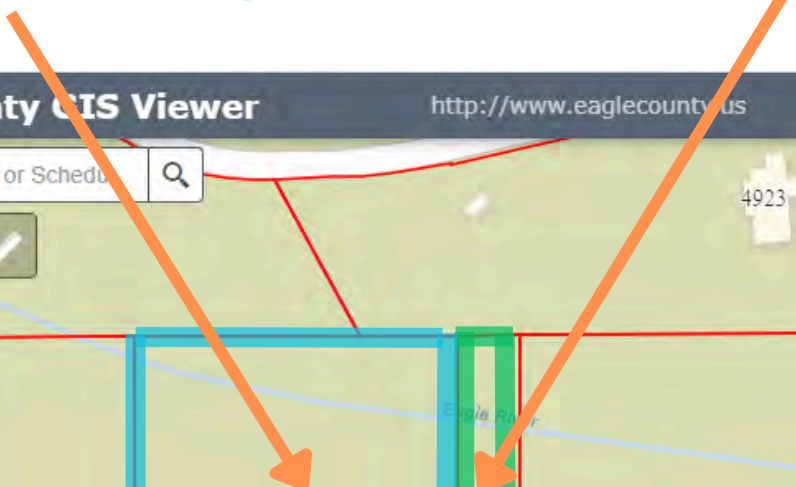
A handwritten signature in black ink that reads "Matt Larson". The signature is written in a cursive, slightly slanted style.

Matt Larson  
Edwards Affordable Housing LLC

Exhibit 1  
(Vicinity Map)

# River House Property (210506200003)

# Peterson Property



**Edwards Roundabout** → ~1.6 miles

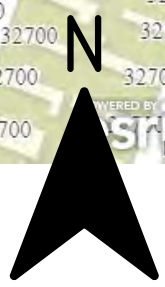


Exhibit 2  
(Doc. #27.O)

**From:** Kit Williams <[REDACTED]> <[REDACTED]>  
**Sent time:** 04/25/2023 05:01:23 PM  
**To:** bryan.treu@eaglecounty.us; Kit Williams <[REDACTED]>  
**Subject:** Kit Edwards Property 32525 hwy 6 Edwards CO

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4/25/23

Bryan

After a discussion with my advisors,

I have an idea which could be very tax beneficial to myself without any additional consequence for Eagle County.

Please call to discuss, I'm not sure of exact wording needed, but the concept is as follows.

1)

I feel the appraised value of the land with highest and best use could be much higher than \$3,200,000, I expect could reach \$3,800,000 or more.

Would the county consider amending the purchase agreement as follows

Purchase price \$3,800,000.

Fixed Cash price from Buyer (Eagle County) to Seller (Kit Williams) at closing \$3,200,000.

The difference from highest and best use appraised value to cash price paid by Buyer of \$3,200,000 will be considered a charitable contribution from Seller. The contract will be amended prior to closing to reflect appraised value.

For title company purpose the policy issued shall be \$3,200,000.

2)

Would the county consider extending the lease, allowing Rob Graef to remain as the tenant? Current rent is \$1,550.00 per month.

3)

Please provide me with a copy of the new survey for my files.

Kit Williams

[REDACTED]  
[REDACTED] Mobile

Exhibit 3  
(Doc. #24.E.23)

**From:** Kit Williams <[REDACTED]>  
**Sent time:** 04/27/2023 10:56:52 AM  
**To:** bryan.treu@eaglecounty.us; Kit Williams <[REDACTED]>  
**Cc:** Jill.Klosterman@eaglecounty.us  
**Subject:** Re: Kit Edwards Property 32525 hwy 6 Edwards CO

4/27/23

Bryan

I am comfortable waiting as you are suggesting and - - THANK YOU  
Still very excited seeing this parcel being used for all of Eagle County.

Kit Williams

[REDACTED]  
[REDACTED] Mobile

-----Original Message-----

**From:** Bryan Treu <bryan.treu@eaglecounty.us>  
**To:** Kit Williams <[REDACTED]>  
**Cc:** Jill Klosterman <Jill.Klosterman@eaglecounty.us>  
**Sent:** Thu, Apr 27, 2023 11:40 am  
**Subject:** Re: Kit Edwards Property 32525 hwy 6 Edwards CO

You are correct on the date. I thought I had given you until Wednesday. Since this will be a public document, I would rather not approve a 3.2 and then amend to 3.8. Harder to explain. I think it would be cleaner to just do another contract at 3.8. We certainly can get you out another contract with a higher amount and statement as to what will be donated. We won't let this fall through on our end. So if you are comfortable, I would just not sign and let this current contract lapse. I should be able to get you a clean one with revised terms by Wednesday. I will give you a short period to sign (Friday). So we can still have it under contract by week's end. Let me know what you think.

Bryan R. Treu  
County Attorney  
500 Broadway  
P.O. Box 850  
Eagle, Colorado 81631  
(970) 328-8685 T  
(970) 328-8699 F

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On Thu, Apr 27, 2023 at 10:29 AM Kit Williams <[REDACTED]> wrote:  
4/27/2023

Thanks, Bryan, for responding  
and I appreciate you looking into the assisting me with the possibility of reducing my Tax implications, This process could possibly save several hundred thousand dollars.  
My concern is Tuesday is May 2nd a day after acceptance date for me signing the contract.  
I truly do not want this sale to fail. If I signed the contract could we still amend the contract after, or is it better to wait?  
I just want the appraiser to know the higher sales price vs. just making the lowest amount needed.  
  
I appreciate your time, I know you are busy with state and county issues.

Kit Williams  
[REDACTED]  
[REDACTED] Mobile

-----Original Message-----

**From:** Bryan Treu <bryan.treu@eaglecounty.us>  
**To:** Kit Williams <[REDACTED]>  
**Sent:** Thu, Apr 27, 2023 11:12 am  
**Subject:** Re: Kit Edwards Property 32525 hwy 6 Edwards CO

Kit,

Of course you can have the survey. The other two I will have to speak to the BoCC about. Not unreasonable asks though. But it's spring break and no one is around this week. Will be Tuesday before I can touch base with them. Will keep you posted.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Tue, Apr 25, 2023 at 5:01 PM Kit Williams <[REDACTED]> wrote:  
4/25/23

Bryan

After a discussion with my advisors,

I have an idea which could be very tax beneficial to myself without any additional consequence for Eagle County.

Please call to discuss, I'm not sure of exact wording needed, but the concept is as follows.

1)

I feel the appraised value of the land with highest and best use could be much higher than \$3,200,000, I expect could reach \$3,800,000 or more.

Would the county consider amending the purchase agreement as follows

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Fixed Cash price from Buyer (Eagle County) to Seller (Kit Williams) at closing \$3,200,000.

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For title company purpose the policy issued shall be \$3,200,000.

2)

Would the county consider extending the lease, allowing Rob Graef to remain as the tenant? Current rent is \$1,550.00 per month.

3)

Please provide me with a copy of the new survey for my files.

Kit Williams

[REDACTED]  
[REDACTED] Mobile

Exhibit 4  
(Doc. #24.E.19)

**From:** Bryan Treu <bryan.treu@eaglecounty.us> <bryan.treu@eaglecounty.us>  
**Sent time:** 05/25/2023 12:18:31 PM  
**To:** Kit Williams <[REDACTED]>  
**Cc:** Jill Klosterman <jill.klosterman@eaglecounty.us>  
**Subject:** Re: Addendum

Works for me. No hurry on the amendment so we can wait and do it all at once if there are further amendments. Enjoy Florida. Let's touch base when we get the appraisal. Nothing else to do until then on our end.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Thu, May 25, 2023 at 11:16 AM Kit Williams <[REDACTED]> wrote:

Bryan

No issue signing the document

Should we wait until after the appraisal is completed so we can adjust the gross price to match?? And sign just one document??

I'm currently in FL

Kit

Sent from my iPhone

On May 24, 2023, at 10:42 AM, Bryan Treu <[Bryan.Treu@eaglecounty.us](mailto:Bryan.Treu@eaglecounty.us)> wrote:

Kit,

Hope you're doing well. As we discussed briefly outside the county building, I am including an addendum to our contract. This simply states you will transfer your interest via a quit claim deed to the 1/2 acre strip of land to the east of your property (the one with your driveway) at the time of closing on the rest of the property. I realized after getting the very clean title work that this strip was omitted from the legal description in our original contract. Rather than add this strip into that legal description and then deal with a much messier title commitment, I thought it would be simpler to go forward with the current contract where you will transfer the remainder of the property to us by warranty deed and then just have this strip transferred by quit claim. Less protection for the county, but I am aware of all the issues with this strip and can clean it up after closing through a quiet title action, if necessary. It just seems simpler and will help us move forward quicker towards closing. But do not hesitate to reach out if you disagree or have other thoughts. If you do agree, please execute the attached and get it back to me at your convenience.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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<DOC\_230524.pdf>

Exhibit 5  
(Doc. #27.ZZB)



---

**Fwd: Kit Williams 32525 Hyw 6 Edwards, CO**

14 messages

---

**Taylor Ryan** <taylor.ryan@eaglecounty.us>  
To: Olivia Cook <olivia.cook@eaglecounty.us>

Wed, Feb 10, 2021 at 2:13 PM

Olivia, related to that property that Suzi Apple called about, I searched my e-mail and found the message below. I also know that we discussed this with Kelly and had a call with a surveyor regarding property boundary issues. I don't recall if we discussed the legality of the parcel. I looked in a few places and didn't see any follow-up about this. The direction I think we provided is that it is up to the owner, a private surveyor, and, if necessary, legal assistance to sort out any issues. I wonder if maybe Colton might have saved information in a planning folder.

Regards,

**Taylor "Ty" Ryan, P.E.**Eagle County Engineering  
P.O. Box 850 Eagle, CO 81631  
Phone: 970-328-3560  
Fax: 970-328-8789  
[taylor.ryan@eaglecounty.us](mailto:taylor.ryan@eaglecounty.us)

"It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences." ~Audre Lorde

----- Forwarded message -----

From: **Colton Berck** <[colton.berck@eaglecounty.us](mailto:colton.berck@eaglecounty.us)>  
Date: Wed, Oct 9, 2019 at 12:38 PM  
Subject: Fwd: Kit Williams 32525 Hyw 6 Edwards, CO  
To: Taylor Ryan <[taylor.ryan@eaglecounty.us](mailto:taylor.ryan@eaglecounty.us)>

----- Forwarded message -----

From: **Kit Williams** <[REDACTED]>  
Date: Wed, Oct 2, 2019 at 2:45 PM  
Subject: Kit Williams 32525 Hyw 6 Edwards, CO  
To: <[colton.berck@eaglecounty.us](mailto:colton.berck@eaglecounty.us)>, [REDACTED]

10/2/2019

Thanks for visiting with me Colton  
Attached are several files for your review  
Look forward to hearing from you  
I'll be in Eagle tomorrow, would like to stop in and introduce myself

Kit Williams  
Delaware Hotel (Historic)  
Delaware Mercantile  
K. G. Inc.  
970-376-0909 Mobile  
719-486-1418 Hotel  
[KitCWms@aol.com](mailto:KitCWms@aol.com)  
700 Harrison Ave.  
Leadville, CO 80461

--

*Please note that the Community Development Department welcomes walk in customers between 8 a.m. and 4 p.m. Monday through Friday, except holidays.*







**Colton Berck**

Eagle County Government  
Associate Planner - Customer Service  
970.328.8746



---

**6 attachments**

-  **Aireal Edwards Appraisal 32525 Hwy 6 17B5-077 BOUND-1.pdf**  
2756K
-  **Edwards Appraisal 32525 Hwy 6 17B5-077 BOUND-1.pdf**  
2756K
-  **PG 1 KIP0206.pdf**  
813K
-  **PG 2 KIP0205.pdf**  
2475K
-  **pg 3 topo KIP0204.pdf**  
189K
-  **Survey issue Mike Dolan 5-23-19.docx**  
15K

---

**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Taylor Ryan <taylor.ryan@eaglecounty.us>  
Cc: Colton Berck <colton.berck@eaglecounty.us>

Wed, Feb 10, 2021 at 5:05 PM

Thanks Ty! Colton, do you have more background on this one?

Seems to me if we don't have a plat it likely isn't legal since it's only about 3 acres. Unless the lot was created prior to 1964. I can ask Kelly to help with that research when he gets back.

[Quoted text hidden]

--

Olivia Cook  
Assistant Planner - Current and Long Range Planning  
Planning Department  
Eagle County Government  
(p) 970-328-8754  
[olivia.cook@eaglecounty.us](mailto:olivia.cook@eaglecounty.us)



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*One Valley Voice* on Facebook

[CovidQuestions@eaglecounty.us](mailto:CovidQuestions@eaglecounty.us) | 970-328-9750

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**Colton Berck** <colton.berck@eaglecounty.us>

Fri, Feb 12, 2021 at 11:51 AM

To: Olivia Cook <olivia.cook@eaglecounty.us>

Cc: Taylor Ryan <taylor.ryan@eaglecounty.us>, Kelly Miller <kelly.miller@eaglecounty.us>

I think Kelly recently found some updated information on this one. Kelly, is this the property you found records for?

[Quoted text hidden]

--

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For the most recent information, please visit [www.eaglecountycovid.org](http://www.eaglecountycovid.org)

[One Valley Voice](#) on Facebook

[CovidQuestions@eaglecounty.us](mailto:CovidQuestions@eaglecounty.us) | 970-328-9750

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**Colton Berck**

Eagle County Government

Associate Planner - Community Engagement

970.328.8749



**Kelly Miller** <kelly.miller@eaglecounty.us>

Tue, Feb 16, 2021 at 9:32 AM

To: Colton Berck <colton.berck@eaglecounty.us>

Cc: Olivia Cook <olivia.cook@eaglecounty.us>, Taylor Ryan <taylor.ryan@eaglecounty.us>

To all,  
I have this information in a folder, but without knowing the questions I can't answer anything.

Kelly

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

[Quoted text hidden]

---

#### 10 attachments

**Book 148, Page 147.pdf**  
423K





**Book 132, Page 559.pdf**  
359K

**Book 161, Page 329.pdf**  
394K

**Book 122, Page 427.pdf**  
772K

**Book 231, Page 668.pdf**  
718K

**F 001-2(3) survey plat Tract 64 in Sec 36.pdf**  
63K

 **Rec. No. 201603350.pdf**  
782K **Book 537, Page 871.pdf**  
1079K **Book 614, Page 882.pdf**  
2512K **Rec. No. 201803207.pdf**  
2538K

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**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Kelly Miller <kelly.miller@eaglecounty.us>  
Cc: Colton Berck <colton.berck@eaglecounty.us>, Taylor Ryan <taylor.ryan@eaglecounty.us>

Tue, Feb 16, 2021 at 9:42 AM

Thanks Kelly! Do you know if this is a legal lot?  
[Quoted text hidden]

---

**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Kelly Miller <kelly.miller@eaglecounty.us>  
Cc: Colton Berck <colton.berck@eaglecounty.us>, Taylor Ryan <taylor.ryan@eaglecounty.us>

Fri, Feb 26, 2021 at 9:25 AM

Hi Kelly,

I got another POD call Wednesday from someone interested in medium/high density housing at parcel 210506200003. This property is on the market so I think we'll be getting a few more calls as well.

I know you attached quite a few documents above - do you know if this lot is legal? The earliest date I see for deeds on the property is 1968.

Thanks!  
Olivia  
[Quoted text hidden]

---

**Kelly Miller** <kelly.miller@eaglecounty.us>  
To: Olivia Cook <olivia.cook@eaglecounty.us>  
Cc: Colton Berck <colton.berck@eaglecounty.us>, Taylor Ryan <taylor.ryan@eaglecounty.us>

Fri, Feb 26, 2021 at 9:31 AM

I will need to circle on what information I had researched to answer that question.  
I am in an all-day conference today so I will let you know ASAP.

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

[Quoted text hidden]

---

**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Kelly Miller <kelly.miller@eaglecounty.us>  
Cc: Colton Berck <colton.berck@eaglecounty.us>, Taylor Ryan <taylor.ryan@eaglecounty.us>

Fri, Feb 26, 2021 at 9:33 AM

Ok, thank you!  
[Quoted text hidden]

---

**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Kelly Miller <kelly.miller@eaglecounty.us>

Mon, Mar 8, 2021 at 11:16 AM

Hey Kelly - going through my inbox. Any updates on this one?

Thanks!  
[Quoted text hidden]

**Kelly Miller** <kelly.miller@eaglecounty.us>

To: Olivia Cook <olivia.cook@eaglecounty.us>

I thought there was one more that I needed information on for you.  
I will get on it, sorry.

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

[Quoted text hidden]

---

**Olivia Cook** <olivia.cook@eaglecounty.us>

Mon, Mar 8, 2021 at 12:07 PM

To: Kelly Miller <kelly.miller@eaglecounty.us>

All good, thanks!

[Quoted text hidden]

---

**Kelly Miller** <kelly.miller@eaglecounty.us>

Mon, Mar 8, 2021 at 2:00 PM

To: Olivia Cook <olivia.cook@eaglecounty.us>

Olivia,

The property as a whole was owned by John and Pearl Peterson.  
The original deed for the tract was dated July 22, 1958, in Book 161, Page 329.  
So being the parcel was created before April 6th, 1964 it is a legal lot.  
There is a Land Survey Plat that I had picked up from someone that I have attached.  
There are other documents that may be helpful in the future to have so I attached them.

If you have any questions please let me know.

Sincerely,  
Kelly Miller

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

[Quoted text hidden]

---

## 2 attachments



**Kit Williams plat survey folder.PDF**

5167K



**Kit Williams deed folder.PDF**

8770K

---

**Kelly Miller** <kelly.miller@eaglecounty.us>

Mon, Mar 8, 2021 at 2:16 PM

To: Olivia Cook <olivia.cook@eaglecounty.us>

Olivia,

There are some other tidbits that you may like to know.  
I question if there really is a county road easement on the east portion, I think it may have been just a deeded right of way as highlighted in Book 148, Page 147 it talks about a 20' easement along the easterly portion of Government Lot 4. If you look at the LSP that is attached and if you scale between the fences, low and behold the distance between them is 20 and it is where the existing driveway is located at this time. I think that the extra distance maybe only because of the length of the property to the east line of Government Lot 4. Being the land survey plat was monumented back in 1993 and they staked it according to what information they had from the deed, rather than doing a total section breakdown to show that there may be an issue, the monuments that are in the field that represent the boundary will be the boundary. If they want to go through a quiet title action they may be able to get all the property to the fence line. Being there is a deed talking about the interest that is shown in Book 148, Page 147, they may have a tough time. I

contacted the company about this piece of work when West Apartments was going through the planning process and they left a very important piece out, they basically said I didn't know what was talking about and hung up.

Just a few pieces of information that may be helpful.

Kelly

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

[Quoted text hidden]

---

**Olivia Cook** <olivia.cook@eaglecounty.us>  
To: Kelly Miller <kelly.miller@eaglecounty.us>

Tue, Mar 9, 2021 at 4:22 PM

Interesting. Thanks for all the information! Good to know.  
[Quoted text hidden]

Exhibit 6  
(Doc. #24.E.18)

**From:** Bryan Treu <bryan.treu@eaglecounty.us> <bryan.treu@eaglecounty.us>  
**Sent time:** 07/27/2023 10:07:14 AM  
**To:** Laura Howe <[REDACTED]>  
**Cc:** Jill Klosterman <jill.klosterman@eaglecounty.us>; Scott Davison <[REDACTED]>  
**Subject:** Re: 32525 Hwy 6 - closing

Laura,

That makes sense. The assessor's records don't show an owner but Kit has used it as his driveway for over 30 years. So, we intend to do a quiet title action at some point to clean it all up. We will prepare the quit claim for that sliver. I will get it over to you. We can have it signed at closing as well and we would love for you all to record along with the other documents. But we are happy to prepare the deed.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Wed, Jul 26, 2023 at 1:53 PM Laura Howe <[REDACTED]> wrote:

Hey Bryan,

So I did discuss this with title and both of us feel that we would rather not prepare this deed for that sliver of land. I don't believe it is anything we are able to insure because I don't think anyone seems to know who owns it exactly. Do you all know who owns it? I think I spoke with someone at the Assessor's a while ago about this piece of land and if I remember correctly they didn't know who owned it.

I am happy to record the deed that gets prepared and signed.

An August 4<sup>th</sup> closing is fine with me and late in the afternoon works too. I have an Edwards or Eagle office – do you know which one is preferred? You can let me know as we get closer to closing too. Right now I put the signing down for 4pm on that Friday the 4<sup>th</sup>.

I should be able to get a set of documents to you hopefully by tomorrow, as my Friday is busy with many sitdowns.

Thanks,

**Laura Howe**  
Branch Manager



Agency License 668372

OFFICE: [REDACTED] FAX: [REDACTED]

Aspen ~ Breckenridge ~ Craig (NWT) ~ Eagle ~ Edwards ~ Frisco ~ Glenwood Springs

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**From:** Bryan Treu <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>

**Sent:** Wednesday, July 26, 2023 9:35 AM

**To:** Jill Klosterman <[jill.klosterman@eaglecounty.us](mailto:jill.klosterman@eaglecounty.us)>

**Cc:** Laura Howe <[REDACTED]> Scott Davison <[REDACTED]>

**Subject:** Re: 32525 Hwy 6 - closing

Laura,

We also had an addendum signed. Attached. Kit will be transferring 032525 HWY 6 by warranty deed at closing. The addendum is for Kit to also transfer the 0.561 acre strip of land immediately to the east by quit claim deed. This strip was not part of the title commitment and we are comfortable with that. Would you all like to prepare the quit claim for this parcel or would you prefer we do it on our end? Let us know if you can accommodate the August 4th closing (this is at Kit's request). As Jill said, I would like to see the deeds and other closing documents a few days prior if possible. Thanks again.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Wed, Jul 26, 2023 at 8:50 AM Jill Klosterman <[jill.klosterman@eaglecounty.us](mailto:jill.klosterman@eaglecounty.us)> wrote:

Hi Laura-

We'll have a commissioner available for signature late in the afternoon on Friday August 4. Can we schedule a closing in your office then?

Bryan would love to get his eyes on the closing documents ahead of the closing, so if you could send them in the next few days, that would be great.

Thank you!

Jill

On Tue, Jul 25, 2023 at 3:56 PM Jill Klosterman <jill.klosterman@eaglecounty.us> wrote:

Hi Laura-

We just heard that from Kit today, we're working on timing of funds availability and signature authority to see if we can get something scheduled for later next week. Is that feasible for your team? I believe Bryan has seen the title work, but I'm not entirely sure where that stands.

Thanks.

Jill

On Tue, Jul 25, 2023 at 3:54 PM Laura Howe <[REDACTED]> wrote:

Hi there

I hope you are both doing well. I heard from Kit Williams and he mentioned this may close sooner rather than later. I currently show a closing date of August 14<sup>th</sup>. Do you all have a different closing date you are shooting/hoping for? I think Kit was hoping to close by the end of this month which is rapidly approaching of course so not sure if that is feasible.

Thanks!

**Laura Howe**  
**Branch Manager**



Agency License 668372

[REDACTED]

OFFICE: [REDACTED] FAX: [REDACTED]

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[Android Help Video: Click Here](#) (This link takes you to a “Help Video”)

[iPhone App: Click Here](#) (This link takes you directly to the **iPhone** App)

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--

**Jill Klosterman**

Chief Financial Officer

(o) 970-328-3511

(m) 970-471-0196



--

**Jill Klosterman**

Chief Financial Officer

(o) 970-328-3511

(m) 970-471-0196



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etinvestments.com](mailto:encrypted@etinvestments.com).

Exhibit 7  
(Doc. #27.T)

**From:** Kevin Chandler <[REDACTED]>  
**Sent time:** 07/18/2023 08:34:17 AM  
**To:** Bryan Treu <bryan.treu@eaglecounty.us>  
**Cc:** Kit Williams <[REDACTED]>  
**Subject:** RE: 032525 Hwy 6 Edwards Kit Williams

Will do, it will be delivered by Thursday

Kevin A. Chandler, MAI  
Chandler Consulting, Inc.

[REDACTED]

---

**From:** Bryan Treu <bryan.treu@eaglecounty.us>  
**Sent:** Tuesday, July 18, 2023 8:32 AM  
**To:** Kevin Chandler <[REDACTED]>  
**Cc:** Kit Williams <[REDACTED]>  
**Subject:** Re: 032525 Hwy 6 Edwards Kit Williams

Both are fine. Thanks, Kevin.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

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On Tue, Jul 18, 2023 at 8:31 AM Kevin Chandler <[REDACTED]> wrote:

Hello Kit. All is well here except for the extreme heat. We trust you are doing better,

Bryan, should I distribute the appraisal to just you, or may I copy Kit as well?

Kevin A. Chandler, MAI  
Chandler Consulting, Inc.

[REDACTED]

---

**From:** Kit Williams <[REDACTED]>  
**Sent:** Monday, July 17, 2023 4:28 PM  
**To:** Kevin Chandler <[REDACTED]> 1 Kit Williams <[REDACTED]>  
**Subject:** Re: 032525 Hwy 6 Edwards Kit Williams

Kevin trust you both enjoyed your weekend.  
Please forward me a copy of the appraisal once completed

Kit Williams  
[REDACTED]

[Redacted] Mobile

On Wednesday, July 12, 2023 at 06:51:50 AM MDT, Kevin Chandler <[Redacted]> wrote:

sorry to hear about that Kit and hope you get well soon...we are all set and I will finish the appraisal next week

On Jul 11, 2023 9:49 PM, Kit Williams <[Redacted]> wrote:

Kevin

Are we all set

I have experienced a medical issue beginning with a trip to the ER the past two weeks

I see the easement issue was positively resolved.

I was originally discussing entitlement for the parcel for 80 plus units using covered parking deck creating a nice open space area at the water edge with the county planners when they suggested me selling the land to Eagle County

I'm truly excited to pay it forward to the citizens of Eagle county as a recreation center, day care and parks.

Walking the property with both of you I'm sure you understand what maximizing the appraisal is a huge life changing event for me me and yet passed a substantial value onto Eagle.

Thanks for your consideration, if I can provide any additional info please ask

Sincerely,

Kit

Sent from my iPhone

On Jul 6, 2023, at 9:37 AM, Kevin Chandler <[Redacted]> wrote:

Thanks again Kit for meeting us at the property last week. Bryan, we trust your hip surgery went well.

I would appreciate updates about a current survey and status of quite title for the strip of land at eastern edge.

My plan is to deliver the appraisal during the week of July 17, so I will need any due diligence items by next Monday.

Kevin A. Chandler, MAI

Chandler Consulting, Inc.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** Kit Williams <[Redacted]>

**Sent:** Tuesday, June 20, 2023 1:57 PM

**To:** [Redacted] [bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us); Kit Williams <[Redacted]>

**Subject:** Re: 032525 Hwy 6 Edwards

Thanks, Kevin, for contacting me.

Looking forward to meeting both of you 6/28/2023 Approximately 10AM

Kit Williams

[Redacted]

[Redacted] Mobile

-----Original Message-----

From: Kevin Chandler <[REDACTED]>  
To: 'Bryan Treu' <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>; 'Kit Williams' <[REDACTED]>  
Sent: Tue, Jun 20, 2023 1:17 pm  
Subject: RE: 032525 Hwy 6 Edwards

Thanks Bryan for making the introduction, and best of luck with your surgery.

Hello Kit, how does your schedule look for the property inspection next Wednesday, Thursday, or Friday?

Kevin A. Chandler, MAI

Chandler Consulting, Inc.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Bryan Treu <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>  
**Sent:** Tuesday, June 20, 2023 11:53 AM  
**To:** Kit Williams <[REDACTED]>; Kevin Chandler <[REDACTED]>  
**Subject:** 032525 Hwy 6 Edwards

Kit and Kevin,

Just sending you both this email as a way of introduction. I understand from Kevin that his inspection on the property will probably occur later next week. I know Kit wanted to join. I would join, but am having hip replacement surgery on Monday. But now you two have each other's contact info.

Kevin A. Chandler, MAI

Chandler Consulting, Inc.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Kit Williams

[REDACTED]  
[REDACTED] Mobile

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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Exhibit 8  
(Doc. #27.ZP)

**From:** Jill Klosterman <jill.klosterman@eaglecounty.us> <jill.klosterman@eaglecounty.us>  
**Sent time:** 07/26/2023 08:30:55 AM  
**To:** Kathy Chandler-Henry <kathy.chandlerhenry@eaglecounty.us>; Bryan Treu <Bryan.Treu@eaglecounty.us>  
**Subject:** Re: Kit Williams attachment and closing date - River House Property

Bryan, can we have Kathy sign closing docs before she leaves for CCAT? Or Friday afternoon? Or, we can probably just do it all electronically.

On Tue, Jul 25, 2023 at 10:43 PM Kathy Chandler-Henry <kathy.chandlerhenry@eaglecounty.us> wrote:

I'll be back late in the afternoon on the 4th - we're in Breckenridge for CCAT. Does that work? If not, I can return earlier in the day.

Thanks,  
Kathy

**Kathy Chandler-Henry**  
**Board Chair**  
Eagle County Commissioner  
(970) 390-3104  
[www.eaglecounty.us](http://www.eaglecounty.us)



On Tue, Jul 25, 2023 at 2:45 PM Jill Klosterman <jill.klosterman@eaglecounty.us> wrote:

Teak, can you make the funds available by the end of next week?

Kathy, are you around to sign documents?

On Tue, Jul 25, 2023 at 1:03 PM Bryan Treu <bryan.treu@eaglecounty.us> wrote:

Kit wants to close on or before 8/5? Can we accommodate? Nothing left to do on this end once he signs the amendment I sent over. We will, of course, review the title work. So I am fine closing whenever.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Tue, Jul 25, 2023 at 11:40 AM Kit Williams <[REDACTED]> wrote:

Didn't receive an attachment

Closing date can we please close as early in Aug as possible? ideally on or before 8/5/23) I'm staying in CO

until the Edwards closes and hoped to use the funds for another closing in FL which is 8/7/23

Kit Williams

[Redacted]  
[Redacted] Mobile

On Tuesday, July 25, 2023 at 10:35:14 AM MDT, Bryan Treu <bryan.treu@eaglecounty.us> wrote:

Kit,

Here is the amendment for your signature. Same as the last one (including the strip of land by quit claim deed), but just resigned with today's date. I don't think we can do a closing prior to the end of the month. We have commissioners out all month. Two are back today, but one suffered a horrible bike accident and isn't staying long. I don't think I have any commissioner available this next week. When do you get back from Florida? Let me know and I can get a closing scheduled. Everything else is on track. Finish line in sight.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Fri, Jul 21, 2023 at 3:15 PM Kit Williams <[Redacted]> wrote:

Thanks Bryan

If there is any way to close before the End of July it would be great for me  
I have another closing in FL early Aug 7th.

Sent from my iPhone

On Jul 21, 2023, at 11:12 AM, Bryan Treu <Bryan.Treu@eaglecounty.us> wrote:

Thanks, Kevin. Will get the invoice processed ASAP.

Kit, we still need to do the addendum to include the .561-acre parcel as a quit claim transfer. Doesn't look like we will need to amend the contract any further based on the appraisal. I will send out a revised addendum since Kathy Chandler-Henry signed the original one back in May. We should also schedule a closing. Does the week of August 7th work on your end? I can let the title company know once we get the addendum signed. Let me know if I missed anything. Getting close.

Bryan R. Treu

County Attorney

500 Broadway

P.O. Box 850

Eagle, Colorado 81631

(970) 328-8685 T

(970) 328-8699 F

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On Fri, Jul 21, 2023 at 11:01 AM Kevin Chandler <[REDACTED]> wrote:

Hello Bryan and Kit,

The Restricted Appraisal Report for the above captioned property is attached, as well as an invoice that is payable by Eagle County.

Please let me know if you have any questions or comments. I also attached a zoning overview that was prepared by the county.

Thanks, Kevin

Kevin A. Chandler, MAI  
Chandler Consulting, Inc.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Kevin Chandler <[REDACTED]>  
**Sent:** Thursday, June 1, 2023 10:04 AM  
**To:** 'Bryan Treu' <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>  
**Subject:** Appraisal of River House Property

Hello Bryan,

The engagement letter for the above captioned assignment is attached for your review.

If acceptable, please incorporate into a formal contract and send for my review and signature.

Thanks, Kevin

Kevin A. Chandler, MAI  
Chandler Consulting, Inc.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Bryan Treu <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>  
**Sent:** Monday, May 8, 2023 1:47 PM  
**To:** Kevin Chandler <[REDACTED]>  
**Subject:** Fwd: File 0821373 32525 Highway 6, Edwards, CO 81632

Here is the title commitment for the Edwards property. Thanks.

Bryan R. Treu  
County Attorney  
500 Broadway  
P.O. Box 850  
Eagle, Colorado 81631  
(970) 328-8685 T  
(970) 328-8699 F

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----- Forwarded message -----

From: **Laura Howe** <[REDACTED]>  
Date: Fri, May 5, 2023 at 4:38 PM  
Subject: File 0821373 32525 Highway 6, Edwards, CO 81632  
To: [bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us) <[bryan.treu@eaglecounty.us](mailto:bryan.treu@eaglecounty.us)>, [jill.klosterman@eaglecounty.us](mailto:jill.klosterman@eaglecounty.us) <[jill.klosterman@eaglecounty.us](mailto:jill.klosterman@eaglecounty.us)>  
Cc: Scott Davison <[REDACTED]>

Hello,

I have attached for your review the Linked Title Commitment and Tax Certificate for this transaction. And that is fine for you to deliver the earnest money to our Eagle office once things are approved, etc.

Let me know if you have any questions at this time.

Have a nice weekend!

**Laura Howe**  
**Branch Manager**

<image001.jpg>

Agency License 668372

[REDACTED]

OFFICE: [REDACTED] FAX: [REDACTED]

[REDACTED] [www.TitleCoRockies.com](http://www.TitleCoRockies.com)

Aspen ~ Breckenridge ~ Craig (NWT) ~ Eagle ~ Edwards ~ Frisco ~ Glenwood Springs

Grand Lake ~ Leadville ~ Rifle ~ Steamboat Springs ~ Vail ~ Willits ~ Winter Park

<image002.png>

**WARNING – NEVER WIRE FUNDS WITHOUT VERBAL VERIFICATION BEFORE SENDING**

*If you receive an email containing new or revised WIRE TRANSFER INSTRUCTIONS immediately*

*call your escrow officer to verify the information prior to sending funds or other information.*

<image002.png>

If your client needs to send earnest money, please use our Earnest Money

Deposit App: ReProTool. Below you will find links for both Android & iPhone.

[Android App: Click Here](#) (This link takes you directly to the **Android** App)

[Android Help Video: Click Here](#) (This link takes you to a "Help Video")

[iPhone App: Click Here](#) (This link takes you directly to the **iPhone** App)

[iPhone Help Video: Click Here](#) (This link takes you to a "Help Video")

[<image003.jpg>](#)

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--

**Jill Klosterman**

Chief Financial Officer

(o) 970-328-3511

(m) 970-471-0196



--

**Jill Klosterman**

Chief Financial Officer

(o) 970-328-3511

(m) 970-471-0196



Exhibit 9  
(Doc. #27.ZH)

**From:** Jill Klosterman <jill.klosterman@eaglecounty.us> <jill.klosterman@eaglecounty.us>  
**Sent time:** 02/02/2024 02:33:17 PM  
**To:** Kit Williams <[REDACTED]>; Beth Oliver <beth.oliver@eaglecounty.us>  
**Cc:** ed Moulton <[REDACTED]>  
**Subject:** Re: Fw: Kit Williams - Clarifying intent of the River House Property sale for my CPA

Kit-

Thank you for your email, I hope you are doing well.

The county determined that it would be willing to purchase the property in question for a maximum price of \$3,200,000. The county received an appraisal on July 21, 2023 showing a value of the parcel of \$3,800,000. As the county was not willing or able to pay more than the agreed upon \$3,200,000, the seller was willing to donate a portion of the value, so the county paid the seller \$3,200,000 and the seller donated the remaining value of the parcel.

The purpose of this email is to confirm the county's understanding of the seller's intent regarding the transaction, not to provide tax advice.

Thanks.

Jill

On Wed, Jan 31, 2024 at 12:45 PM Kit Williams <[REDACTED]> wrote:  
1/31/24

Good Afternoon Jill,

Trust you enjoying a prosperous New Year

It would be very helpful for me is you could provide a supporting comment toward the intent for the sale of the land to the county. The issue how the capital gains is calculated, a sale price of \$3,800,000 or \$3,200,000 adjusts the capital gains on \$600,000.

My CPA Stephanie Novosad - located here in Eagle County asks for this clarification should I be audited (which is a strong possibility).

She asks that I have a supporting document in the file, that clarifies the intent of the sale was a follows.

Stephanie's requested terminology is as follows.

The above is to have a written agreement between you and the County that it is understood that you sold an 84.211% interest in the property and you donated the other 15.789%. You did NOT sell 100% for \$3,800,000 and then donated the proceeds.

That was never your intention, even though the closing statement looks like that is how it is reflected.

The appraisal the county obtained reflects a total value of \$3,800,000 which supports the transaction total value.

Could you review and please setup a quick phone call to discuss if needed.

I did asked the Title Company before closing for clarification and she was not sure how to present this on the closing statement.

I had talked with Bryan regarding this issue, he asked me to submit what my CPA was requesting, but felt this did follow the intent of the sale.

Thanks  
Kit

Kit Williams  
[REDACTED]

[REDACTED] Mobile

--

**Jill Klosterman**

Chief Financial Officer

(o) 970-328-3511

(m) 970-471-0196



Exhibit 10

### Subpart B.1 – Case Studies

The Two10 Development and the Stillwater Development were selected as Case Studies because they were developed by government and quasi-government entities and therefore are assumed to have reasonably objective data (whereas private developments run the risk of a developer, for lack of better words, sandbagging the numbers).

#### Case Study #1 – Two10 Development

In June 2019, Eagle County broke ground on an affordable housing development referred to as Two10 at Castle Peak (the “**Two10 Development**”).<sup>19</sup> The Two10 Development is a 22-unit for-rent apartment building in Eagle Ranch, located approximately 1.5 miles from downtown Eagle, that was completed in the summer of 2020.

#### Graphic 6 – Two10 Development



(photo credit: <https://www.eaglecounty.us/housing/two10castlepeak>)

The Two10 Development cost Eagle County approximately \$9.2M to develop.<sup>20</sup> The parcel that the Two10 Development was built on was already owned by Eagle County and the \$9.2M total expense *excludes the cost of land*.<sup>21</sup>

[continued on the following page]

<sup>19</sup> <https://www.vaildaily.com/news/county-celebrates-ground-breaking-for-two10-at-castle-peak-in-eagle/>

<sup>20</sup> 4/6/21 email communication with Jill Klosterman, Eagle County Finance Director, and Tori Franks, Eagle County Real Estate and Development Manager

<sup>21</sup> 4/6/21 email communication with Jill Klosterman, Eagle County Finance Director, and Tori Franks, Eagle County Real Estate and Development Manager

Table 7.1 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Initial Sales Price Calculations” at 100% AMI for 1 Bedroom and 2 Bedroom dwellings as \$284,200 and \$320,289, respectively.

As indicated in Graphic 7.A below, the \$9.2M cost of the Two10 Development equates to an average cost/unit of \$418,182. Assuming a maximum initial sales price at 100% AMI of \$302,245<sup>22</sup>, a subsidy of \$115,937/unit or \$2,550,621 total (i.e., 28% of the total cost) would still be required just to breakeven (and this excludes the cost of land and a reasonable profit commensurate with the effort and risks of development – so the actual required subsidy would be even higher).

Graphic 7.A – Two10 Affordable Development – “For-Sale” Subsidies

| <b>Two10 Case Study - For Sale</b>                                   |             |                          |             |                    |
|--|-------------|--------------------------|-------------|--------------------|
|  | 1-Bed       | 1-Bed + Den              | 2-Bed       | Total              |
| Units  | 5           | 15                       | 2           | <b>22</b>          |
| Weighted Construction Cost Breakeven \$/Unit <sup>(1)</sup>          | \$356,129   | \$415,484                | \$593,548   | <b>\$418,182</b>   |
| Total \$ (excluding land) <sup>(2)</sup>                             | \$1,780,645 | \$6,232,258              | \$1,187,097 | <b>\$9,200,000</b> |
| Max. Initial Sales \$/Unit @ 100% AMI <sup>(3)(5)</sup>              | \$284,200   | \$302,245 <sup>(4)</sup> | \$320,289   | <b>\$302,245</b>   |
| Required Subsidy/Unit @ 100% AMI (\$)<br>(breakeven/excluding land)  | \$71,929    | \$113,239                | \$273,259   | <b>\$115,937</b>   |
| Required Subsidy/Unit @ 100% AMI (%)<br>(breakeven/excluding land)   | 20%         | 27%                      | 46%         | <b>28%</b>         |
| Total Required Subsidy @ 100% AMI (\$)<br>(breakeven/excluding land) |             |                          |             | <b>\$2,550,621</b> |
| Total Required Subsidy @ 100% AMI (%)<br>(breakeven/excluding land)  |             |                          |             | <b>28%</b>         |

(1) Unit mix per R2019-030, PDF pg. 189  
 (2) Jill Klosterman, Finance Director; Tori Franks, Real Estate and Development Manager; 4/6/21  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.1, pg. 20  
 (4) Assumes that a "1-Bed + Den" is equivalent to the avg. of a "1-Bed" and "2-Bed"  
 (5) See note (4) above, and also assumes that 1-Bed and 2-Bed units offset each other

[continued on the following page]

<sup>22</sup> A maximum initial sales price at 100% AMI of \$302,245 assumes that the “1-bedroom + den” product of the Two10 Development is the average of the maximum initial sales price at 100% AMI of a 1-bedroom (\$284,200) and a 2-bedroom (\$320,289); also, the 1-bedroom and 2-bedroom units of the Two10 Development are assumed to offset each other.

Table 7.2 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Monthly Rental Rates” at 100% AMI for 1 Bedroom and 2 Bedroom dwellings as \$1,873 and \$2,248, respectively.

As indicated in Graphic 7.B below, the \$9.2M cost of the Two10 Development would require a subsidy of between \$2.7M and \$3.6M (i.e., between 30% and 40% of the total cost) to generate a *minimum* return of 5.5% that a private developer would require (*and this excludes the cost of land – so the actual required subsidy would be even higher*).

Graphic 7.B – Two10 Development – “For-Rent” Subsidies

| Two10 Case Study - For Rent  |                            |                           |                    |                  |
|--|----------------------------|---------------------------|--------------------|------------------|
| Total Cost<br><i>(excluding land)</i>  | \$9,200,000 <sup>(1)</sup> |                           |                    |                  |
|  | 1-Bed                      | 1-Bed + Den               | 2-Bed              | Total            |
| Units <sup>(2)</sup>   | 5                          | 15                        | 2                  | 22               |
| Average SqFt <sup>(3)</sup>  | 600                        | 700                       | 1,000              |                  |
| Max. Monthly Rent @ 100% AMI <sup>(4)</sup>  | \$1,873                    | \$2,061                   | \$2,248            |                  |
| Monthly Rent (Unit Type)   | \$9,365                    | \$30,908                  | \$4,496            | <b>\$44,769</b>  |
| Annual Rent (Unit Type)  | \$112,380                  | \$370,890                 | \$53,952           | <b>\$537,222</b> |
| Gross Potential Rent   | \$537,222                  |                           |                    |                  |
| Vacancy Loss   | (\$26,861)                 | (5% of Gross Annual Rent) |                    |                  |
| Concessions  | (\$5,372)                  | (1% of Gross Annual Rent) |                    |                  |
| Total Rental Income  | \$504,989                  |                           |                    |                  |
| Operating Expenses (%)   | 30.00%                     | 35.00%                    | 40.00%             |                  |
| Operating Expenses   | (\$151,497)                | (\$176,746)               | (\$201,995)        |                  |
| NOI  | \$353,492                  | \$328,243                 | \$302,993          |                  |
| Return on Total Cost<br><i>(excluding land)</i>                                    | 3.84%                      | 3.57%                     | 3.29%              |                  |
| Min. Return Required   | 5.50%                      |                           |                    |                  |
| Adjusted Total Cost to Achieve Min. Return<br><i>(excluding land)</i>              | \$6,427,129                | \$5,968,048               | \$5,508,967        |                  |
| Subsidy Required to Achieve Min. Return<br><i>(excluding land)</i>                 | <b>\$2,772,871</b>         | <b>\$3,231,952</b>        | <b>\$3,691,033</b> |                  |
| Subsidy Required to Achieve Min. Return<br><i>(% of total cost excluding land)</i> | <b>30.14%</b>              | <b>35.13%</b>             | <b>40.12%</b>      |                  |

(1) Jill Klosterman, Finance Director; Tori Franks, Real Estate and Development Manager; 4/6/21  
 (2) Unit mix obtained at file "R19-030 Issuance of COP", PDF pg. 189  
 (3) Avg. unit sizes obtained at <https://www.eaglecounty.us/housing/two10castlepeak>  
 (4) See 2020 Affordable Housing Administrative Procedures, Table 7.2, pg. 20

Case Study #2 – Stillwater ERWSD Employee Development

The Stillwater employee housing development (“**Stillwater Development**”) was completed in the summer of 2019 and was developed by Eagle River Water and Sanitation District (“**ERWSD**”) at a cost of \$14 million.

ERWSD built the Stillwater Development because water and sewer services are critical to the Vail Valley and losing key employees due to the Vail Valley’s affordable housing crisis is an ongoing threat.

On information and belief, the \$14M cost excludes the cost of land, water rights, and tap fees.<sup>23</sup> The Stillwater Development is located in West Edwards and consists of 21 units (6 one-bedroom condos, 13 two-bedroom townhomes, and 2 three-bedroom duplexes).<sup>24</sup>

Graphic 8 – Stillwater Development



(photo credit: <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>)

[continued on the following page]

<sup>23</sup> <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>

<sup>24</sup> <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>

Table 7.1 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Initial Sales Price Calculations” at 100% AMI for 1 Bedroom, 2 Bedroom, and 3 Bedroom dwellings as \$284,200, \$320,289, and \$369,911, respectively.

As indicated in Graphic 9.A below, the \$14M cost of the Stillwater Development equates to an average cost/unit of \$666,667. Assuming a maximum initial sales price at 100% AMI of \$320,289, a subsidy of \$346,378/unit or \$7,273,931 total (i.e., 52% of the total cost) would still be required just to breakeven (and on information and belief, this excludes the cost of water rights, tap fees, land and a reasonable profit commensurate with the efforts and risks of development – so the actual required subsidy would be even higher).<sup>25</sup>

Graphic 9.A – Stillwater Development – “For-Sale” Subsidies

| Stillwater Case Study - For Sale  |       |       |       |              |
|---|-------|-------|-------|--------------|
|   | 1-Bed | 2-Bed | 3-Bed | Total        |
| Units <sup>(1)</sup>  | 6     | 13    | 2     | 21           |
| Construction Cost Breakeven \$/Unit <sup>(2)</sup>                          |       |       |       | \$666,667    |
| Total \$ <i>(excluding water rights, tap fees, and land)</i> <sup>(3)</sup> |       |       |       | \$14,000,000 |
| Max. Initial Sales \$/Unit @ 100% AMI                                       |       |       |       | \$320,289    |
| Required Subsidy/Unit @ 100% AMI (\$) <i>(breakeven/excluding land)</i>     |       |       |       | \$346,378    |
| Required Subsidy/Unit @ 100% AMI (%) <i>(breakeven/excluding land)</i>      |       |       |       | 52%          |
| Total Required Subsidy @ 100% AMI (\$) <i>(breakeven/excluding land)</i>    |       |       |       | \$7,273,931  |
| Total Required Subsidy @ 100% AMI (%) <i>(breakeven/excluding land)</i>     |       |       |       | 52%          |

(1) Unit mix obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (2) Total cost obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.1, pg. 20;  
 100% AMI for 2-Bed; Assumes that the 1-Bed and 3-Bed units offset each other

[continued on the following page]

<sup>25</sup> The maximum initial sales price at 100% AMI of \$320,289 for a 2-bedroom unit assumes that the 1-bedroom and 3-bedroom units of the Stillwater Development offsets each other.

Table 7.2 of the Affordable Housing Administrative Procedures, published October 6, 2020, provides the “Maximum Monthly Rental Rates” at 100% AMI for 1 Bedroom, 2 Bedroom, and 3 Bedroom dwellings as \$1,873, \$2,248, and \$2,597, respectively.

**As indicated in Graphic 9.B below, the \$14M cost of the Stillwater Development would require a subsidy of between \$7.4M and \$8.3M, or between 53% and 59% of the total cost, to generate a *minimum* return of 5.5% that a private developer would require (and on information and belief, this excludes the cost of water rights, tap fees, and land – so the actual required subsidy would be even higher).**

Graphic 9.B – Stillwater Development – “For-Rent” Subsidies

| Stillwater Case Study - For Rent  |                             |                           |             |           |
|---|-----------------------------|---------------------------|-------------|-----------|
| Total Cost<br><i>(excluding land)</i>   | \$14,000,000 <sup>(1)</sup> |                           |             |           |
|   | 1-Bed                       | 2-Bed                     | 3-Bed       | Total     |
| Units   | 6                           | 13                        | 2           | 21        |
| Max. Monthly Rent @ 100% AMI <sup>(2)</sup>   | \$1,873                     | \$2,248                   | \$2,597     |           |
| Monthly Rent (Unit Type) <sup>(3)</sup>   | \$11,238                    | \$29,224                  | \$5,194     | \$45,656  |
| Annual Rent (Unit Type)   | \$134,856                   | \$350,688                 | \$62,328    | \$547,872 |
| Gross Potential Rent  | \$547,872                   |                           |             |           |
| Vacancy Loss  | (\$27,394)                  | (5% of Gross Annual Rent) |             |           |
| Concessions   | (\$5,479)                   | (1% of Gross Annual Rent) |             |           |
| Total Rental Income   | \$515,000                   |                           |             |           |
| Operating Expenses (%)  | 30.00%                      | 35.00%                    | 40.00%      |           |
| Operating Expenses  | (\$154,500)                 | (\$180,250)               | (\$206,000) |           |
| NOI   | \$360,500                   | \$334,750                 | \$309,000   |           |
| Return on Total Cost<br><i>(excluding land)</i>                                       | 2.57%                       | 2.39%                     | 2.21%       |           |
| Min. Return Required  | 5.50%                       |                           |             |           |
| Adjusted Total Cost<br>to Achieve Min. Return<br><i>(excluding land)</i>              | \$6,554,541                 | \$6,086,360               | \$5,618,178 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(excluding land)</i>                 | \$7,445,459                 | \$7,913,640               | \$8,381,822 |           |
| Subsidy Required<br>to Achieve Min. Return<br><i>(% of total cost excluding land)</i> | 53.18%                      | 56.53%                    | 59.87%      |           |

(1) Unit mix obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (2) Total cost obtained at <https://www.erwsd.org/stillwater-ribbon-cutting-and-open-house-on-aug-9/>  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.2, pg. 20

Conclusion of the Case Studies –  
Cost of Construction is a Fundamental Obstacle to Affordable Housing

The Two10 Development and the Stillwater Development case studies support the following:

- The high cost of construction in the Vail Valley required even government and quasi-government entities with significant advantages (e.g., free land, limited fees and favorable financing) to subsidize price-capped for-sale or price-capped for-rent housing.
- Stated differently, unless the high cost of construction in the Vail Valley can somehow be overcome, price-capped for-sale and price-capped for-rent housing is not economically feasible without a subsidy (whether a “formal external subsidy” or an “informal internal subsidy;” see below for definitions).

[continued on the following page]

Exhibit 11

**Subpart B.2 – Problems with External and Internal Subsidies**

**Problem with a “Formal External Subsidy” – Not Currently Realistic**

- **“Formal External Subsidy”:** A “formal external subsidy” is support from an external source to maintain rents/prices at levels that would otherwise be unable to cover the full cost of constructing the development. An example of a “formal external subsidy” is the subsidy that Eagle County and ERWSD provided for the Two10 Development and Stillwater Development, respectively.
- **Problem → The Required “Formal External Subsidy” Amount Far Exceeds Eagle County’s Current Funding Availability:** The most recent Eagle Valley Needs Assessment<sup>26</sup> estimates a total of 5,900 units will be needed by 2025. Based on subsidies required for the Two10 Development and the Stillwater Development, the development of 5,900 price-capped units at an average of 100% AMI affordability would require a subsidy of approximately \$1.3B (see [Graphic 10](#), below). The estimated total subsidy of approximately \$1.3B is reasonably close to the \$1.2B required subsidy estimate calculated using Eagle County’s “Payment In Lieu Fee” (see [Graphic 10](#), below).

Graphic 10 – Total “Formal External Subsidy” Required to Meet Eagle County’s Affordable Housing Needs

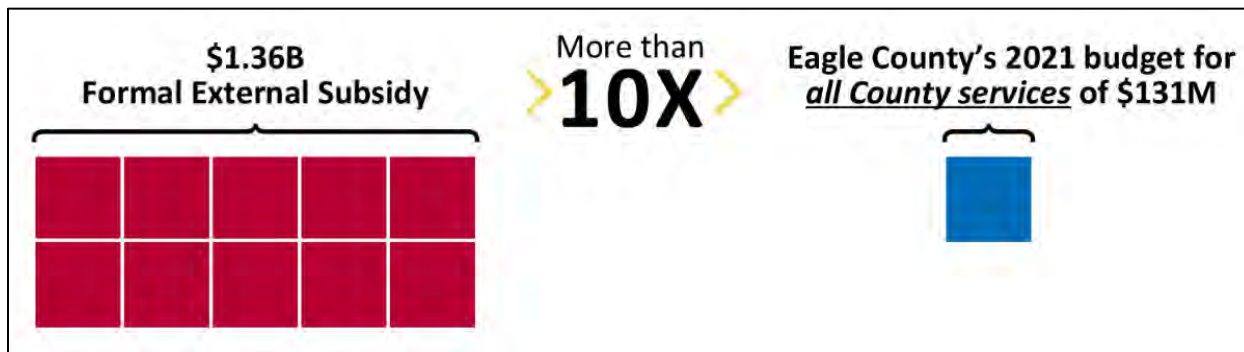
| <b>Formal External Required Subsidy (For-Sale)</b>            |                        |                        |
|---|------------------------|------------------------|
|   | Two10                  | Stillwater             |
| Avg. For-Sale Subsidy / Unit                                  | \$115,937              | \$346,378              |
| 2025 Housing Units Needed (1)                                 | 5,900                  | 5,900                  |
| <b>Total Required Formal External Subsidy</b>                 | <b>\$684,028,300</b>   | <b>\$2,043,630,200</b> |
| <b>Avg. of Two10 &amp; Stillwater</b>                         | <b>\$1,363,829,250</b> |                        |
| 2025 Housing Units Needed (1)                                 | 5,900                  |                        |
| Avg. Size of Deed Restricted Unit (2)                         | 1,221                  |                        |
| 2025 Housing Units Needed (SqFt)                              | 7,203,900              |                        |
| Payment In Lieu Fee (3)                                       | \$171.27               |                        |
| <b>2025 Housing Units Needed (SqFt) x Payment In Lieu Fee</b> | <b>\$1,233,811,953</b> |                        |

(1) Eagle River Valley Housing Needs and Solutions, 2018; Williford, LLC and Rees Consulting, Inc., pg. 25  
 (2) See 2020 Affordable Housing Administrative Procedures, Table 7.8, pg. 23  
 (3) See 2020 Affordable Housing Administrative Procedures, Table 7.5, pg. 21

<sup>26</sup> <https://drive.google.com/file/d/1E25UCv2UrdSo4xy7YwFYc3ACqdoLbqQ/view>, pg. 25

The estimated total subsidy of approximately \$1.3B is more than ten-times the amount of Eagle County's 2021 budget for *all County services* (see [Graphic 11](#), below).

Graphic 11 – Total Formal External Subsidy Relative to Eagle County Budget for All Services



[continued on the following page]

Exhibit 7  
May 2025 Response Letter (CBOE)



**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)

[www.eaglecounty.us](http://www.eaglecounty.us)

May 6, 2025

Matt Larson  
Rediger Development LLC  
Edwards Affordable Housing LLC  
3003 E. 3<sup>rd</sup> Ave, Ste B109A  
Denver, Colorado 80206  
[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: Your Request to the Eagle County Board of Equalization

Dear Mr. Larson,

The Eagle County Board of Equalization (“CBOE”) is in receipt of your letters dated April 10, 2025 and May 5, 2025. The letters assert that the Eagle County Assessor (“Assessor”) “omitted” certain real property located in Eagle County from the assessment roll. You describe such property as “an approximately half-acre parcel, varying in width from approximately 40 to 50 feet, roughly one-third of which is within the Eagle River” (“the Property”). You ask the CBOE to 1) instruct the Assessor to add the Property to the tax rolls; and 2) to change his property-ownership records to show Rediger Development LLC (“Rediger”) or Edwards Affordable Housing LLC (“EAH”), “successor to Rediger,” as the record title owner of the Property.

First, you are seeking action of the CBOE outside of the statutory timeframe in which the CBOE is authorized to act. The CBOE begins reviewing the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor beginning on July 1 each year. The CBOE completes these statutory duties in early August each year. Thus, your request is untimely.

Second, your request to the CBOE is unviable. While initially couched as a request for the CBOE to order “omitted property” added to the tax roll, the true point of your letter is to ask the CBOE to deem Rediger or EAH the record-title owner of the Property. The CBOE has no statutory authority to interfere with the Assessor’s performance of his statutory duties under C.R.S. 39-5-102. Nor does the CBOE or the Assessor have authority to adjudicate the issue of property rights in situations like this. Under Colorado law, actions to adjudicate property rights are properly brought and resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedure.

Sincerely,  
*/s/ Christina Hooper*

Cc: Eagle County Board of Equalization  
Eagle County Assessor

Exhibit 8  
May 2025 Response Letter (Assessor)



**Office of the Eagle County Attorney**

Christina Hooper  
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970-328-8685

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[www.eaglecounty.us](http://www.eaglecounty.us)

May 6, 2025

Matt Larson  
Rediger Development LLC  
Edwards Affordable Housing LLC  
3003 E. 3<sup>rd</sup> Ave, Ste B109A  
Denver, Colorado 80206  
[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: Your Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor (“Assessor”) is in receipt of your letter dated May 5, 2025. The letter assert that the Assessor “omitted” certain real property located in Eagle County from the assessment roll. You describe such property as “an approximately half-acre parcel, varying in width from approximately 40 to 50 feet, roughly one-third of which is within the Eagle River” (“the Property”). In that letter, you reference your April 10, 2025 and May 5, 2025 requests to the CBOE to 1) instruct the Assessor to add the Property to the tax rolls; and 2) to change his property-ownership records to show Edwards Affordable Housing LLC (“EAH”) as the record title owner of the Property. You also analyze certain valuation methodologies, and suggest several different value conclusions for the Property.

First, the Property has historically been identified in the Assessor’s records as a general right of way area without an owner of record. No taxes have been assessed on this right of way area. Second, the records of the Eagle County Clerk and Recorder reveal that there are various interests in the Property that cannot be determined with certainty by the Assessor. Under Colorado law, actions to adjudicate property rights are properly resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedures. Finally, the Assessor is in receipt of your valuation analysis and conclusions, and will take them under advisement to the extent he deems appropriate.

Sincerely,  
*/s/ Christina Hooper*

Cc: Eagle County Assessor  
Eagle County Board of Equalization

Exhibit 9

May 2025 Response Letter (Open Records Request for Specific “Various Interests”)

**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

May 9, 2025

Matt Larson

3003 E. 3<sup>rd</sup> Ave, Ste B109A  
Denver, Colorado 80206  
[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: May 6, 2025, request for records under the Colorado Open Records Act at C.R.S. § 24-72-201, *et. seq.* (“CORA”)

Dear Mr. Larson,

Eagle County is in receipt of your request under CORA for the following:

Please provide the recorded instrument(s) that constitute the “various interests” referred to in the Assessor’s May 6, 2025 letter. If the Assessor does not possess copies of the recorded instruments themselves, then please provide any document(s), file notes, or internal references that identify or describe the specific book, page, or reception numbers on which the Assessor relied in concluding that “various interests” exist.

(the “May 6 Request”). I presume the letter you refer to as the “Assessor’s May 6, 2025 letter” was actually the letter written by me, as legal counsel to the Eagle County Assessor, on May 6, 2025, a copy of which is enclosed here. In any event, any public records responsive to the May 6 Request are available for public inspection through the Eagle County Clerk and Recorder’s online records portal, which is available at: <https://acclaim.eaglecounty.us/AcclaimWeb/>.

Sincerely,  
*Christina Hooper*

Encl.

**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

May 6, 2025

Matt Larson  
Rediger Development LLC  
Edwards Affordable Housing LLC  
3003 E. 3<sup>rd</sup> Ave, Ste B109A  
Denver, Colorado 80206  
[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: Your Request to the Eagle County Assessor

Dear Mr. Larson,

The Eagle County Assessor (“Assessor”) is in receipt of your letter dated May 5, 2025. The letter assert that the Assessor “omitted” certain real property located in Eagle County from the assessment roll. You describe such property as “an approximately half-acre parcel, varying in width from approximately 40 to 50 feet, roughly one-third of which is within the Eagle River” (“the Property”). In that letter, you reference your April 10, 2025 and May 5, 2025 requests to the CBOE to 1) instruct the Assessor to add the Property to the tax rolls; and 2) to change his property-ownership records to show Edwards Affordable Housing LLC (“EAH”) as the record title owner of the Property. You also analyze certain valuation methodologies, and suggest several different value conclusions for the Property.

First, the Property has historically been identified in the Assessor’s records as a general right of way area without an owner of record. No taxes have been assessed on this right of way area. Second, the records of the Eagle County Clerk and Recorder reveal that there are various interests in the Property that cannot be determined with certainty by the Assessor. Under Colorado law, actions to adjudicate property rights are properly resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedures. Finally, the Assessor is in receipt of your valuation analysis and conclusions, and will take them under advisement to the extent he deems appropriate.

Sincerely,  
*/s/ Christina Hooper*

Cc: Eagle County Assessor  
Eagle County Board of Equalization

Exhibit 10  
July 2025 Letter to CBOE and Assessor

July 15, 2025

Eagle County Board of Equalization  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

RE: Omitted Peterson Property

Dear CBOE Members:

Please accept this letter as our reiterated request for the Eagle County Board of Equalization (“CBOE”) to fulfill its statutory duty to direct the Assessor to update the assessment roll to include the omitted Peterson Property.

Parts

This letter is organized as follows:

▪ **Part 1 – CBOE’s Legal Duty to Order the Assessor**

Contrary to Ms. Hooper’s recent assertion, this letter supports our position that the CBOE has a clear statutory duty to order the Assessor to add the omitted Peterson Property to the assessment roll.

While we acknowledge that the CBOE does not have the authority to establish the record owner based on the Clerk and Recorder’s records, that responsibility lies with the Assessor and flows directly from your order to add the omitted property.

▪ **Part 2 – Ongoing Incorrect Assertion that a Quiet Title Action is Necessary to Establish the Record Owner**

We again refute the Assessor’s ongoing claim that a quiet title action is necessary to establish the record owner—an erroneous claim that conflates record title (i.e., the record owner) with marketable title, and misunderstands how each is established.

▪ **Part 3 – Establishing the Record Owner is Inevitable (Even in a Quiet Title Action)**

Even in a quiet title action, the record owner must be established at the outset, which dispels any misunderstanding that this step can somehow be bypassed.

▪ **Part 4 – Ascertaining the Record Owner is Straightforward**

The process of ascertaining the record owner through an examination of the Clerk and Recorder’s records is straightforward, and the chain of title for the Peterson Property is objectively clear.

If we are ultimately forced to establish record ownership through litigation—where, as discussed in [Part 3](#), identifying the record owner is an inevitable first step—the resulting evidentiary record will make clear that the Assessor’s continued refusal to do so was unsupported by law and likely willful.

▪ [Part 5](#) – Willful Refusal Creates Liability

Pursuant to § 24-10-118(2)(a), willful refusal to fulfill a clear, objective statutory duty constitutes an express exception to the Colorado Governmental Immunity Act and may expose the Assessor to personal liability—including, potentially, punitive damages.

▪ [Part 6](#) – Our Reiterated Plea for Improved Communication and Collaboration

We reiterate our plea for improved communication—in the interest of advancing affordable housing and conserving both public and private resources. We also respectfully request that you, in your dual capacity as County Commissioners, send a clear message to County staff that continued delays and misapplications of statutory responsibilities are contrary to the County’s obligations and own goals.

Prior Letters

Referenced in this letter and attached for your convenience are the following prior letters:

- [Attachment 1](#) – Letter to CBOE dated April 10, 2025 ("4/10/2025 CBOE Letter")
- [Attachment 2](#) – Letter to Assessor and CBOE dated May 5, 2025 ("5/5/2025 CBOE Letter")

**Part 1 – CBOE’s Legal Duty to Order the Assessor**

Pursuant to §39-8-102(1), C.R.S., titled “Duties of County Board of Equalization,” the CBOE is required to:

*“...review the valuations for assessment of all taxable property appearing in the assessment roll of the county, directing the assessor to supply any omissions which may come to its attention...”* (emphasis added).

We requested that the CBOE fulfill the foregoing statutory duty in a letter dated April 10, 2024 (see [Attachment 1](#)). In a response dated May 6, 2025, Ms. Hooper stated:

*“The CBOE has no statutory authority to interfere with the Assessor’s performance of his statutory duties under C.R.S. 39-5-102.”* (emphasis added).

Ms. Hooper’s assessment is incorrect.

The statutory duties of the CBOE expressly confer the very authority she claims is lacking. Section 39-8-102(1), C.R.S.—titled *Duties of the County Board of Equalization*—explicitly requires the CBOE to “*direct the assessor to supply any omissions which may come to its attention.*”

This interpretation is not merely ours. The Assessors’ Reference Library (ARL), published by the Division of Property Taxation pursuant to § 39-2-109(1)(e), C.R.S., reinforces the same reading:

*“The county board of equalization shall order the assessor to add to the assessment roll any omitted property which has come to its attention, § 39-8-102(1), C.R.S.”* (emphasis added).

ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Omitted Property,” item #6.

Ms. Hooper also writes in her May 6 response letter:

*“While initially couched as a request for the CBOE to order “omitted property” added to the tax roll, the true point of your letter is to ask the CBOE to deem Rediger or EAH the record-title owner of the Property. The CBOE has no statutory authority to interfere with the Assessor’s performance of his statutory duties under C.R.S. 39-5-102.”*

This, too, mischaracterizes the nature of our request.

To be clear: we are asking the CBOE to fulfill its clear, objective statutory duty by ordering the Assessor to add the omitted Peterson Property to the assessment roll—now that the omission has been brought to the CBOE’s attention.

We presume, as the law requires, that the Assessor will then fulfill his independent statutory duty to ascertain the record owner—Edwards Affordable Housing LLC—based on an objective review of the Clerk and Recorder’s records.

This duty of the Assessor is well established in both statute and the ARL. See [Attachment 1](#), “Assessor’s Legal Duties,” at pg. 1. , citing §§ 39-5-101 and 39-5-102, C.R.S.; ARL, Volume 2, Chapter 1 – Assessor’s Duties and Relationships, “Discover – List – Classify – Value”; Chapter 3 – Specific Assessment Procedures, “Omitted Property” and “Title Conveyance.”

We acknowledge that even if the CBOE properly orders the omitted property added to the roll, the Assessor may still choose to willfully disregard his legal obligations. However, we believe that such a willful refusal could expose the Assessor, in his personal capacity, to liability. See [Part 5](#).

**Part 2 – Ongoing Incorrect Assertion that a “Quiet Title Action is Necessary to Establish the Record Owner”**

**Reversal to Avoid Listing Us as the Record Owner**

- Initial Correct Statement: Assessor Identified Pearl G. Peterson as the Most Recent Record Owner (Prior to Our Purchase)

Following our initial request to the Assessor in the spring of 2024 to be listed as the record owner of the Peterson Property, the Assessor—acting through counsel, Ms. Hooper—initially acknowledged, correctly, that the last known record owner of the Peterson Property was Pearl G. Peterson, prior to our purchase from Ms. Peterson’s heirs. This was stated in the First Assessor Letter dated May 22, 2024:

*“I have reviewed the C&R Records. **The current record-title owner of the Peterson Property is Pearl G. Peterson.** None of the grantors identified in any of the conveyance documents of record in the C&R Records, or that you provided to the Assessor are Pearl G. Peterson.” (emphasis added)*

Identification of Pearl G. Peterson as the most recent record owner prior to our purchase is consistent with our position and the Clerk and Recorder’s records.

▪ *Subsequent Reversal: Incorrect Assertion that a “Quiet Title Action Is Required To Establish the Record Owner”*

Recognizing Eagle County’s reluctance to review the various wills and related documents—and to preempt potentially protracted deliberations over whether the materials recorded to date were sufficient to connect Pearl G. Peterson to her heirs—we obtained a Decree of Heirship that conclusively linked the heirs of Pearl G. Peterson (those from whom we acquired our interest in the Peterson Property) to Ms. Peterson herself. See [Attachment 1](#), Misunderstanding #2.

Yet after we provided the Decree of Heirship, the Assessor—acting through counsel, Ms. Hooper—reversed the prior, correct identification of Pearl G. Peterson as the most recent record owner of the Peterson Property prior to our purchase. In the Second Assessor Letter dated December 20, 2024, she wrote:

*“First, after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. **I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination.**”* (emphasis added)

This same Second Assessor Letter, dated December 20, 2024, concludes with a summary sentence that further illustrates the Assessor and Ms. Hooper’s fundamental misunderstanding—namely, the conflation of “record title”—which the Assessor is statutorily required to determine based on an objective review of the Clerk and Recorder’s records—with a “complete adjudication of rights”—the purpose of a quiet title action and a judicial process used to establish marketable title.

*“As such, the Assessor’s records cannot be legally changed without an order and decree **quieting title after a complete adjudication of rights in the land.** Please feel free to contact me with any questions.”* (emphasis added)

As we have previously explained ([Attachment 1](#), Misunderstanding #4)—and attempt again below—the new position first asserted in the Second Assessor Letter, dated December 20, 2024—that a quiet title action is required to establish the record owner—is both factually and legally incorrect.

***Understanding the Fallacy of the Assertion That a “Quiet Title Action Is Required to Establish the Record Owner”***

To fully appreciate the fallacy of the claim that a quiet title action is required to determine the record owner of the Peterson Property—and the absurdity of the statement, “*I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination*”—it is necessary to understand the distinction between “record title” (or the “record owner”) and “marketable title,” the Assessor’s statutory duty to ascertain the record owner based on an objective review of the Clerk and Recorder’s records, and the legal purpose of a quiet title action.

- *Record Owner*: The record-title owner or record owner is defined by Black’s Law Dictionary, 9<sup>th</sup> Edition, as:

*“A property owner in whose name the title appears in the public records.”*

The Assessor has a clear statutory duty to establish the record owner by an objective review of the Clerk and Recorder’s records. Specifically:

ARL, Volume 2, Chapter 1 – Assessor’s Duties and Relationships, “Discover – List – Classify – Value,” states:

*“The **major duties of an assessor** can be categorized as **discovering, listing**, classifying, and valuing all taxable real and personal property...” (emphasis added).*

*“The **discovery** of property is accomplished by **examining the records of the county clerk and recorder...**” (emphasis added).*

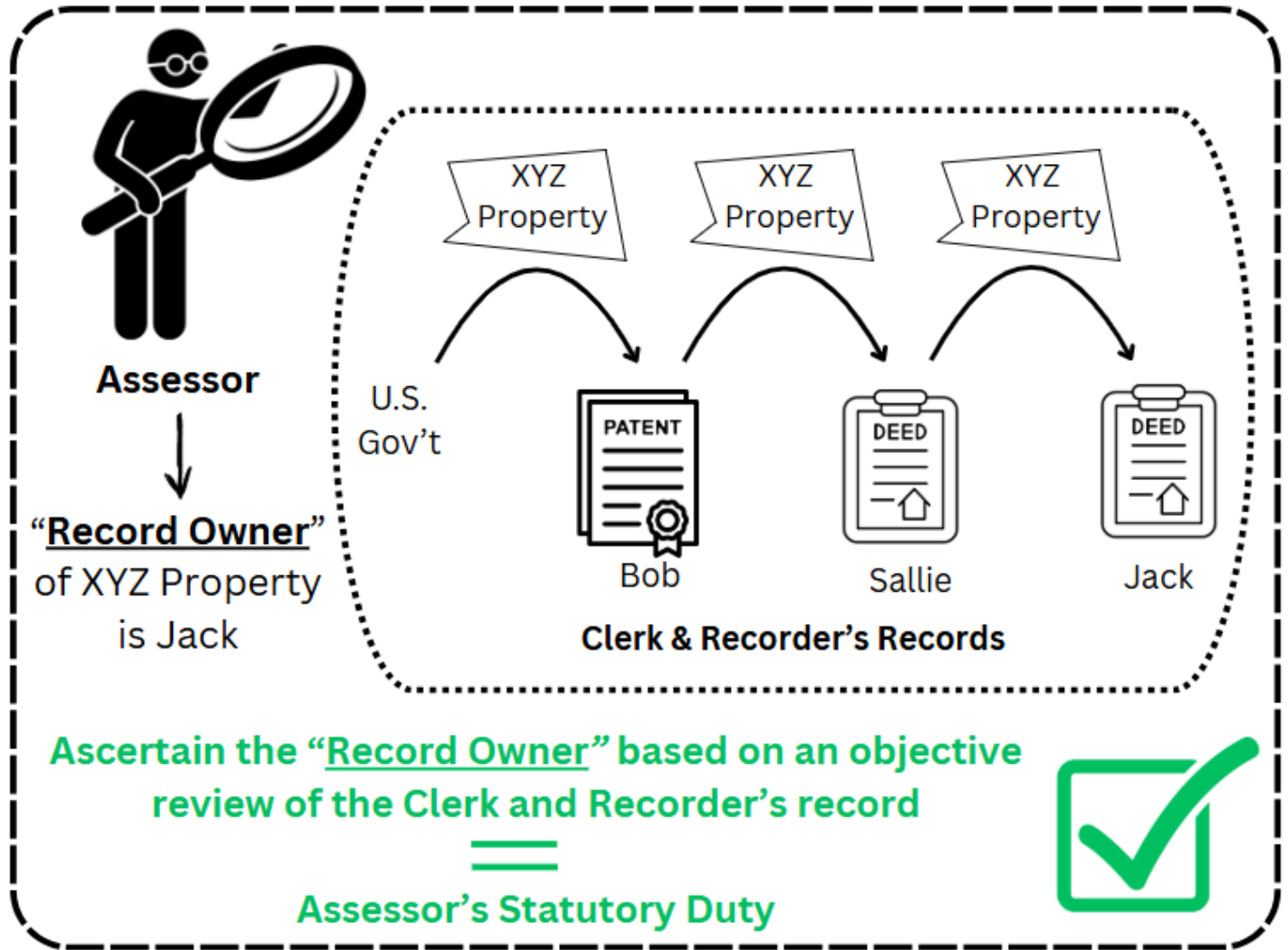
*“The **listing phase** of the assessment function includes describing and identifying the physical location of property. Listing also includes the **maintenance and updating of records** linking properties to **respective owners** so that a **current** assessment file is created...” (emphasis added).*

ALR, Volume 2, Chapter 3 – Specific Assessment Procedures, “Title Conveyance,” states:

*“For **assessment purposes, ownership** of real property is **determined based on documents recorded with the clerk and recorder**, § 39-5-102, C.R.S.” (emphasis added).*

[continued on the following page]

Graphic 1 – Assessor’s Duty to Ascertain the “Record Owner”



[continued on the following page]

- Conceptual Overview of Real Property Title: Unlike with a car or truck, there is no single, physical document that constitutes “title” to real property. A deed is merely a conveyance instrument—evidence of a transfer—not title itself. In the context of real property, “title” is not a document but a legal concept: it reflects the nature and quality of one’s ownership interest. As such, title is intangible, and whether it is “marketable” involves a legal judgment about the quality of that interest.
- Marketable Title: Marketable title is defined by Black’s Law Dictionary, 9<sup>th</sup> Edition as:

*“A title that a reasonable buyer would accept because it appears to lack any defect and to cover the entire property that the seller has purported to sell; a title that enables a purchaser to hold property in peace during the period of ownership and to have it accepted by a later purchaser who employs the same standards of acceptability.”*

The Assessor’s role is not to determine whether a party holds marketable title, as a title company or an attorney might when rendering a title opinion.

Making such a determination would require the Assessor to evaluate and make legal judgments regarding encumbrances, title defects, disputes, or any other condition that might affect the property's value or interfere with its transferability. This is not the Assessor’s function. To impose such a duty would paralyze the assessment system, undermine its fiscal purpose, and create an implicit warranty of marketable title—well beyond the Assessor’s statutory role.


Instead, the appropriate standard for listing a record owner is a ministerial one: an objective examination of the public records maintained by the Clerk and Recorder (see above).

- Stated Purpose of a Quiet Title Action: The stated purpose of a quiet title action under Rule 105 of the Colorado Rules of Civil Procedure is to obtain a “complete adjudication of the rights of all parties.” Such an adjudication may result in the establishment of marketable title.

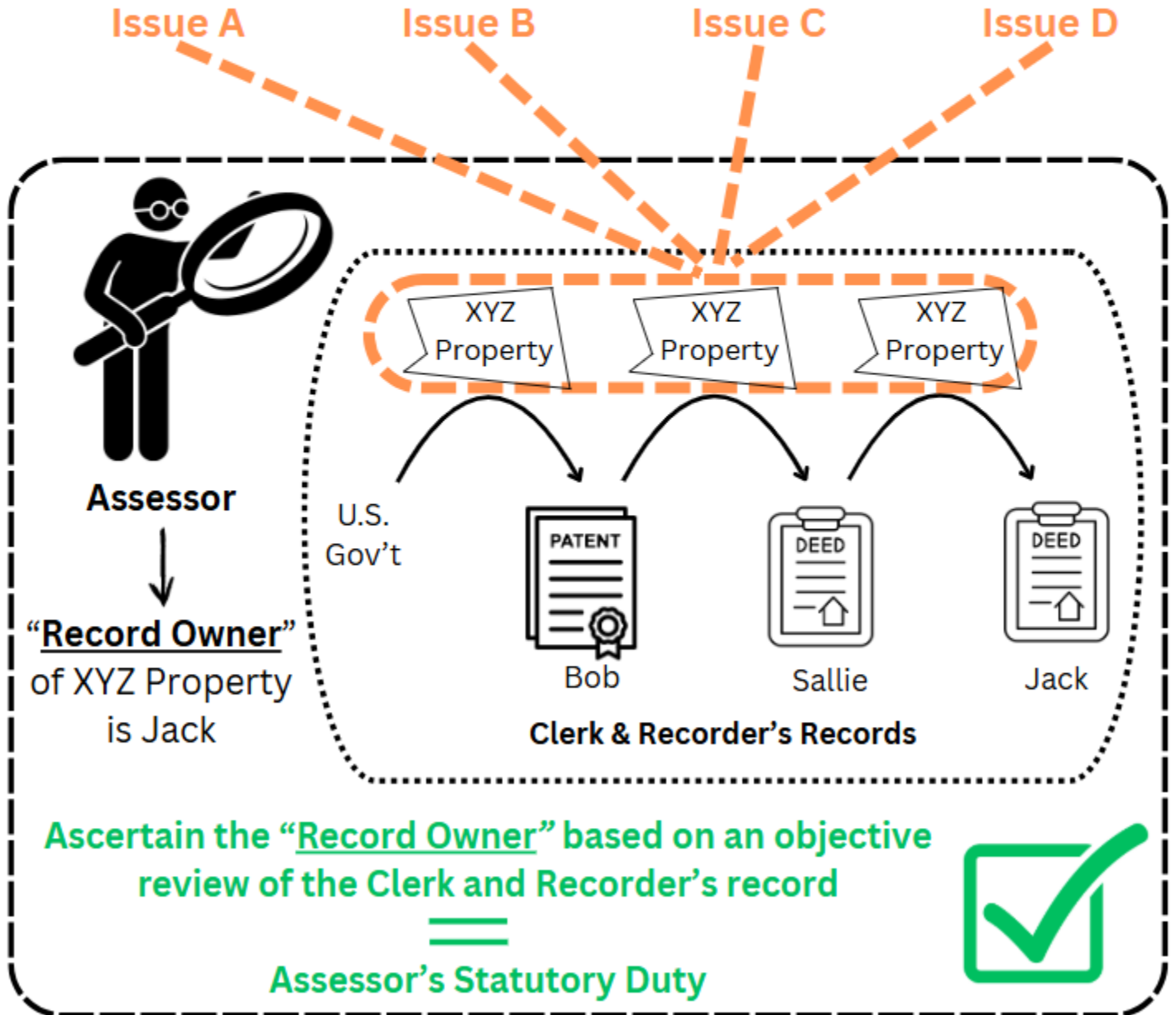
However, the Assessor—acting through counsel, Ms. Hooper—continues to assert that a quiet title action is necessary to establish the record owner of the Peterson Property. This position is incorrect and conflates two distinct legal standards: the Assessor’s ministerial duty to ascertain the record owner based on an objective review of the Clerk and Recorder’s records, and the far broader legal standard involved in adjudicating marketable title—such as through a quiet title action—which may require resolving disputes and clarifying rights well beyond the Assessor’s statutory role.

[continued on the following page]

Graphic 2 – NOT the Assessor’s Duty to Ascertain “Marketable Title”

**Ascertain  
“Marketable Title”  
≠  
NOT Assessor’s Duty** 

*Potential Issues Affecting “Marketable Title”  
to XYZ Property*



- Do Issues Potentially Affecting “Marketable Title” Preclude the Assessor from Listing a “Record Owner”?

Absolutely not.

If potential issues affecting marketable title precluded the Assessor from listing a record owner, the Assessor would be required to make subjective legal judgments about the quality of title before doing so. Imposing such a duty would effectively convert the Assessor’s role into that of a title examiner and create an implicit warranty of marketable title for every listed property—something well beyond the Assessor’s statutory function.

For example, the Assessor correctly listed the record owner of the West End property in 2021 and prior years, despite the existence of a potential boundary issue. That issue was ultimately resolved by agreement between the parties (see Eagle County Clerk and Recorder Rec. No. 202121704.)

**Pattern of Incorrect Assertions that a “Quiet Title Action is Required to List the Record Owner”**

Since reversing its initial, correct assertion in First Assessor Letter dated May 22, 2024—that the most recent record owner of the Peterson Property, prior to our purchase, was Pearl G. Peterson—the Assessor, acting through counsel Ms. Hooper, has established a concerning pattern of incorrectly asserting that a quiet title action is required to list the record owner of the Peterson Property.

- Second Assessor Letter dated December 20, 2024:

*“First, after reviewing this issue more thoroughly, I need to correct a misstatement of fact I made in a letter to you dated May 22, 2024. **I do not know the record owner of the Peterson Property, as there has never been a quiet title action commenced to make that determination.**”* (emphasis added).

This statement reflects a fundamental misunderstanding of the Assessor’s statutory obligation to determine record ownership based on the recorded instruments maintained by the Clerk and Recorder. If the Assessor were to require a quiet title action in every instance where marketable title might be imperfect or contested, it would render routine assessment administration unworkable and flood the courts with unnecessary litigation.

The Assessor’s handling of the highly publicized East Vail property—owned by Vail Resorts—demonstrates both a recognition of, and prior willingness to fulfill, the duty to determine record ownership based solely on a review of the Clerk and Recorder’s records. In that case, the Assessor reportedly reviewed instruments dating back to the original patent issued in 1899 and traced ownership through a corporate reorganization. To list Vail Resorts as the record owner in 2017, the Assessor necessarily had to conclude—based on public filings—that no intervening conveyances occurred during the approximately 50-year period when the property was omitted from the tax roll.

On information and belief, the Assessor did not require a quiet title action in that case. Instead, Vail Resorts submitted an Affidavit of Ownership, which the Assessor accepted as sufficient to establish record title (see Eagle County Clerk and Recorder Rec. No. 201719305).

The contrast in treatment is stark. The most obvious distinguishing factor is that, in this case, Eagle County owns the parcel adjacent to the Peterson Property. The Assessor’s willingness to accept an

affidavit from a politically powerful landowner—while demanding litigation from us—suggests not only inconsistency, but bad faith.

- Second Assessor Letter dated December 20, 2024:

*“As such, the Assessor’s records cannot be legally changed **without an order and decree quieting title after a complete adjudication of rights in the land.**”*

Again, this statement reflects a conflation of two distinct legal concepts: record ownership and marketable title. The Assessor’s statutory duty is ministerial in nature—it requires examining the recorded instruments on file with the Clerk and Recorder to identify the current record title holder, not to adjudicate competing claims or determine whether title is insurable or marketable.

Ms. Hooper’s reference to “a complete adjudication of rights in the land” invokes the legal standard for establishing marketable title, which is irrelevant to the Assessor’s obligation to update assessment records based on the public chain of title. As with her earlier statement equating the absence of a quiet title action with an inability to determine ownership, this reflects a fundamental misunderstanding of the scope and purpose of the Assessor’s statutory responsibilities.

- CBOE Response dated May 6, 2025:

*“The CBOE has no statutory authority to interfere with the Assessor’s performance of his statutory duties under C.R.S. 39-5-102. **Nor does the CBOE or the Assessor have authority to adjudicate the issue of property rights in situations like this.** Under Colorado law, actions to adjudicate property rights are properly brought and resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedure.”*

Ms. Hooper’s continued reference to the need to “adjudicate the issue of property rights” once again invokes the legal standard for establishing marketable title—a standard that is entirely irrelevant to the Assessor’s statutory duties. The Assessor is not tasked with resolving ownership disputes or perfecting title; rather, the Assessor is obligated to ascertain and list the record owner based on an objective examination of the records maintained by the Clerk and Recorder. That ministerial process involves no “adjudication” whatsoever.

- Assessor Response dated May 6, 2025:

*“First, the Property has historically been identified **in the Assessor’s records** as a general right of way area without an owner of record. No taxes have been assessed on this right of way area.”*

*“Second, the records of the Eagle County Clerk and Recorder reveal that there are **various interests in the Property that cannot be determined with certainty by the Assessor.** Under Colorado law, **actions to adjudicate property rights are properly resolved by Colorado courts under Rule 105 of the Colorado Rules of Civil Procedures.**”*

First, Ms. Hooper references an old tax map found in the Assessor’s internal records as a basis for asserting that the property lacks an owner. This reflects a clear misapprehension of the relevant legal standard: *it is the public records maintained by the Clerk and Recorder*—not internal tax maps within the Assessor’s files—that control the Assessor’s statutory obligation to determine the record owner.

This misunderstanding was addressed in detail in our April 10, 2025 letter to the CBOE ([Attachment 1](#), Misunderstanding #3), which explained:

*“The right-of-way referenced on the Assessor’s map – included with the Second Assessor Letter (Exhibit 8) – is not a public right-of-way (i.e., not a County, State, or other governmental right-of-way), but rather refers to a private easement across the easternmost twenty feet of the Peterson Property that was granted by John and Pearl G. Peterson to Cleaver and Geneva Kettrey in 1955. See Exhibit 4, COT #12A & #12B. The easement was expressly described as an “easement of right-of-way” (emphasis added) in the granting instrument.*

*Moreover, the ARL expressly acknowledges that it is not uncommon for Assessor maps to include references to private rights-of-way. Specifically, ARL Volume 2, Chapter 14 – Assessment Mapping and Parcel Identification – states that while not required, it may be helpful to include on the map “utility easements and other private rights-of-way.” (emphasis added).*

*An examination of the Clerk and Recorder’s records confirms that no public right-of-way has ever been granted across the Peterson Property.*

*Lastly, out of an abundance of caution, it is important to note that the Assessor’s map itself does not create a right-of-way – public or private – as only a formal grant from a property owner can establish such a right. Moreover, the Assessor’s tax map is not part of the official records of the Clerk and Recorder and, standing alone, does not constitute legal documentation of property rights. The law is clear that the Assessor must determine ownership for assessment purposes – including lesser interests such as easements – based on documents recorded with the Clerk and Recorder. See ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Title Conveyance”: “For assessment purposes, ownership of real property is determined based on documents recorded with the Clerk and Recorder, § 39-5-102, C.R.S.” (emphasis added).*

In sum, as we previously explained, the Assessor’s map is not part of the official Clerk and Recorder’s records, and even if it were, only a formal grant from a property owner can create a legal right-of-way.

Ms. Hooper’s position also appears to overlook a basic legal principle: that even property burdened by an easement still has a record owner. Consider the many utility, drainage and other easements throughout Eagle County—none of which relieve the Assessor of the duty to ascertain and list the record owner of the underlying burdened property. The same principle applies to a private easement of right-of-way across the Peterson Property.

Second, in claiming that “various interests” exist which the Assessor cannot determine with certainty, Ms. Hooper again suggests that the mere presence of complexity or ambiguity—rather than competing recorded claims—justifies the Assessor’s inaction.

Even more concerning is that, in response to our request for identification of the specific “various interests” referenced in the Assessor’s May 6 letter, no deeds, reception numbers, or title documents were provided. Instead, we were directed only to the Clerk and Recorder’s general public search portal. It strains credibility to suggest that the Assessor fully discharged his statutory duty to review the recorded chain of title, yet made no effort to document—or even identify—the specific instruments he believes give rise to such insurmountable uncertainty.

Finally, Ms. Hooper cites Rule 105 of the Colorado Rules of Civil Procedure—governing quiet title actions—thereby repeating the now-familiar error of conflating the Assessor’s ministerial duty to identify the record owner from recorded instruments with the separate judicial process for adjudicating marketable title.

**Part 3 – Establishing the Record Owner is Inevitable (Even in a Quiet Title Action)**

There appears to be some confusion—or a misunderstanding—that Eagle County could somehow avoid identifying and establishing the record owner in a quiet title action. This is incorrect.

**The Necessity of Establishing the Record Owner**

The stated purpose of a quiet title action under Rule 105 of the Colorado Rules of Civil Procedure is to obtain a “*complete adjudication of the rights of all parties*.” Not only do basic principles of due process require that the record owner be identified and established so they may defend their rights, but Colorado case law recognizes certain legal presumptions in favor of the record owner.

This is not merely our opinion—the necessity of establishing the record owner in a quiet title action is expressly recognized in the Assessors’ Reference Library (ARL):

***“Before the assessor’s records are changed based on a Quiet Title Decree, the assessor’s staff must verify that the record owner of the property was named as a party to the lawsuit.”*** (emphasis added).

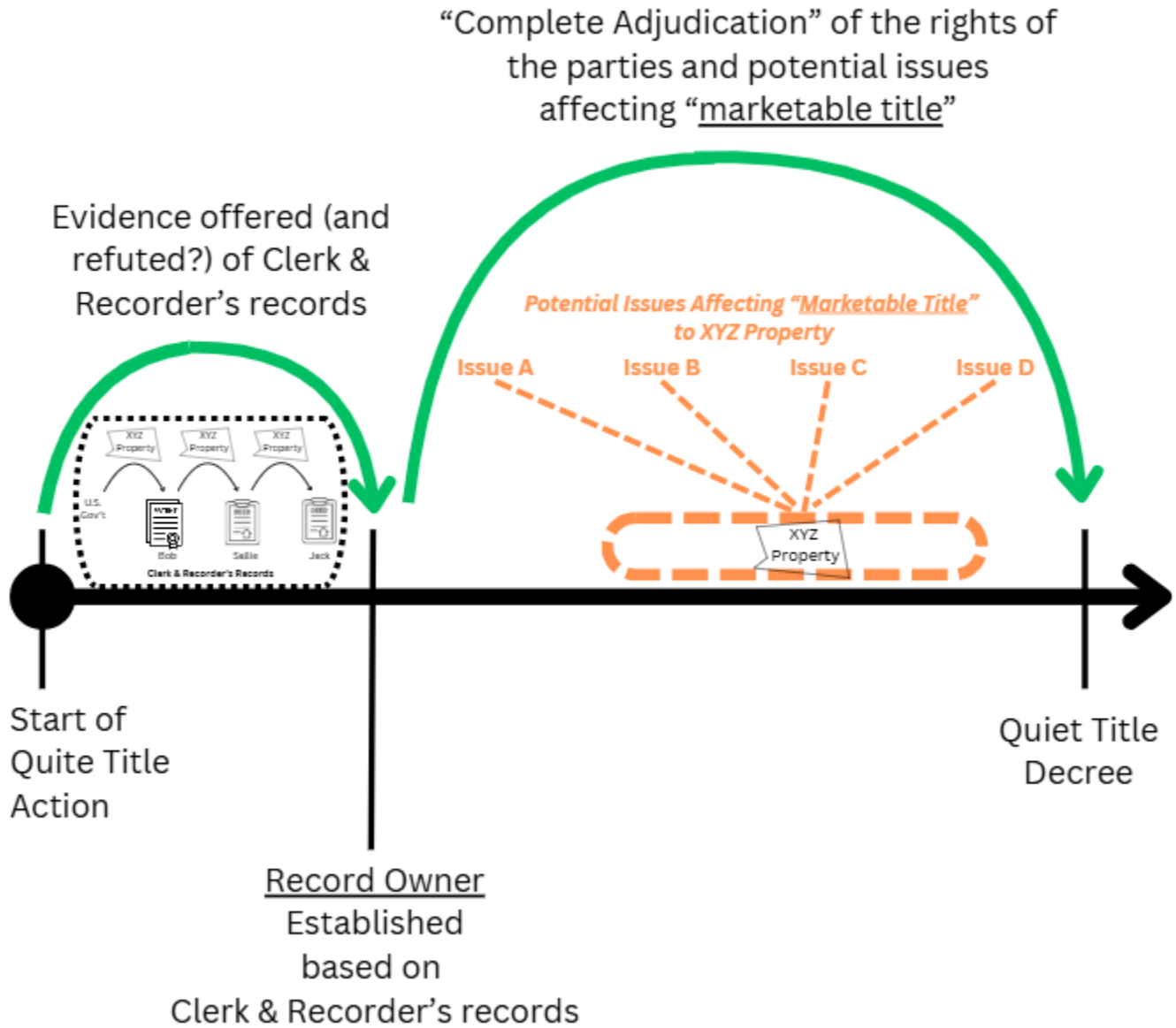
See ARL, Volume 2, Chapter 3 – Specific Assessment Procedures, “Quiet Title Decree.”

Moreover, it is both logical and necessary that the record owner be identified at the outset of a quiet title action, so that there is agreement as to who must be named as a party and so that any legal presumptions attaching to the record owner may apply. Litigating the issue of marketable title without first establishing the record owner would not only risk violating due process but would also waste judicial and party resources—particularly if it is later discovered that the proper party had not been joined.

[continued on the following page]

Graphic 3 – Example Quiet Title Action

# XYZ Property Quite Title Action



[continued on the following page]

**Assessor's Refusal to List the Record Owner Likely Revealed as Willful**

As outlined above, even in the quiet title action that the Assessor continues to incorrectly claim is necessary to determine the record owner, the record owner must be identified and established at the outset of the legal proceedings.

We believe that doing so will reveal the Assessor's continued refusal to list the record owner—despite a clearly objective chain of title in the Clerk and Recorder's records—as willful, and the explanations offered to date as lacking legal merit.

For example, in our letter to the CBOE dated April 10, 2025, we explained why the chain of title to the Peterson Property is objectively clear. ([Attachment 1](#), Misunderstandings #1, 2, and 3.)

In a response dated May 6, 2025, sent on behalf of the Assessor, Ms. Hooper wrote:

*“The Eagle County Assessor (“Assessor”) is in receipt of your letter dated May 5, 2025... the records of the Eagle County Clerk and Recorder reveal that there are **various interests** in the Property that cannot be determined with certainty by the Assessor.”* (emphasis added).

Upon receiving this letter, we were cautiously optimistic. It appeared the Assessor had finally begun to fulfill his statutory duty to review the Clerk and Recorder's records in order to ascertain the record owner of the Peterson Property. We assumed we had likely already reviewed the “various interests” referenced by Ms. Hooper and would be able to explain why they posed no obstacle to identifying the record owner.

It strains credibility to suggest that the Assessor conducted a review of the Clerk and Recorder's records, identified specific “various interests,” and then neither saved, cited, nor documented them in any way. Accordingly, we submitted a formal CORA request seeking the specific “various interests” referenced in the May 6, 2025 letter.

Rather than providing any documents, Ms. Hooper responded simply by directing us to the general website of the Clerk and Recorder's search portal. No specific interests. No record citations. Just a link.

In a legal proceeding to determine the record owner, we would submit the previously provided chain of title based on the Clerk and Recorder's records. At that point, the burden would shift to the Assessor to identify any conflicting recorded interests that contradict our showing that Edwards Affordable Housing LLC is the record owner of the Peterson Property.

If the Assessor fails to assert any specific “various interests,” the court would adopt our chain of title. If, however, specific interests “magically” appear during litigation—despite Ms. Hooper's prior refusal to identify them and her CORA response directing us only to a generic search portal—then significant CORA compliance issues would arise.

Alternatively, if the Assessor asserts *new* “various interests” during litigation and claims they arose only after the CORA response was provided, that raises a separate concern: bad faith. We have been engaged in this process for over a year. If the Assessor is only able to identify alleged title defects once a court is overseeing the matter, it calls into question the legitimacy of the County's handling of this issue from the outset.

***Our Reluctance to Establish the Record Owner Through Litigation***

We are reluctant to establish our record ownership of the Peterson Property through litigation for several reasons.

First, litigation is unnecessary. The Assessor has a clear statutory duty to ascertain the record owner by conducting an objective review of the Clerk and Recorder’s records (see above; and [Attachment 1](#), “Assessor’s Legal Duties,” pg. 1; and “Misunderstandings #1–4,” pgs. 4–11.)

Second, because litigation is unnecessary, being forced to establish our record ownership through a court proceeding imposes an unjustified and avoidable expense. As demonstrated by Eagle County’s own Two10 development, price-capped affordable housing is not economically viable without subsidy (see [Attachment 2](#), PDF pg. 59). Although Low-Income Housing Tax Credits (LIHTCs) may offset certain development costs, they do not cover legal expenses incurred simply to confirm and compel recognition of our status as the record owner. As a result, the added cost of litigation would jeopardize the feasibility of our planned affordable housing project.

***But Isn’t Litigation—Such as a Quiet Title Action—Inevitable to Establish Marketable Title, Even If the Record Owner Is Identified by the Assessor Without Litigation?***

No, litigation is not inevitable to establish marketable title. In fact, due to the cost of litigation, marketable title is most often established without resorting to the courts.

At the risk of being repetitive—but out of an abundance of caution to avoid ongoing confusion arising from our discussion of litigation—the Assessor has a statutory duty to identify the record owner of the Peterson Property based solely on an objective review of the Clerk and Recorder’s records. That ministerial task does not require the Assessor to determine whether title is marketable. Nor is the Assessor absolved of his statutory duty to ascertain the record owner based on an objective review of the Clerk and Recorder’s records merely because marketable title might be imperfect or contested.

Establishing marketable title, by contrast, involves a legal judgment about the quality or insurability of title—a responsibility that falls outside the Assessor’s statutory role.

Marketable title may be established either by court order—such as through a quiet title action—or by agreement between parties.

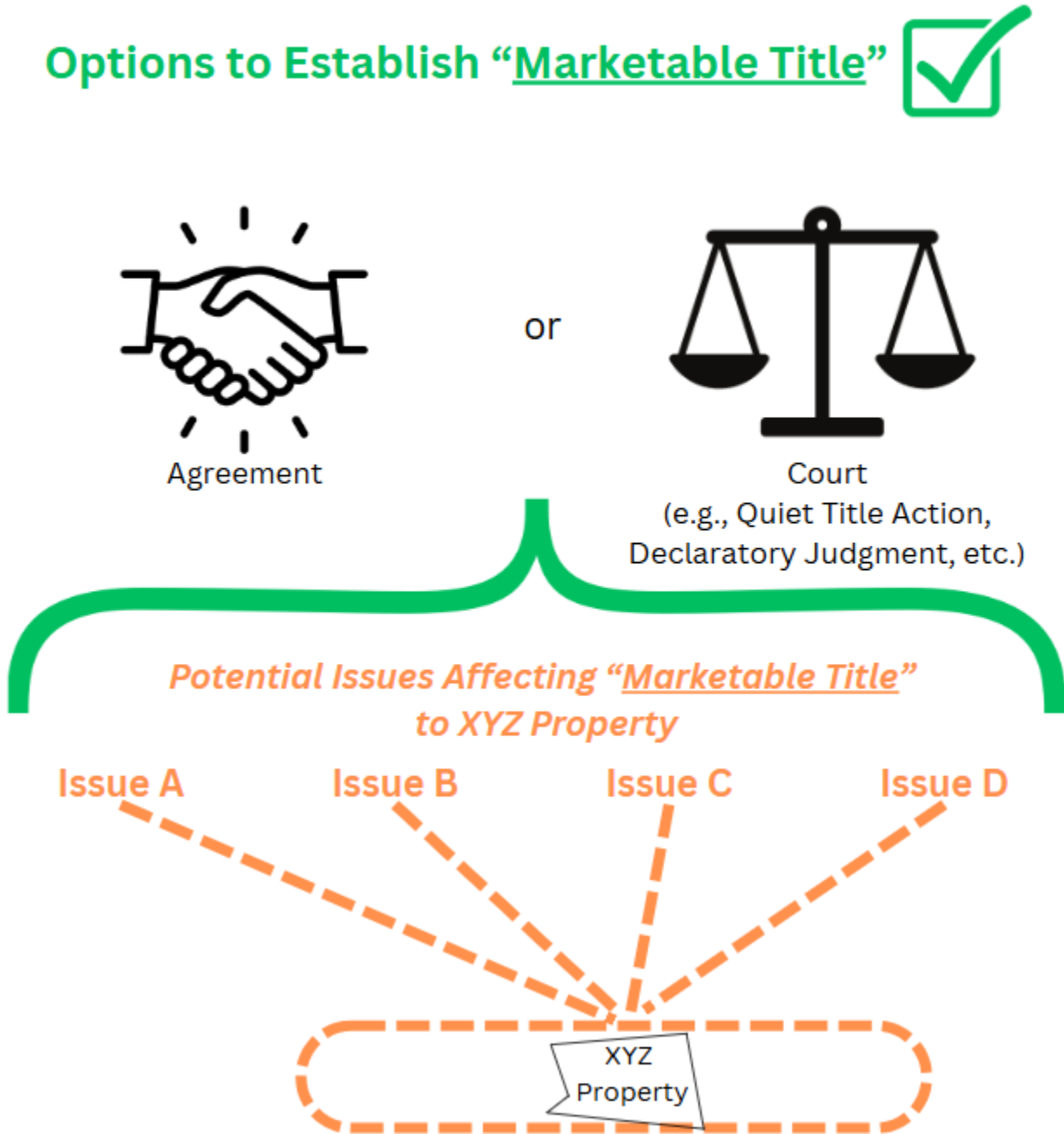
The latter—a consensual agreement—is precisely how we resolved a potential title issue involving the West End property. (See Eagle County Clerk and Recorder Rec. No. 202121704.)

As we’ve explained, litigation is both costly and time-consuming. And as Eagle County knows from its own Two10 development, price-capped affordable housing cannot absorb those costs (see [Attachment 2](#), PDF pg. 59). Accordingly, while we maintain that marketable title is not required for the Assessor to list the record owner, in Eagle County’s parallel role as our neighboring landowner to the west, our strong preference is to resolve any marketable title concerns by agreement rather than litigation.

That said, if agreement proves impossible and we are ultimately forced to establish marketable title through litigation, that outcome does not relieve the Assessor of his present statutory duty to identify the record owner now. Fulfilling the Assessor’s duty to list the record owner now would significantly truncate the legal

proceedings and yield meaningful cost savings by avoiding the need to first litigate record ownership—an issue that, as outlined above, is a prerequisite to resolving any potential disputes affecting marketable title.

Graphic 4 – Options for Establishing “Marketable Title”



**Part 4 – Ascertaining the Record Owner is Straightforward**

Pursuant to the Assessor’s statutory duty to “*Discover – List – Classify – Value*”—and specifically the requirement that “*discovery of property is accomplished by examining the records of the clerk and recorder*”—the task of identifying the record owner of the Peterson Property is objective, ministerial, and straightforward. (See [Attachment 1](#), pg. 1, “Assessor’s Legal Duties”).

The records of the Clerk and Recorder are not boundless; they consist of a finite and quantifiable set of recorded conveyances. Moreover, a well-established system exists to efficiently narrow and conduct searches within those records.

As detailed in [Attachment 1](#), Misunderstanding #2, the recorded instruments pertaining to the Peterson Property clearly support a coherent and unbroken chain of title—from the original patent through successive conveyances to the current record owner. For ease of reference, an updated summary of the chain of title reflecting the recent conveyance to Edwards Affordable Housing LLC is included at [Attachment 3](#).

The process of reviewing the Clerk and Recorder’s records to ascertain record ownership is neither novel nor complex. On information and belief, the Assessor recently undertook the same procedure to identify the record owner of the East Vail parcel owned by Vail Resorts—a property that, like the Peterson Property, had been omitted from the tax roll for decades. In that case, the Assessor reportedly reviewed documents dating back to the 1899 patent and navigated a corporate reorganization—without requiring a quiet title action. (See [Vail Daily article](#).)

The same process—an objective review of the recorded instruments—can and should be applied here.

**Part 5 - Willful Refusal Creates Liability**

**Increasing Concern Over the County’s Apparent Strategic Decision**

We are increasingly concerned that Eagle County has made a strategic decision—and that the Assessor is knowingly implementing it—to frustrate and delay our efforts to be recognized as the record owner of the Peterson Property and to instead force us into a quiet title action.

Prior to his departure, the former Eagle County Attorney made clear that he would use every available resource to obstruct our efforts. I had hoped those tactics had departed with him. Unfortunately, the County’s continued actions suggest otherwise.

Regardless of the internal rationale, this strategy is fundamentally flawed.

First, the Assessor has a clear, ministerial statutory duty to ascertain and list the record owner based on an objective review of the records maintained by the Clerk and Recorder. Pursuant to C.R.S. § 24-10-118(2)(a), a willful and wanton failure to perform this statutory duty constitutes an express exception to the Colorado Governmental Immunity Act and may subject the Assessor to personal liability. In such cases, punitive damages may also be available under C.R.S. § 13-21-102(1.5)(a).

Second, as discussed in [Part 3](#), even if the County’s apparent strategy succeeds in compelling a quiet title action or similar proceeding, that litigation would necessarily begin with a determination of the record owner. We

believe the objective clarity of the chain of title—based solely on the Clerk and Recorder’s records—will render the County’s resistance indefensible and validate our concern that the justifications advanced thus far are meritless and designed solely to obstruct and delay. See [Part 3](#) and [Part 4](#).

If we are forced to establish record ownership through litigation (e.g., quiet title or declaratory judgment), we are actively evaluating whether—and how—to seek damages, including potentially punitive damages, from the Assessor personally and possibly from other individuals involved.

This is unfamiliar and uncomfortable territory for me. I’ve never previously considered pursuing damages against a government employee, nor do I take the prospect lightly. To be clear, our interest in seeking damages is not vindictive—it is practical. As the County’s own Two10 development illustrates, price-capped affordable housing projects are not viable without subsidy (see [Attachment 2](#), PDF pg. 59)—let alone when burdened by frivolous administrative delays and unnecessary legal costs. To date, we have already incurred substantial expenses and lost critical time attempting to persuade the Assessor to fulfill a clear, objective statutory duty.

We share this not as a threat, but out of respect and transparency. We are exploring every lawful option to keep this project viable—and to offset the escalating costs caused by what we believe is the Assessor’s ongoing willful refusal to perform his statutory duty: identifying the record owner of the Peterson Property based on the Clerk and Recorder’s records.

### **Ultimate Responsibility**

Put simply, the buck stops with the Assessor when it comes to fulfilling his legal duties.

- **Inability to Shift Responsibility**

The statutory duty to ascertain the record owner based on the Clerk and Recorder’s records rests squarely with the Assessor. The Assessor remains ultimately responsible regardless of any attempt to shift or outsource it.

For example, in response to our CORA request for documentation of the “various interests” referenced in the Assessor’s May 6, 2025 letter, Ms. Hooper responded on May 9, 2025 by providing only a link to the Clerk and Recorder’s website and search portal, rather than the specific “various interests” requested. Likely aware of the legal implications of both the original letter and her response, she also attempted to shield the Assessor, stating:

*“I presume the letter you refer to as the “Assessor’s May 6, 2025 letter” was actually the letter written by me, as legal counsel to the Eagle County Assessor, on May 6, 2025, a copy of which is enclosed here. In any event, any public records responsive to the May 6 Request are available for public inspection through the Eagle County Clerk and Recorder’s online records portal, which is available at: <https://acclaim.eaglecounty.us/AcclaimWeb/>.”*

While Ms. Hooper may have written the May 6, 2025 letter in her capacity as legal counsel, it was nonetheless transmitted on behalf of the Assessor and clearly purports to state the Assessor’s position. Her effort to distinguish her role as counsel from the Assessor’s official responsibilities does not absolve the Assessor of his clear statutory duty. The legal obligation to ascertain the record owner rests solely with the Assessor and cannot be deflected through reliance on counsel.

- Delegation Does Not Relieve Responsibility

The Assessor is also responsible for the conduct and representations of staff members performing tasks related to the Assessor’s statutory duties. In this context, it appears that Mr. Sexton—who seems to have been tasked with matters involving the Peterson Property—has made contradictory and potentially deliberately misleading statements to a public official.

In a February 13, 2025 email to the then-president of the Edwards Metro Board, Mr. Sexton wrote:

*“The all 5’s is a pseudo parcel number given to identify “gaps” in the parcel layer. In this case it is a known gap in the legal chain of title **that until recently was thought to be a part of 210506200003** [Kit Williams’ former property, aka the River House Property]. **It wasn’t until a survey was done when the property was being sold did they realize the legal description in the chain of title did not include a roughly 49’ strip** [aka the Peterson Property].” (emphasis and annotations added).*

This statement directly contradicts an email Mr. Sexton sent more than two years earlier, on January 3, 2023, to the Eagle County Surveyor—months before the County began negotiations to purchase the River House Property:

*“Don’t worry about it...this is plenty of information if you don’t mind me sharing the 1993 topo map with Kit Williams if necessary. **Kind of irks me** that Mike Dolan even acknowledges that he can easily win a quiet title since he’s been using it for 26+ years, **so he already knows that it is not part of his deeded property.** I also found our assessor tax maps that shows it as a right of way (attached) that I will also share with Kit. He can provide other documentation as to an abandonment of right of way if he feels it is his property or go through quiet title process.”*

Mr. Sexton’s 2023 email reveals clear awareness—well in advance of the County’s involvement—that the Peterson Property was not part of the River House Property. His 2025 statement to the President of the Edwards Metro Board suggests the opposite.

Absent additional context, it is difficult to identify a benign explanation. Mr. Sexton’s 2025 email appears to be a knowing misrepresentation—one that misled an elected official and obscured material facts relevant to a potential title dispute involving Mr. Sexton’s employer, Eagle County.

Equally concerning is Mr. Sexton’s comment that it “*kind of irks me*” that Mr. Dolan believed a quiet title action would succeed. That remark suggests personal grievances may be influencing professional conduct. The Assessor’s office must operate with objectivity and impartiality. Allowing staff opinions or frustrations to shape official actions erodes public confidence and raises the specter of arbitrary or retaliatory treatment. Taxpayers should never have to question whether their assessments—or their status as record owners—are being determined based on personal biases.

A brief word of caution regarding Mr. Sexton’s citation to Mr. Dolan’s opinion: on information and belief, [Mr. Dolan](#) is/was Kit Williams’ estate planning attorney—not a real estate attorney—and his understanding of property law appears to be flawed. For example, in a May 23, 2019 email, Mr. Dolan incorrectly asserted that Mr. Williams had paid property taxes on the Peterson Property. He had not. Ironically, in that same message, Mr. Dolan acknowledged that the presence of a private right-of-way could undermine any claim Mr. Williams might assert to the Peterson Property:

*“The only thing that might screw things up is if the roadway was a private deeded access road to access property across the river.”*

Indeed, the easement burdening the eastern portion of the Peterson Property is a private right-of-way—the very type that Mr. Dolan speculated would “screw things up.” See [Attachment 1](#), Misunderstanding #3.

## **Part 6 – Our Reiterated Plea for Improved Communication and Collaboration**

In your dual capacity as the elected Commissioners of Eagle County, we respectfully reiterate our plea for improved communication—both to advance affordable housing and to conserve public and private resources. Please see [Attachment 1](#), PDF pg. 12.

From the outset, we’ve made clear that we want a positive, cooperative relationship with Eagle County—both in your role as the neighboring landowner to the west and as the reviewing authority for our proposed development. We’ve sought to understand the County’s wants and needs, offered you use of the Peterson Property until it is developed, and made repeated, good-faith requests for better communication.

Personally, I’ve enjoyed a strong working relationship with Eagle County over the past ten years across three prior development plans. I believe many current and former County employees would vouch for my character, work ethic, and persistence.

From our perspective, we are trying to do a good thing: develop the gold standard of affordable housing—price-capped units—at an unprecedented 60% of AMI. For context, according to Eagle County’s most recent Affordable Housing Guidelines, 60% of AMI translates to approximately \$1,597 for a two-bedroom unit.

However, as the County’s own Two10 development demonstrates, price-capped affordable housing is not economically viable without a subsidy (see [Attachment 2](#), PDF pg. 59). We plan to pursue federal Low-Income Housing Tax Credits—specifically, the 9% credits.

These 9% credits are awarded annually by the federal government to each state based on population. While our project alone won’t solve Eagle County’s affordable housing crisis, we are committed to working with the County to create a replicable model that allows the County to capture its fair share of 9% credits. Based on the County’s population relative to the population of Colorado, Eagle County should be receiving at least one such award per decade—translating to approximately 10 to 15 new 60% AMI units every 10 years.

See [Attachment 2](#), PDF pgs. 59-68, for case studies illustrating how the high cost of construction in Eagle County makes affordable housing development price-prohibitive without a subsidy, yet the scale of the housing shortage requires private-sector participation. 10 to 15 new 60% AMI units every 10 years would be a meaningful step forward.

That’s why we are genuinely baffled by the obstruction we now face.

We understand that poor communication can lead to misunderstandings. But from our perspective, some County personnel appear to be engaging in obstructive tactics (consistent with the threats of your former County Attorney). Eagle County is better than that.

We respectfully ask that you send a clear message that these tactics are contrary to the County's obligations and own goals, and that meaningful, good-faith collaboration remains a priority—especially when it comes to affordable housing.

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We respectfully request that the CBOE fulfill its statutory duty under C.R.S. § 39-8-102(1) by instructing the Assessor to add the Peterson Property to the assessment roll.

Sincerely,



Matt Larson

Edwards Affordable Housing LLC

Attachment 1

Letter to CBOE dated April 10, 2025 (“4/10/2025 CBOE Letter”)

Link available [here](#).

Attachment 2

Letter to Assessor and CBOE dated May 5, 2025 ("5/5/2025 CBOE Letter")

Link available [here](#).

Attachment 3  
Peterson Property Chain of Title

Peterson Property

Chain of Title

| COT # | Reception #   | Book | Page | Date                     | Grantor   | Grantee                               | Deed   | Notes   |
|-------|---|------|------|--------------------------|---|---------------------------------------|--|---|
| 1     | 1120279   | 48   | 5    | 12/14/1891               |   |                                       | Receipt (Peder C. Madsen)                                      | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 2     |   |      |      | 12/12/1891;<br>3/5/2025  | United States   | Peder C Madsen                        | Patent   | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 3     | 1125695   | 65   | 64   | 4/18/1899                | P.(Peder) C. Madsen   | D. (Daniel) G. Burnison               | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 4     | 1125948   | 65   | 317  | 12/16/1901               | Daniel G. Burnison  | T.J. Dice                             | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 5     | 1125993 / 21247                                     | 65   | 362  | 4/26/1902                | T.J. Dice   | Martha J. Hostadt                     | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 6     | 1143634 / 50939                                     | 106  | 555  | 12/6/1929                | Hayden Hohstadt, et al (heirs)                                      | F.H. Reynolds                         | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 7     | 1141883 / 50940                                     | 114  | 103  | 12/6/1929                | F.H. Reynolds   | G. Offerson                           | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 8     | 1151335 / 70604                                     | 128  | 362  | 2/18/1943                | Olive Offerson (Adminstrix of estate of G. Offerson)                | Beldon H. Bush                        | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 9     | 1150392 / 70807                                     | 127  | 205  | 5/5/1943                 | Beldon H. Bush  | H.H. and Ione Beatty                  | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 10    | 1153759 / 75774                                     | 133  | 206  | 9/19/1947                | H.H. and Ione Beatty  | J.S. and Mary E. Salazar              | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 11    | 1153760 / 75775                                     | 133  | 207  | 9/19/1947                | J.S. and Mary E. Salazar  | John and Pearl Peterson               | Warranty Deed  | Gov't Lot 4, Sec 6, T5S, R82N (plus other area)   |
| 12 *  | 1162147 / 87229                                     | 148  | 147  | 10/18/1955               | John and Pearl Peterson   | Cleaver S. Kettrey and Geneva Kettrey | Warranty Deed  | Grant of easement for ROW along the eastern 20' of the Peterson Property                                  |
| 13 ** | 1169672 / 91510                                     | 161  | 329  | 7/22/1958                | John and Pearl G. Peterson  | Theodore E. and Hallie F. Mehbrandt   | Warranty Deed  | Part of Gov't Lot 4, Sec 6, T5S, R82N; Peterson Property created and retained                             |
| 14    | 1174164 / 101012                                    | 168  | 513  | 3/5/1965                 | John Peterson   | Pearl G. Peterson                     | QCD  | Part of Gov't Lot 4, Sec 6, T5S, R82N (included is the Peterson Property)                                 |
| 15    | 202400014, 202400015,<br>202400016, 202400017       |      |      | 1/2/2024                 | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | January 2024 Deeds for an undivided one-half interest in the Peterson Property, over-described            |
| 16    | 202403295, 202403296,<br>202403297, 202403298       |      |      | 3/28/2024                | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | March 2024 Deeds for a full interest in the Peterson Property, over-described                             |
| 17    | 202411131   |      |      | 9/20/2024                | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | Judgment and Decree Determining Heirs and Interest in Property | Judgment and decree affirming the heirs of Pearl G. Peterson and their interests in the Peterson Property |
| 18    | 202500493, 202500494,<br>202500495 and<br>202500795 |      |      | 1/13/2025 &<br>1/16/2025 | David Peterson, Shawwna Hopkins,<br>Kevin Hopkins, Yalonda Newberry | Rediger Development LLC               | QCD / Bargain and Sale Deed                                    | Refined legal description   |
| 19    | 202505178, 202505179                                |      |      | 4/23/2025                | Rediger Development LLC   | Edwards Affordable Housing LLC        | QCD  | Peterson Property   |

\* - #12 is not technically part of the COT of the absolute fee interest of the Peterson Property, but contains the grant of an easement across a portion of the Peterson Property fbo the Kettreys

\*\* - #13 is not technically in the COT, but is the subdivision that created the Peterson Property and was retained by John and Pearl G. Peterson

Exhibit 11  
July 2025 Assessor Email Correspondence

(Note: This exhibit is an email chain;  
the earliest communication in this email chain appears on the last page)

## Matt Larson

---

**From:**  
**Sent:**  
**To:**  
**Subject:**

Good Morning Mr. Chapin,

I wanted to follow up on our earlier conversation with a reiterated plea for constructive dialogue.

The linked video outlines both our concerns and our sincere hope for a collaborative path forward  
<https://www.dropbox.com/scl/fi/lw53vrx1wxi2r21v/agle-County-Peterson-Property-2025-0-01.mp4?rlkey=9bbge2lvbg9cbte9vcb1tmhstbv-cwk3qdl0>

Thank you,

Matt

---

Matt Larson <matt@RedigerDev.com>  
Friday, July 25, 2025 12:02 PM  
'Mark Chapin' <mark.chapin@eaglecounty.us>  
RE: FW: FW: Request to CBOE (McQueeney) re Omitted Property

Dear Mr. Chapin,

Thanks again for your reply.

I apologize if I am now causing you frustration that is certainly not my intention. I hope a bit of context helps explain our reluctance to resolve the issue of record ownership through litigation.

As your office demonstrated with the East Hill property, ascertaining the record owner can be done without litigation when the chain of title is clear. We've provided substantial evidence that the chain of title for the Peterson Property is objectively clear, along with clarification regarding the right-of-way issue (ask the County Surveyor, he'll direct you to the same recorded grant for a private easement that we've provided).

I've asked Ms. Cooper and now you to identify any specific documents in the Clerk and Recorder's records that contradict the chain of title we've submitted (which has also been confirmed by Land Title). I respectfully ask again. If no such documents exist, requiring us to establish ownership through litigation would impose unnecessary and avoidable costs.

As Eagle County's own Two10 development shows, price-capped affordable housing is not financially feasible without some form of subsidy. The same is true here, and our proposed Left Bank project's six price-capped units on the Peterson Property cannot absorb unnecessary legal expenses. This isn't a situation where, if costs escalate, we pivot to luxury housing; the location simply isn't viable for that, given its proximity to a trailer park and the wastewater treatment plant. The site is also highly

constrained and will require CC-granted variances. To justify those variances, we must deliver a public benefit in this case, price-capped affordable housing.

I also suspect there may be a misunderstanding about how quiet title litigation actually works. Even in a quiet title action, your office would still bear the burden of presenting any documents that conflict with our chain of title. We would submit the same title documents we've already provided. The requirement to identify and present any conflicting instruments is inevitable so why not do so now, informally and inexpensively and to preserve a much-needed price-capped affordable housing development

With that context, I'll try again to clarify two things

1. Is your reference to a right-of-way based on the assessor's map or is there a recorded instrument in the Clerk and Recorder's office? If it's the latter, could you please provide the Reception Number or Book and Page
2. Is the right-of-way the only issue preventing you from listing us as the record owner or are there other various interests, as Ms. Cooper previously referenced? If so, please identify them specifically.

Thanks again for your time and consideration. I'd truly appreciate the opportunity to meet in person. I'm available Monday, Tuesday, or Friday of next week please let me know if any of those work for you.

Matt

---

Mark Chapin <[mark.chapin@eaglecounty.us](mailto:mark.chapin@eaglecounty.us)>

Friday, July 25, 2025 9:23 AM

[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: FW: FW: Request to CBOE (McQueeney) re Omitted Property

**Mark Chapin**  
**Eagle County Assessor**

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel."

— [Maya Angelou](#)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, copying of or taking action in reliance on the contents of this communication is strictly prohibited. If you receive this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank You.

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Dear Mr. Chapin,

Thank you for your prompt reply.

Each time I see the Maya Angelou quote in your signature, I'm reminded of how accurate her observation is. So, here's how I feel frustrated.

Respectfully, your response did not alleviate our concerns—it heightened them. I hope you'll help us understand why our frustration is misplaced. Below is the basis for it.

If you are referring to the assessor's map (attached), as we've stated previously

As an assessor, your statutory duty is to ascertain the record owner based solely on an objective review of the Clerk and Recorder's records. As you acknowledge, the assessor's map you referenced is part of your office's internal files—not the Clerk and Recorder's records. As outlined in the assessor's Legal Duties section of our April 10, 2025 letter, your legal obligation to rely on the Clerk and Recorder's records is clear.

Our treatment of the east vail omitted parcel is instructive: your office properly relied on the Clerk and Recorder's records to correct a misunderstanding that CDOT owned that parcel. The same standard applies here. <https://www.vaildaily.com/news/east-vail-parcels-ownership-constant-but-a-bit-umbled/>

Even if the assessor's map had been recorded in the Clerk and Recorder's records, only an express grant of a right-of-way by a property owner within the chain of title can create a valid right-of-way. This is a well-established principle of real property law. Please refer to the Title Conveyance section of the assessor's Reference Library (RL) for confirmation (Vol. 2, Ch. 3).

We addressed this same right-of-way issue in "Misunderstanding 3" of our April 10, 2025 letter. The easement in question is a private right-of-way previously granted for the benefit of Lots

and 5 south of highway not a public right-of-way. The RL acknowledges that it is common and prudent to note such easements on assessor maps.

For your convenience, here is a link again to our April 10 letter  
[https://www.dropbox.com/s/clfi/s5l0dy1npwdyao\\_lwanid/\\_agle-County--Peterson-Property-2025-0-10.pdf?rlkey=ak\\_wraumm9ck\\_rr2xrwy\\_fr\\_st\\_gs3s\\_eqf\\_dl\\_0](https://www.dropbox.com/s/clfi/s5l0dy1npwdyao_lwanid/_agle-County--Peterson-Property-2025-0-10.pdf?rlkey=ak_wraumm9ck_rr2xrwy_fr_st_gs3s_eqf_dl_0)

To clarify our understanding, we respectfully ask

If you are not referencing the assessor's map (attached), but rather a recorded grant of right-of-way in the Clerk and Recorder's records, please provide the Reception number or book and Page citation.

Ms. Cooper previously stated on your behalf that various interests are preventing you from listing us as the record owner. In your reply references only a singular right-of-way. If there are indeed multiple recorded interests, please identify each one with the applicable Reception number or book and Page citation. Otherwise, we will assume this is the only issue you believe is relevant. Please see attached letter.

Lastly, rather than continue with lengthy letters and emails, I believe it would be more efficient to meet in person to clarify misunderstandings and possibly narrow the areas of disagreement. I am available Monday, Tuesday, or Friday of next week. Please let me know if any of those days work for you.

Thank you again for your time.

Matt

---

Mark Chapin <[mark.chapin@eaglecounty.us](mailto:mark.chapin@eaglecounty.us)>

Thursday, July 24, 2025 9:27 AM

[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Re: FW: FW: Request to CBOE (McQueeney) re Omitted Property

Dear Mr. Larson,

This office has historically shown the sub ect land to be a right of way.     decree of quiet title is required for me to change my records.

Sincerely,

**Mark Chapin**

**Eagle County Assessor**

“I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

— Maya Angelou

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, copying of or taking action in reliance on the contents of this communication is strictly prohibited. If you receive this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank You.

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Dear Mr. Chapin,

Please see the attached letter, which outlines the significant expenses and delays we believe are being unnecessarily incurred due to your continued refusal to fulfill your clear statutory duty to ascertain and list the record owner of the Peterson Property based on an ob ective review of the Clerk and Recorder s records.

Included as attachment 3 to the attached letter is the previously provided chain of title for the Peterson Property, updated to reflect the recent conveyance to Edwards Affordable Housing LLC.

If our concerns are unfounded, please provide the specific Reception Number(s) and/or Book Page reference(s)

or any recorded interest(s) that conflicts with the chain of title and/or or the specific various interests that, according to your recent representation through counsel, you are unable to determine with certainty and that are preventing you from listing Edwards Affordable Housing LLC as the record owner of the Peterson Property.

Otherwise, we respectfully request that you list Edwards Affordable Housing LLC as the record owner without further delay.

Thank you,

Matt

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Christina Hooper <[christina.hooper@eaglecounty.us](mailto:christina.hooper@eaglecounty.us)>

Thursday, July 17, 2025 12:22 PM

[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

Beth Oliver <[Beth.Oliver@eaglecounty.us](mailto:Beth.Oliver@eaglecounty.us)>

Re: FW: Request to CBOE (McQueeney) re Omitted Property

Hi Matt,

Thank you for reaching out. If you would like cc: Mark Chapin on your letter, please feel free to send it to him directly.

His email address can be found on the County's website:

[https://www.eaglecounty.us/departments\\_services/assessor/index.php](https://www.eaglecounty.us/departments_services/assessor/index.php)

Thank you,

Christina

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Good morning Christina,

My advisors have recommended that we formally put the assessor on notice that we are incurring substantial expenses and losing critical time due to his ongoing failure to perform his clear statutory duty to ascertain the record owner of the Peterson Property based on an objective review of the Clerk and Recorder's records.

Accordingly, attached is our most recent submission to the Clerk, which outlines many of these concerns. I'm sending this to you in your capacity as counsel to the assessor, with the understanding that you will provide him with a copy of the attached letter. If that understanding is incorrect, please let me know.

Thank you.

Matt

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Matt Larson <[matt@RedigerDev.com](mailto:matt@RedigerDev.com)>  
Tuesday, July 15, 2025 10:36 PM  
'[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)' <[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)>  
'Beth Oliver' <[Beth.Oliver@eaglecounty.us](mailto:Beth.Oliver@eaglecounty.us)>; 'Christina Hooper' <[christina.hooper@eaglecounty.us](mailto:christina.hooper@eaglecounty.us)>  
RE: Request to CBOE (McQueeney) re Omitted Property

Please see attached.

Thank you.

Matt

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Matt Larson <[matt@RedigerDev.com](mailto:matt@RedigerDev.com)>  
Monday, May 5, 2025 6:51 AM  
'jeanne.mcqueeney@eaglecounty.us' <[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)>  
'Beth Oliver' <[Beth.Oliver@eaglecounty.us](mailto:Beth.Oliver@eaglecounty.us)>; 'Christina Hooper' <[christina.hooper@eaglecounty.us](mailto:christina.hooper@eaglecounty.us)>  
RE: Request to CBOE (McQueeney) re Omitted Property

i C Member Mc ueeney,

I ve been assured that a response to our pril 10, 2025 letter is forthcoming.

In the meantime, please find attached a follow-up letter regarding the Peterson Property.

Thank you,

Matt

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Matt Larson <[matt@RedigerDev.com](mailto:matt@RedigerDev.com)>  
Thursday, April 24, 2025 12:42 PM  
'jeanne.mcqueeney@eaglecounty.us' <[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)>  
'Beth Oliver' <[Beth.Oliver@eaglecounty.us](mailto:Beth.Oliver@eaglecounty.us)>; 'Christina Hooper' <[christina.hooper@eaglecounty.us](mailto:christina.hooper@eaglecounty.us)>  
RE: Request to CBOE (McQueeney) re Omitted Property

i C Member Mc ueeney,

I am following up on the request I submitted two weeks ago today regarding the Peterson Property (please see below).

First, the chain of title has been updated to reflect the recent conveyance of the Peterson Property to a Special Purpose entity towards Affordable Housing LLC which is a necessary step for financing purposes and our plan to pursue federal Low-Income Housing Tax Credits. Please see Rec. No. 2025051 .

Second, I have not received any communication from the Council or Eagle County staff acknowledging receipt of the April 10, 2025 request. As explained in the original letter, I believe improved communication would help clarify several misunderstandings and foster a more efficient path forward.

At a minimum, could you please confirm

- Whether a date has been set for the Council to meet and discuss the request
- Whether I or members of the public will have an opportunity to comment at that meeting and
- What a reasonable timeline would be to expect for the Council's response

I understand many people have been away for spring break, so please don't feel any urgency to respond this week.

Thank you again for your time and attention.

Best,

Matt

---

Matt Larson <[matt@RedigerDev.com](mailto:matt@RedigerDev.com)>  
Thursday, April 10, 2025 11:20 AM  
'[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)' <[jeanne.mcqueeney@eaglecounty.us](mailto:jeanne.mcqueeney@eaglecounty.us)>  
'Beth Oliver' <[Beth.Oliver@eaglecounty.us](mailto:Beth.Oliver@eaglecounty.us)>; 'Christina Hooper' <[christina.hooper@eaglecounty.us](mailto:christina.hooper@eaglecounty.us)>  
Request to CBOE (McQueeney) re Omitted Property

Dear Council Member McQueeney,

Please find attached a letter formally requesting that the County Board of Equalization (CBE) instruct the assessor to add the Peterson Property to the assessment roll and list Rediger Development as the record owner, pursuant to § 39-102(1), C.R.S. The letter outlines the statutory basis for this request, addresses prior communications with the assessor's office, and affirms our commitment to a constructive, collaborative resolution.

Due to file size limitations, the exhibits referenced in the attached letter could not be included via email. The complete letter with hyperlinked attachments has been uploaded here [https://www.dropbox.com/scl/fi/s510dy1npwdyao\\_lwanid/ogle-County--Peterson-Property-2025-0-10.pdf?rlkey=ak\\_wraumm9ck\\_rr2xrwy\\_fr\\_st\\_yvnuyyi\\_dl\\_0](https://www.dropbox.com/scl/fi/s510dy1npwdyao_lwanid/ogle-County--Peterson-Property-2025-0-10.pdf?rlkey=ak_wraumm9ck_rr2xrwy_fr_st_yvnuyyi_dl_0)

Thank you for your prompt attention to this statutory obligation. I remain available to address any questions you may have.

Sincerely,

Matt

**Matt Larson, Partner**

**Rediger Development LLC**  
3003 E. 3rd Ave., Suite B-109A  
Denver, CO 80206

(O) [303.825.0108](tel:303.825.0108)

(C) [303.808.6997](tel:303.808.6997)

[Matt@RedigerDev.com](mailto:Matt@RedigerDev.com)

Exhibit 12

August 2025 / First Narrated Video Presentation to CBOE and Assessor

A link to the video is provided here for reference:  
<https://youtu.be/3lQc2UKTFAU?si=vovpS4zguW5kxtSO>

Pursuant to D.C.COLO.LCivR 5.1(b)(1), which governs the filing of materials that cannot be filed electronically, the video file will be submitted to the Clerk of Court via USB flash drive within three business days of the filing of this Amended Complaint. A Notice of Conventional Submission will be filed through CM/ECF upon delivery of the flash drive to the Clerk's office.

Summary of Topics Covered

- Proposed Left Bank development (6 units price-capped at ~ \$1,500/month) & LIHTCs  
- Minute ~ 0:00 to 2:00
- Peterson Property  
- Minute ~ 2:00 to 2:30
- Request to Return the Peterson Property to the Tax Assessment Roll  
- Minute ~ 2:30 to 3:00
- Overview of Record Ownership  
- Minute ~ 3:00 to 5:15
- Current Status: Repeated Requests, No Identified Conflicting Recorded Interests  
Minute ~ 5:15 to 7:00
- Working Theories  
- Minute ~7:00 to 7:30
- Working Theory #1: Eagle County's Plan to Take the Peterson Property – Along with the Property Interest of 30+/- Other Eagle County Property Owners – Without Payment  
- Minute ~ 7:30 to 10:00
- Working Theory #2: Eagle County's Purchase of the Adjacent River House Property Based on an Inflated Appraisal that Valued the Land Beneath the Eagle River the Same as the Dry Buildable Land and a Highly Questionable Tax Structure  
- Minute ~ 10:00 to 14:30
- Two Inevitable Conversations  
- Minute ~14:30 to 16:00
- Inevitable Conversation #1: Edwards Affordable Housing LLC as the Record Owner of the Peterson Property  
- Minute ~16:00 to 23:15
- Inevitable Conversation #2: Merits of Eagle County's Potential Plan to Take the Peterson Property – Along with the Property Interest of 30+/- Other Eagle County Property Owners – Without Payment  
- Minute ~23:15 to 29:00
- Reiterated Plea for Improved Communication  
- Minute ~ 29:00 to 29:30 (end)

Exhibit 13

August 2025 / Second Narrated Video Presentation to CBOE and Assessor

A link to the video is provided here for reference:  
[https://youtu.be/UdKLeiV1dMo?si=7DMi6OU1\\_eJ78xjt](https://youtu.be/UdKLeiV1dMo?si=7DMi6OU1_eJ78xjt)

Pursuant to D.C.COLO.LCivR 5.1(b)(1), which governs the filing of materials that cannot be filed electronically, the video file will be submitted to the Clerk of Court via USB flash drive within three business days of the filing of this Amended Complaint. A Notice of Conventional Submission will be filed through CM/ECF upon delivery of the flash drive to the Clerk's office.

Summary of Topics Covered

- Our Specific Request  
- Minute ~ 0:00 to 0:30
- Objectively Clear Peterson Property Chain of Title  
- Minute ~ 0:30 to 19:45
- Record Title Ownership (Assessor's Statutory Duty) vs. Marketable Title Ownership (via a Quiet Title Action)  
- Minute ~ 19:45 to 25:15
- Assessor's Continued Incorrect Insistence on a Quiet Title Action to Establish Record Ownership  
- Minute ~ 25:15 to 26:15
- Why? Working Theories  
- Minute ~ 26:15 to 28:00
- Support for Concern of Eagle County's Bad Faith and Abuse of Power  
- Minute ~ 28:00 to 28:15
- #1 – Threats of Former County Attorney  
- Minute ~ 28:15 to 28:50
- #2 – Game of Whack-a-Mole  
- Minute ~ 28:50 to 30:35
- #3 – Hodgepodge of Incoherent Excuses  
- Minute ~ 30:35 to 32:30
- #4 – Stonewalling  
- Minute ~32:30 to 36:40
- #5 – Competency and Responsibility  
- Minute ~36:40 to 38:15
- #6 – Assessor Staff Recasting History to Favor Eagle County  
- Minute ~38:15 to 40:20
- Misunderstandings & Reiterated Plea for Improved Communication  
- Minute ~ 40:20 to 47:25 (end)

Exhibit 14  
August 2025 Response Letter



**Office of the Eagle County Attorney**

Christina Hooper  
Deputy County Attorney  
970-328-8685

[Christina.Hooper@eaglecounty.us](mailto:Christina.Hooper@eaglecounty.us)  
[www.eaglecounty.us](http://www.eaglecounty.us)

Matt Larson  
Rediger Development LLC  
3003 E. 3<sup>rd</sup> Ave, Ste B109A  
Denver, Colorado 80206  
[Matt@redigerdev.com](mailto:Matt@redigerdev.com)

August 26, 2025

Re: Ongoing Communications with the Eagle County Board of Equalization

Dear Mr. Larson,

The Eagle County Board of Equalization (“CBOE”) received your April 10, July 15, August 2 and August 24, 2025 correspondence asking the CBOE to order the Eagle County Assessor to add a 40-foot strip of land to the assessment roll and to identify either Rediger Development LLC or Edwards Affordable Housing LLC as the owner (the “Requests”). The Requests have been accompanied by links to a 30-minute video and to a 50-minute video created by you, which you also ask the recipients to view (the “Video Messages”).

You are a Colorado licensed attorney subject to the Colorado Rules of Professional Conduct. Pursuant to Colorado Rules of Professional Conduct, Rule 4.2:

[i]n representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer or LLP in the matter, unless the lawyer has the consent of the other lawyer or LLP to do so or a court order.

Within the Video Messages, you provide legal advice and advocate for the position or desires of your clients, Rediger Development LLC and Edwards Affordable Housing, in a matter that involves factual disputes and legal questions. Indeed, this matter involves a purported controversy for which you have already filed one lawsuit in Eagle County District Court as counsel for Rediger Development LLC. *See Rediger Development Company LLC v. Eagle County Assessor Mark Chapin*, Eagle County District Court Case Number 2025CV30036.

With the exception of one instance on July 17, 2025, where I provided you with express consent to forward an email to the Assessor, you have neither asked for nor received permission from the Office of the Eagle County Attorney to communicate directly with their Eagle County Government clients. Such communications are in direct violation of Rule 4.2. From this point forward, please direct any further communications to the Office of the Eagle County Attorney.

Finally, as the CBOE indicated on May 6, 2025, actions to adjudicate property rights are properly brought in and resolved by the Colorado Courts under C.R.C.P. 105.

Sincerely,  
/s/ Christina Hooper

Cc: Eagle County Board of Equalization  
Mark Chapin, Eagle County Assessor

**Matt Larson**

---

**From:** Matt Larson <matt@Rediger dev.com>  
**Sent:** Wednesday, August 26, 2025 10:10 AM  
**To:** Tracy Stowell  
**c:** Christina Hooper; Beth Oliver  
**Subject:** RE: Response Letter

Hi Christina,

Thanks for your letter.

You appear to be overlooking Comment 5 of Rule 1.2 and the fundamental right to petition the government under both the US and CO constitutions.

If you still have concerns, I'm happy to have a conversation.

Thanks,

Matt

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Tracy Stowell <tracy.stowell@eaglecounty.us>  
Tuesday, August 26, 2025 4:47 PM  
Matt Larson <matt@redigerdev.com>  
Christina Hooper <Christina.hooper@eaglecounty.us>; Beth Oliver <Beth.Oliver@eaglecounty.us>  
Response Letter

Please see the attached letter.

Respectfully,

Tracy Stowell  
Executive Legal Assistant  
(970) 328-8685

