

DISTRICT COURT , LARIMER COUNTY, COLORADO Larimer County Justice Center 201 La Porte Avenue Fort Collins, CO 80521 970494 3500	FILED IN COMBINED COURTS LARIMER COUNTY, CO 2016 DEC 13 AM 10:51 DATE FILED: December 13, 2016 CASE NUMBER: 2016CV31096
<b>Plaintiff:</b> Poudre Fire Authority 102 Remington Street Fort Collins, CO. 8052  V.  <b>Defendant:</b> KEITH GILMARTIN	:  ^ COURT USE ONLY ^
Party Pro Se:  Defendant Keith Gilmartin 3316 W. Vine Dr. Fort Collins, CO 80521	Case No.:  <b>2016 CV 31096</b>  Court room:
<h2>Answer and Counterclaim to Complaint</h2>	

DEFENDANT, PRO SE presents **Answer and Counterclaim** responding to allegations of Plaintiff- Poudre Fire Authority (Authority) COMPLAINT captioned above.

DEFENDANT answers in numbered sync to Plaintiff's claims. Plaintiff's allegations and Defendant's answer, in summary, is surmised to arise out of dispute as to extent 'rights in the subject easement', centering about the phrase in the Deed of Easement –“ a right of way for access” (**IE Plaintiff's item #7 and Exhibit B-Deed of Easement**) Annotating, as there is a commonality of leadership with the City of Fort Collins and the Authority Defendant will go on record as to it belief that basis of this Complaint lie in a malicious and vexatious attempt to obtain fee simple privileges. Defendant's summarizing tightly extols this process as a fine example of “the camel's nose”.

Authority makes claim for transgression for an Easement that was owned by City of Fort Collins. Defendant addresses , as Authority's claim, for conveniences but does not relinquish any rights.

**ANSWER**

- 1& 2 Defendant admits the allegation(s).
- 3&4. Defendant neither admits nor denies the allegation(s).
5. Defendant denies the allegation(s).
6. Defendant denies the allegation(s).  
Denial basis in misrepresentation; Characterization of "Training Center" true in name but one use, not "the whole truth". Original intent was touted as a "training" center" , which is present but the facility has become the harbor for various other categories of use with consequential burdening of the easement.  
One issue for the Counter claim and Cross Claim.  
**Defendants Exhibit '1'**
7. Defendant admits the allegation(s).
8. Defendant denies the allegation(s).  
Denial basis
- Easement is NOT the ONLY access or egress available for use to the facility.
  - **Plaintiff's Exhibit C** characterization of "approximation" in conjunction with Easement, leaves facts as to cause for characterization absent.
9. Defendant denies the allegation(s).  
Insufficient facts available up to filing to confirm the legitimacy of process for the creation of said IGA in October 2016.  
Issue present to give Defendant cause for, at best, a cause 'error in creation process' by Plaintiff.
10. Defendant denies the allegation(s).  
Insufficient facts available upon filing to confirm allegation for definitions and consequential extent, breath, depth.  
As bases in Counterclaim Plaintiff has NO 'BASIS IN RIGHT ' TO MAKE ANY claims enumerated.
- 10(a). Defendant denies the allegation(s).  
Chain and lock had/has historic use for limiting traffic to ONLY ditch rider.  
Authority's claim for use is outside of rights and permission.  
Issue emanates from Lock being cut. Only two parties had keys  
Gate was totally on Defendants property. (**Defendant's Exhibit 2 pg 2**)- (Note: boundary pin)  
LCSO stated location of gate such a likely hood, as to, in report  
PFA personnel not cited for conceivable criminal violations.  
A basis for Counterclaim and Cross Claim  
.Defendant not cited by LCSO
- 10(b). Defendant denies the allegation(s).  
Denial in basis:  
LCSO report states "I told KEITH he had the right to document the traffic concern.  
Degree of Plaintiff's and LCSO rebuke based one side information.  
Only two complaints? How many vehicles attending the days event.

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Only two complaints? How many vehicles attending the days event.

No citation.

- 10(c). Defendant denies the allegation(s).  
Denials basis;  
PFA/Landscaping Co. encroaching.  
Amicable ending.  
No citation.  
Any facts prior to ending subject to cross examination.
- 10( d) Defendant denies the allegation(s).  
Denial bases on lack of corroborating details, especially in consideration of the FEDERAL nature of event.
- 10(e) Defendant denies the allegation(s).  
Denied basis, for vagueness to determine validity OR likely hood,  
Driveway is 25 ft wide and easement is 70ft wide.  
Moving poles in 30 feet per side results in planting of fence posts within the bounds of the concrete road base Hard making post holes thru! See **Plaintiff's Exhibit C.( Easement survey page.)**  
For bounds running north and south would place them across the "road". Also within the bounds of the concrete road.  
Additionally neither The City of Fort Collins nor POU DRE FIRE ever placed fence posts bounding the easement.
- 10( f) Defendant denies the allegation(s).  
Denied for extreme situational vagueness for ability to determine validity
- 10(g) Defendant denies the allegation(s).  
Denied for extreme vagueness for an ability to determine validity.  
On 'Authority property or easement? ;an NO law enforcement?
- 10(h ) Defendant denies the allegation(s).  
Basis for lack of clarity.  
Was all three gestures done to each driver in turn or were gestures varied with varying drivers.
- 10(i) Defendant denies allegation(s).  
Denied for MAJOR incongruity between Plaintiff's claim and that in **Plaintiff's Exhibit 'I'** to determine validity.  
Related citation dismissed.
- 10(j ) Defendant denies the allegation(s).  
The related citation was dismissed.  
Plethora of incongruities contained within reports.  
Basis for Counterclaim and Cross Claim within the issue.
- 10(k) Defendant denies the allegation(s).  
Basis in vagueness.

No citation.

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- 10(l) Defendant denies the allegation(s).  
Basis in vagueness.
- 10(m) Defendant denies the allegation(s).  
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Basis for Counterclaim within issue.
- 10(n) Defendant denies the allegation(s).  
Basis in lack of validity for Plaintiff's claim in Defendant's purpose and perceived authority, for right to claim ,transgressions. A basis for Counterclaim  
If forced to pay for removal issue is with Easement owner at the time; City of Ft Collins
- 10(o) Defendant denies the allegation(s).  
Defendant denial for blatantly false allegation for Plaintiff's claim ; Thus voiding claim for consequences.  
Compare essence of Plaintiff's claim with **Defendant's Exhibit 3**).  
Null Plaintiff's basis related to "U Turn" admitted as being on Defendants property.  
Basis for Counterclaim
- 11 Defendant denies the allegation(s).  
Basis in vagueness or lack of information to determine validity  
Plaintiff Claims counter as evidence for impingement on Defendant's rights including Constitutional rights.  
As discussed in Exhibit F photography is no against the law.  
Potential grounds for Cross claim
- 12 Defendant can neither admit nor deny the allegation(s).  
Denial basis in poignant apparent presumption of Authority that "ongoing actions that are intended to prevent or discourage Authority from using the easement" that ARE WITHIN Authority's rights. Assumption by Authority as erroneous belief and subsequent action are basis in Counterclaim.
- 12a Defendant denies the allegation(s).  
Basis is in blatant falsehood,.  
There is no history, nor presently existing ANY signs 'within the Easement;"  
**( Defendant Exhibit 4)**
- 12b Defendant can neither admit or deny the allegation(s).  
Basis in lack of information as to who, City or Authority is paying the cost; Ownership of the easement rights was sold to the City of Ft Collins and conditioned in DEED was maintenance.
- 12c Defendant emphatically denies the allegation(s).  
City of Fort Collins and subsequently 'Authority's belief as expressed is basis of all issues and basis in Counterclaim.

- 10(l) Defendant denies the allegation(s).  
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102 Remington Street  
Fort Collins, CO. 8052

V.

**Defendant:**  
KEITH GILMARTIN

^ COURT USE ONLY ^

Party Pro Se:  
  
Defendant  
Keith Gilmartin  
3316 W. Vine Dr.  
Fort Collins, CO 80521

Case No.:  
**2016 CV 31096**

Court room:

## Certificate of Mailing

I certify that on December 13, 2016 a copy of Answer and Counter Claim was provide to Plaintiff via U.S. Postal Service, first class mail, postage prepaid and addressed as follows:

IRELAND, STAPLETON ,PRYOR & 7PASCOE, PC  
717 17 Street  
Suite 2800  
Denver , Colorado 80202

Submitted December 13, 2016



Keith Gilmartin