

an aspect of the pronouncements has direct bearing for issue in this litigation. A commonality in this request and resides in the Defendant's easement, the conveyance to Plaintiff City of Ft Collins and its limits and extent are the subject easement of this litigation

BACKGROUND

May be redundant for participating parties, but Judicial notice is requested; Judge Howard presided in temporary substitution appearance for a hearing in this case 16CV31096. He was the presiding judge in case 13CV31044. In that case there was a hearing in conjunction with a contempt citation and preliminary injunction proceeding January 17, 2014. An excerpt transcript is for the matter here is EXHIBIT 1 The essence of the issue requested in this MOTION FOR CLARIFICATION emanates from that relatively recent case, 13CV31044/BOARD OF GOVERNORS OF THE CSU SYSTEM vs VIRGINIA APT, et al. In that case Defendant Gilmartin was the significant defense party.

Judge Howard's pronouncement in that prior litigation, involved finding of facts regarding acts by Defendant with pronouncement of a ruling on issues of contempt. In his assessment was a series of findings aspects of interfering with the access to a CSU facility. For orientation, the CSU access is across the road, Vine Dr., from Defendant's present residence driveway. That access then was a basis for a Quiet Title Action as it then crossed Defendants property. In addition, a portion of that driveway is part of the now subject easement, in this case.

As part of that litigation there was a hearing with determination of some facts regarding blocking of the access with yellow tape and 'T-posts' on the side of the CSU asphalt driveway/entrance and their effect to access to the CSU facility. At issue in the present case is the determination of disputed rights in a deeded easement. Clarification of basis in facts regarding that 'access' will thus have a direct relationship to issues of the present litigation. Clarification of issue is requested be part of the record and as reflects a position of the that Court, and be relied up by parties, in approaching matters in the present litigation for its legal standing.

Without any intent and with efforts towards appropriate propriety, clarification and determination as a matter of record is requested, qualified by the purview of the Court.

There is a narrowing the issue to within that record and as is necessary for Judicial consideration. The factors are elimination of intents, aforethought, or otherwise, or implications of the yellow tape; To be clear this is not surreptitious request for any level of re-determination. It is just what Defendant perceives as an open aspect with regard to the T-Posts.

SUBJECT FOR CLARIFICATION

Clarification is requested within the following question:

“...installed outside the paved portion of the driveway.” (of the CSU facility) (Exhibit 2 Pg 6 line 15 & 16) and whether their presence as such interfered with ‘access’ - as a finding of fact?

The only purpose for this effort is, as the situation may apply as one standard, to what may or may not constitute interference with ‘access’

Respectfully submitted this July 2, 2017

Keith Cribmartin

CERTIFICATE OF SERVICE

This is to certify that I have duly served the foregoing
MOTION FOR CLARIFICATION
on the date and parties and addressed as below:

via:

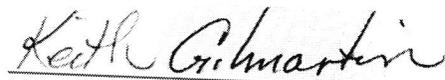
1st class mail postage paid in full
~~Delivering in person~~
Email
ICCES

Addressed:

Ireland Stapleton Pryor & Pascoe, PC
717 17 ST. Suite 2899
Denver, Colorado 80202

Att; Duke/Larson

this July 25, 2017


Keith Gilmartin