

EXHIBIT F

DISTRICT COURT, BOULDER COUNTY, COLORADO Boulder Justice Center 1777 6th St. Boulder, Colorado 80302	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<b>Plaintiffs:</b> RICHARD MCLEAN and EDITH STEVENS, v. <b>Defendants:</b> DK TRUST and DON KIRLIN.	
Andrew M. Low, No. 11393 Jonathan W. Rauchway, No. 34786 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, Colorado 80202 Tel: (303) 892-9400 Fax: (303) 893-1379 E-mail: andrew.low@dgsllaw.com ATTORNEYS FOR DEFENDANTS	Case No. 06CV 982  Division 6 Courtroom Q
<b>AFFIDAVIT OF PETER FOLTZ</b>	

The Affiant, Peter Foltz, being over the age of 18 years and first duly sworn upon oath, deposes and states upon personal knowledge as follows:

1. I, Peter Foltz, am the Vice President for Research of the Knowledge Technologies Division of Pearson PLC, and I reside at 2092 Hardscrabble Drive, Boulder, CO 80305, with my wife, Adrienne Lee.
2. I have resided at 2092 Hardscrabble Drive since my wife, Adrienne, and I purchased our home there in October, 2004. From October, 2004, until June, 2005, when my wife moved to Boulder, I did spend some time in my other house in New Mexico with my wife, but resided primarily in my home at 2092 Hardscrabble Drive. My wife and I have continuously resided at 2092 Hardscrabble Drive since June, 2005.
3. My home at 2092 Hardscrabble Drive is on the southerly side of the fire road that runs between my property and the Kirlin vacant lot to the north at 2069 Hardscrabble Drive.
4. From my home at 2092 Hardscrabble Drive I have a clear, unobstructed view of the Kirlin vacant lot and the adjacent 2059 Hardscrabble Drive where the Plaintiffs in this action, Richard McLean and Edith Stevens, live.

5. Since October, 2004, I have walked by the Kirlin vacant lot on the fire road numerous times to access Boulder County open space. My walks have provided me with a clear view of the Kirlin vacant lot and of the Plaintiffs' adjacent property.

6. Due to the attention that this case has had in the media, I am familiar with what has been referred to as "Edie's Path."

7. In the Fall of 2006, I noticed that construction of a split rail fence along the border between the Kirlin vacant lot and Plaintiffs' property was started but never completed. To the best of my recollection, construction of this split rail fence began and stopped in October, 2006.


8. Prior to the beginning of construction of the split rail fence, I never saw any indication of "Edie's Path" across the Kirlin property, and I never saw Richard McLean or Edith Stevens on the Kirlin vacant lot.

9. At some time after the beginning of construction of the split rail fence, I saw Richard McLean and Edith Stevens walking on the Kirlin lot often and regularly. I was very surprised to see them on the Kirlin lot, because I had never seen them on the Kirlin vacant lot before construction began on the split rail fence. Their behavior seemed very unusual to me, because it was a material change from their prior behavior.

10. In the Summer of 2007 a path appeared for the first time that I later learned was "Edie's Path."

Further the Affiant sayeth naught.

Dated this 21<sup>st</sup> day of December, 2007.


  
\_\_\_\_\_  
Peter Foltz

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was subscribed and sworn to before me this 21<sup>st</sup> day of December, 2007 by Peter Foltz.

Witness my hand and official seal.

My commission expires: 10/01/11

  
\_\_\_\_\_  
Notary Public

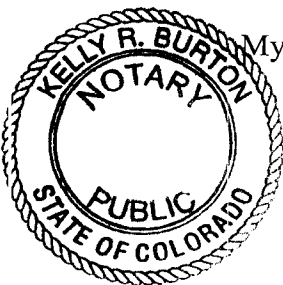


EXHIBIT G

DISTRICT COURT, BOULDER COUNTY, COLORADO Boulder Justice Center 1777 6th St. Boulder, Colorado 80302	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <p>Case No. 06CV 982</p> <p>Division 6 Courtroom Q</p>
<b>Plaintiffs:</b> RICHARD MCLEAN and EDITH STEVENS, v. <b>Defendants:</b> DK TRUST and DON KIRLIN.	
Andrew M. Low, No. 11393 Jonathan W. Rauchway, No. 34786 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, Colorado 80202 Tel: (303) 892-9400 Fax: (303) 893-1379 E-mail: andrew.low@dgsllaw.com ATTORNEYS FOR DEFENDANTS	
<b>AFFIDAVIT OF ROBERT SANCETTA, MD</b>	

The Affiant, Robert Sancetta, M.D., being over the age of 18 years and first duly sworn upon oath, deposes and states upon personal knowledge as follows:

1. I am a flight physician for Don Kirlin, the Defendant in this action. Mr. Kirlin visits my office approximately once per year for purposes of maintaining his medical certification for piloting aircraft as required by the Federal Aviation Administration. I first learned about this action by way of casual conversation with Mr. Kirlin while I was providing routine medical services in my office on June 13, 2007.

2. For the last 20 years, I have resided at 3512 Smuggler Way in Boulder, Colorado. My home at this address is less than one-half mile from Hardscrabble Drive and the Kirlin vacant lot disputed in this action.

3. For 35 years, I have routinely hiked the Boulder County open space trails that surround the Shanahan Ridge Six subdivision. For 20 of those years, I have walked by the Kirlin vacant lot one to four times per day, nearly every day, when I have been in town. I conservatively estimate that over the past 20 years I have walked by the Kirlin vacant lot over 5,000 times. On most occasions, I have walked along the fire road that borders the Kirlin property on Hardscrabble Drive to access the Boulder County open space.

4. My walks have provided me a clear view of both the Kirlin vacant lot on Hardscrabble Drive and the adjacent home of the Plaintiffs in this action, Richard McLean and Edith Stevens.

5. As a result of media coverage of this case and my walks past the Kirlin property, I am aware of a path that has been referred to in this case as "Edie's Path."

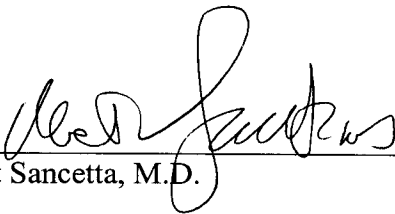
6. Prior to June, 2007, I had never seen any indication of "Edie's Path."

7. Sometime around June 13, 2007, I saw "Edie's Path" for the first time. At that time, "Edie's Path" was not well worn, but it was visible.

8. Since the first occasion on which I saw "Edie's Path," the path has become a much more visible dirt path.

Further the Affiant sayeth naught.

Dated this 14 day of December, 2007.

  
\_\_\_\_\_  
Robert Sancetta, M.D.

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was subscribed and sworn to before me this 14~~th~~ day of December, 2007 by Robert Sancetta, M.D.

Witness my hand and official seal.

My commission expires: February 28, 2009

  
\_\_\_\_\_  
Notary Public

EXHIBIT H

DISTRICT COURT, BOULDER COUNTY, COLORADO Boulder Justice Center 1777 6th St. Boulder, Colorado 80302	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<b>Plaintiffs:</b> RICHARD MCLEAN and EDITH STEVENS, v. <b>Defendants:</b> DK TRUST and DON KIRLIN.	
Andrew M. Low, No. 11393 Jonathan W. Rauchway, No. 34786 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, Colorado 80202 Tel: (303) 892-9400 Fax: (303) 893-1379 E-mail: andrew.low@dgslaw.com ATTORNEYS FOR DEFENDANTS	Case No. 06CV 982 Division 6 Courtroom Q
<b>AFFIDAVIT OF JANN SCHOENTHAL</b>	

The Affiant, Jann Schoenthal, being over the age of 18 years and first duly sworn upon oath, deposes and states upon personal knowledge as follows:

1. I am a retired telecommunications electronics specialist from the University of Colorado at Boulder, Colorado, and I reside at 1380 Ithaca Drive, Boulder, Colorado, which is approximately one mile from Hardscrabble Drive.

2. On numerous occasions since 1982, I have walked by the home of Plaintiffs in this action, Richard McLean and Edith Stevens, and the vacant lot immediately to the southwest of Plaintiffs' property. In addition, on numerous occasions since 1982, I have walked on the vacant lot.

3. On November 27, 2007, I was on the vacant lot at Hardscrabble Drive and I met Don Kirlin there for the first time. Mr. Kirlin told me that he was the owner of the vacant lot.

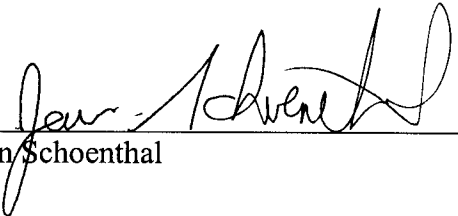
4. Through the media coverage of this case and my personal observations during my walks on, and past, the Kirlin vacant lot on Hardscrabble Drive, I am aware of a path referred to in this case as "Edie's Path."

5. "Edie's Path" became clearly visible for the first time in 2007.

6. In the Fall of 2006, I noticed a new split rail fence on the Kirlin vacant lot. Prior to, and at, the time that I saw the new split rail fence in the Fall of 2006, "Edie's Path" did not exist.

Further the Affiant sayeth naught.

Dated this 17 day of December, 2007.

  
\_\_\_\_\_  
Jann Schoenthal

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was subscribed and sworn to before me this 17 day of December, 2007 by Jann Schoenthal.

Witness my hand and official seal.

My commission expires: 11/13/11

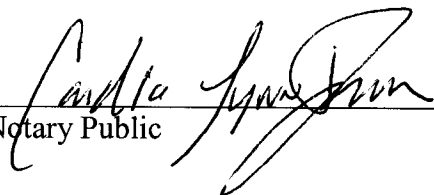
  
\_\_\_\_\_  
Notary Public

EXHIBIT I

DISTRICT COURT, BOULDER COUNTY, COLORADO Boulder Justice Center 1777 6th St. Boulder, Colorado 80302	
<b>Plaintiffs:</b> RICHARD MCLEAN and EDITH STEVENS, v. <b>Defendants:</b> DK TRUST and DON KIRLIN.	
Andrew M. Low, No. 11393 Jonathan W. Rauchway, No. 34786 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, Colorado 80202 Tel: (303) 892-9400 Fax: (303) 893-1379 E-mail: andrew.low@dgslaw.com ATTORNEYS FOR DEFENDANTS	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> Case No. 06CV 982 Division 6 Courtroom Q
<b>AFFIDAVIT OF JOSEPHINE ANN TOUCHTON</b>	

The Affiant, Josephine Ann Touchton, being over the age of 18 years and first duly sworn upon oath, deposes and states upon personal knowledge as follows:

1. I, Josephine Ann Touchton, am also known as JoAnn Touchton, and I reside at 1969 Hardscrabble Place, Boulder, CO 80305, with my husband, James Touchton, also known as Jim Touchton.

2. My husband, Jim, and I have continuously resided at 1969 Hardscrabble Place since 1987 when construction of our home was completed.

3. My home at 1969 Hardscrabble Place is less than one half mile from Hardscrabble Drive.

4. Since 1987 to today's date, I have often walked by 2059 Hardscrabble Drive where Plaintiffs in this action, Richard McLean and Edith Stevens, live and the Kirlin vacant lot bordering on Plaintiffs' property on the southwest. On most of these occasions, I have walked along Hardscrabble Drive in front of Plaintiffs' house and then along the fire road that borders the Kirlin property in order to access hiking trails on Boulder County Open Space. I walk by the Plaintiffs' property and the Kirlin vacant lot numerous times in any given week when I am in Boulder which is most of the time.

5. During my walks, I have often stopped to look at and admire the Kirlin vacant lot and Plaintiffs' property. In 1996, I went to Plaintiffs' property to inspect from Hardscrabble Drive landscaping Plaintiffs were having done, because at that time, my husband and I were discussing landscaping options for our property.

6. Due to the attention that this case has had in the media, I am familiar with what has been referred to as "Edie's Path."

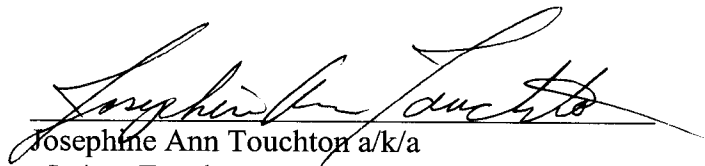
7. In the Fall of 2006, I noticed that a split rail fence was being constructed along the border between the Kirlin vacant lot and Plaintiffs' property. To the best of my recollection, construction of this split rail fence began in October 2006.

8. Prior to the beginning of construction of the split rail fence, I never saw any indication of "Edie's Path" across the Kirlin property. After the date when I first saw the split rail fence being constructed until the late Spring of 2007, "Edie's Path" began to appear very faintly on the Kirlin vacant lot and over time became progressively more noticeable. I first noticed that "Edie's Path" became faintly visible because the native grasses were matted down. Later, I noticed that the native grasses in the area of "Edie's Path" had been cut. After the snow melted in the Spring of 2007 and during the Summer of 2007, "Edie's Path" became a dirt path.

9. At some time after the beginning of construction of the split rail fence and before December 20, 2006, I saw a woman who looked like Edie Stevens in the north corner of the Kirlin vacant lot to the southwest of the patio on the Plaintiffs' property approximately five to eight feet to the southwest of the tree near Plaintiffs' patio and to the southeast of about the center of the wood pile in the north corner of the Kirlin vacant lot. The woman I saw was tromping, stomping, and kicking the ground, causing vegetation and dirt to rise from the ground in the area where the dirt path referred to as "Edie's Path" later appeared.

Further the Affiant sayeth naught.

Dated this 12 day of December, 2007.

  
Josephine Ann Touchton a/k/a  
JoAnn Touchton

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was subscribed and sworn to before me this 12 day of December, 2007 by Josephine Ann Touchton a/k/a JoAnn Touchton.

Witness my hand and official seal.

My commission expires: 11/13/11

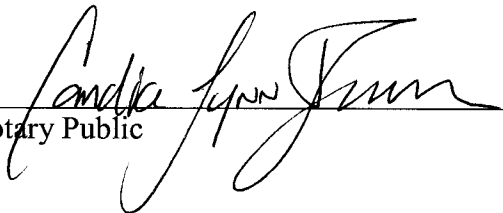
  
\_\_\_\_\_  
Notary Public

EXHIBIT J

DISTRICT COURT, BOULDER COUNTY, COLORADO Boulder Justice Center 1777 6th St. Boulder, Colorado 80302	
<b>Plaintiffs:</b> RICHARD MCLEAN and EDITH STEVENS, v. <b>Defendants:</b> DK TRUST and DON KIRLIN.	
Andrew M. Low, No. 11393 Jonathan W. Rauchway, No. 34786 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, Colorado 80202 Tel: (303) 892-9400 Fax: (303) 893-1379 E-mail: andrew.low@dgslaw.com ATTORNEYS FOR DEFENDANTS	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> Case No. 06CV 982 Division 6 Courtroom Q
<b>AFFIDAVIT OF WILLIAM ALLEN STONE</b>	

The Affiant, William Allen Stone, also known as Will Stone, being over the age of 18 years and first duly sworn upon oath, deposes and states upon personal knowledge as follows:

1. I, William Allen Stone, reside at 1842 Canyon Boulevard, #203, Boulder, Colorado 80302.
2. From October 2000 until my resignation on September 1, 2007, I was employed by Drexel, Barrell & Co. in Boulder, Colorado.
3. In 2007, my job title at Drexel, Barrell & Co. was Party Chief and my duties included being in charge of survey field crews and surveying and recording field coordinates and then entering those coordinates into a computer for preparation of survey drawings.
4. Sometime before March 14, 2007, either in early March or late February, 2007, a supervisor at Drexel, Barrell & Co. told me to conduct a field survey of Lots 49, 50 & 51, Shanahan Ridge Six, located on Hardscrabble Drive in Boulder, Colorado on behalf of Drexel, Barrell & Co.'s client, Hutchinson, Black and Cook, LLC on behalf of Judge Richard McLean and his wife.
5. Shortly after that request, I went to the Hardscrabble Drive lots and met Richard McLean at the job site.

6. During that first site visit, Mr. McLean told me that he wanted various trees, shrubs and vegetation to be shown on Lot 50 in the survey drawing and also said words to the effect, "and of course, put the path on it." I did not know what path he was referring to because there was nothing that jumped out at me as being a path on Lot 50, other than the area along the new split rail fence between Lots 51 and 50 that apparently was made by the workers who built the fence and possibly a short section of what looked like a deer trail towards the middle of Lot 50. Mr. McLean seemed confused to me. During that first site visit, I took several photographs that are in the possession of Drexel, Barrell & Co.

7. Since I did not see anything that I thought was a path, I did not include a path in the coordinates for the first draft of the survey drawing. I also did not include a woodpile in this first draft of the survey drawing even though I did see a woodpile in the north corner of Lot 50, because I did not think it was important to the survey.

8. A few days after the first drawing of the survey was completed, the job supervisor, William Wright, at Drexel, Barrell & Co. told me that he had received a telephone call from the client or possibly from Mr. McLean or his wife asking where the "path" was on the survey. Since I had not seen a path and did not know what Mr. McLean and his wife were referring to as a "path," unless it was the area trampled by the workers who installed the split rail fence or possibly a deer trail out toward the middle of Lot 50, Mr. Wright directed me to return to the properties in order to meet Mr. McLean and his wife and they would show me the "path."

9. My second visit to Lots 49, 50 and 51 on Hardscrabble Drive was no later than one week after my first visit. During this second visit, I met Edith Stevens for the first time. Mr. McLean was also present. Mr. McLean asked Edith Stevens to show me the "path." At the time Ms. Stevens was on her driveway with Mr. McLean and started to climb over the new split rail fence along the border of her property with Lot 50, but changed her mind and instead went to Hardscrabble Drive and then entered Lot 50. The area that Ms. Stevens showed me as the "path" she was referring to started on the common boundary between Lots 50 and 51 approximately 15 feet to the northwest of the southeast corner of Lot 50. From there, she proceeded in a westerly direction. Along this area, the "path" was only matted grass which became more trampled and apparent as it went west. Ms. Stevens then proceeded in a northerly direction along an arc to the split rail fence between the northwest boundary of Lot 50 and the City of Boulder Open Space. While Ms. Stevens was showing me the "path," she repeatedly said "See it? See it?" I said "you want me to show this as a path?" Ms. Stevens replied very forcefully, "yes." Once I understood what Ms. Stevens was referring to as a "path," I asked her if she wanted me to extend it to Hardscrabble Drive because there was an area of matted grass that went towards Hardscrabble Drive from the area Ms. Stevens had shown me to be the "path." Ms. Stevens told me that I might as well do that. The best defined and discernable part of the "path" that Ms. Stevens showed me was an approximate 25 foot long strip of matted grass and dirt in the middle of the area on Lot 50 that Ms. Stevens indicated to me plus the portion that I suggested extending towards Hardscrabble Drive. This was the area that I had thought looked like a deer trail. The rest of the "path" varied from being barely discernable

even with close inspection to fairly discernable as bent and matted grass. In this affidavit I have referred to path in quotes to identify and distinguish Mr. McLean's and Ms. Stevens' references to a path from what I consider to be as a clearly observable path.

10. Based upon my second site visit, I added to the first survey drawing the woodpile and the "path" Ms. Stevens had indicated as starting from a point on the common boundary of Lots 50 and 51 and proceeding to the west and then northerly to the northwest boundary of Lot 50. I also added the extension of the "path" to Hardscrabble Drive that I had proposed to Ms. Stevens during my second site visit.

11. A day or two after my second site visit, I was in the surveyors' room at Drexel, Barrell & Co., when William Wright walked into the room. Mr. Wright produced a tape recorder, turned it on and placed it in front of me on the large table where I was standing. Mr. Wright then asked me several times, "Path or no path?" I thought Mr. Wright was mad at me. Mr. Wright was forceful and insistent in his questioning of me. I felt that Mr. Wright wanted me to say there was a path. Finally, I said, "path." Mr. Wright then picked up the tape recorder and turned it off. A few days after this Mr. Wright presented me with an affidavit to sign stating that there was a path. Mr. Wright made me place my hand on a Bible and swear to the affidavit. He read the affidavit to me with a tape recorder turned on. After I signed the affidavit, I suggested that we both go out to the site to look for the "path." According to Mr. Wright there was no time. I tried to explain to Mr. Wright that there were certain areas that Edith Stevens had showed me as the "path" that looked more like a path, but according to Mr. Wright it had to be all or nothing, either a path or no path. I was shocked by this whole sequence of events, because I had never before, or after, this been required by anyone at Drexel, Barrell & Co. to make taped or sworn statements about what I observed in making a field survey.

12. In November 2007, after this case was reported in the Daily Camera, I returned to the lots on Hardscrabble Drive to see what had been referred to in the media as "Edie's Path." What I saw shocked me because there was a dramatic change in the "path" that Ms. Stevens had indicated to me on my second visit to the property. In November 2007, "Edie's Path" was clearly visible as a path and what had been matted grass starting from Hardscrabble Drive was a clear dirt path that was clearly visible from Hardscrabble Drive.

Further the Affiant sayeth naught.

Dated this 1 day of February, 2008.


  
William Allen Stone a/k/a Will Stone

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was subscribed and sworn to before me this   1   day of February, 2008 by William Allen Stone a/k/a Will Stone.

Witness my hand and official seal.

My commission expires:   11/13/11  

  
\_\_\_\_\_  
Notary Public