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STATE OF
COLORADO

DIVISION OF RECLAMATION
Eschberger - DNR, AMY Eschberger@state.co.us>

Robinson Sons, Inc. gravel mining permit issues

1 message

David Vigil <davidcvigil@msn.com>

Tue, Aug 9, 2016 at 4:03 PM

To: "amy.eschberger@state.co.us" <amy.eschberger@state.co.us>

Dear Ms. Eschberger:

By way of follow-up to our telephone conversation regarding issues relating to the Robinson Sons, Inc. permit to mine gravel in Las Animas County, Colorado near Weston Colorado, I attach photos in the OneDrive folder below and Purgatoire Valley Construction, Inc.'s estimate of April 2015, of the cost to remove the piled detritus from the fence and property owned by myself and my sister on our property located immediately South of the Robinson mining project on which they have piled the dirt, rock and waste detritus from their mine. I also attach the Stipulated Agreed Judgment entered by the Court on July 11, 2016, establishing that the property South of the original fence line as shown on the Subdivision Plat for Wet Canyon Ranch prepared by Terry surveying on August 5, 2003 is the legal boundary between the Vigil property and Tracts 4 and 5 of Wet Canyon Ranch owned by Robinson Sons, Inc.

As I told you in our telephone conversation, my sister and I were obliged to commence litigation against the Robinsons in order to defend our approximate sixty acres of land South of the historic fence line from adverse claim by Robinsons, or others, threatened by their having buried our fence so that our ranching tenant no longer had the exclusive right and use of our land because of Robinsons' having opened our land to grazing of other bovines from the unfenced, open range of their adjoining parcels. The Robinson family has been long-time residents of the Weston area, several of past generations having served in WWII and having lived near Weston prior to that time. They were well aware of Western ranching customs and practices of respecting long-established fence lines as property boundaries and that property owners fence their property with wire on the outside of their fence posts, so as to prevent large animals from outside the property from downing the wire and requiring frequent repair and restringing the wire. They were also aware that the cedar stake fence posts around our property were placed prior to the early 1950's when steel fence posts became more used. Therefore, they were aware that the land South of the fence belonged to us, not them, as they falsely claimed in their mining permit application. Moreover, their claim in the mining permit application that the fence South of their property was theirs was knowingly false, as they well knew that none of their property was fenced when they purchased it, while ours was entirely fenced on the outside of the cedar stake posts.

In sum, Robinsons had and have now, no right nor authority to use any of the land belonging to myself and my sister, which has been in our immediate family for at least fifty years. Their having trespassed over our fence and onto our land has caused us great damage to date, including the expenses of litigation of approximately \$35,000, lost ranch grazing rentals over the past four years and indefinitely into the future, the cost of removing the dirt, rock and detritus from our fence and land, rebuilding the fence line to it's original location and condition, the cost of having a surveyor locate the position of the original fence line and associated costs and further attorney fees and court costs to be incurred in finally rectifying their intentional and malicious trespass requiring our defense of our property.

I would hope that the performance bond that Robinsons were obligated to place in order to obtain a mining permit would be enforced to assure immediate clean-up and restoration of the detritus which they have spilled over our fence and onto our land to minimize the continuing trespass and ongoing damage to us caused by Robinsons' operations.

If you have any further questions or require any further documentation, please feel free to contact me by telephone, postal mail or e-mail.

Sincerely yours ,

David C. Vigil
7854 S. Algonquian Way
Aurora, CO 80016
(303) 523-4147 (Mobile/VM)
davidcvigil@msn.com

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DIVISION OF RECLAMATION
MINING AND SAFETY

David has a file to share with you on OneDrive. To view it, click the link below.

 Photos folder

2 attachments



Purgatoire Valley Construction estimate.tiff
95K

Stipulated Agreed Judgment.tiff
3625K

**PURGATOIRE VALLEY
PVC
CONSTRUCTION INC.**

117 Pine St.
Trinidad, CO 81082
Phone (719) 846-8449 - Fax (719) 846-2205

April 2, 2015

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AUG 09 2016

Gary Cowan, Attorney at Law
2665 Alder Point
Colorado Springs, CO 80904

**DIVISION OF RECLAMATION
MINING AND SAFETY**

RE: David Vigil/Robinson Boundary Fence Estimate

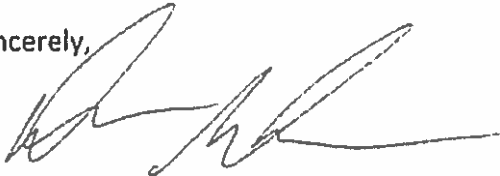
Gary,

Please see the estimate below to remove the dirt pile on David Vigil's boundary fence located in Weston, CO. The length of fence to be uncovered is approximately 400 feet.

Estimate Total: \$33,300.00

Thank you.

Sincerely,



Dean A. Moltrier

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DIVISION OF RECLAMATION
MINING AND SAFETY

DISTRICT COURT, LAS ANIMAS COUNTY, COLORADO Court Address: 200 E. 1 st Street Trinidad, CO 81082 Phone: (719) 846-3316	▲ COURT USE ONLY ▲ Case Number: 2014CV30003 Division: D
Plaintiffs: DAVID C. VIGIL and MARCIA K. VIGIL aka MARCIA VIGIL-KUNICH v. Defendants: ROBINSON SONS, INC., a Colorado Corporation and STEVE R. ROBINSON and DANIEL PHILIP LEE ROBINSON, individually	
STIPULATED AGREED JUDGMENT	

UPON the Stipulation between the parties to this action, that was approved by this Court, IT IS ORDERED, ADJUDGED AND DECREED that Judgment enter in favor of Plaintiffs David C. Vigil and Marcia K. Vigil aka Marcia Vigil-Kunich and against Defendants Robinson Sons, Inc. a Colorado corporation and Steve R. Robinson and Daniel Phillip Lee Robinson, individually as follows:

(1) Plaintiffs shall keep any and all payments actually made by Defendants prior to the default as liquidated damages.

(2) Defendants have forfeited any and all rights to the property claimed by Plaintiffs South of the fence line and that the fence line as shown on the Subdivision Plat for Wet Canyon Ranch prepared by Terry Surveying on August 5, 2003 is the legal boundary between the Vigil property and Tracts 4 and 5 of Wet Canyon Ranch owned by Defendants.

(3) By September 1, 2016, Defendants are Ordered to remove all soil and debris from the fence and restore the fence to its location and condition prior to Defendants actions in burying a portion of said fence. Plaintiffs are entitled to all costs of enforcing the terms of the Stipulation, including reasonable expenses of removing all soil and debris from the fence and to restore the fence to its location and condition prior to

Robinson actions in burying a portion of said fence if Defendants fail or refuse to comply with this Judgment, court costs and attorney's fees, all of which shall be awarded upon motion, which motion shall be resolved pursuant to C.R.C.P. 121 Section 1-22.

ORDERED this _____ day of June, 2016

BY THE COURT:

LESLIE JEAN GERBRACHT
District Court Judge

Attachment to Order - 2014CV30003

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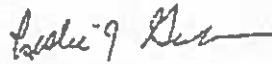
AUG 09 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

DISTRICT COURT, LAS ANIMAS COUNTY, COLORADO	
Court Address 200 East 1st Street, Room 304, Trinidad, CO, 81082	
Plaintiff(s) DAVID C VIGIL et al. v Defendant(s) ROBINSON SONS INC et al.	DATE FILED: July 11, 2016 9:27 AM CASE NUMBER: 2014CV30003 △ COURT USE ONLY △ Case Number: 2014CV30003 Division: D Courtroom
Order: STIPULATED AGREED JUDGMENT	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 7/11/2016



LESLIE JEAN GERBRACHT
District Court Judge