

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Zephyr Minerals' Access to the Dawson Gold Project (P-2013-002)

1 message

Randy and Jeanie Keller <macon1125@gmail.com>

Fri, Sep 13, 2019 at 11:14 AM

To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>

Cc: sean.garrett@fremontco.com, Tim Payne <tim.payne@fremontco.com>

Mr. Cazier,

We are writing regarding the letter from Environmental Alternatives, dated 9/20/19, with respect to Zephyr Minerals' required reclamation for the Dawson Gold Project: (https://dnrweblink.state.co.us/drms/0/edoc/1287339/2019-09-10_INSPECTION%20-%20P2013002.pdf).

The letter addresses access across our property and appears to imply that the access dispute has been resolved by the court. This is not the case, and the access dispute is currently under active litigation. In an effort to reduce some of the litigation costs, we agreed to a stipulation that allows access to authorized personnel only during the course of the litigation. Our agreement to the stipulation in no way grants Zephyr an easement or a permanent right-of-way, and the dispute has neither been heard nor decided by the District Court. We have attached a copy of the Stipulation and Court Order for your records.

Sincerely,
Randy and J. Jean Keller

2 attachments**2019-08-23 09-58-27 Stipulation for Access and Entry Upon Land 0001.pdf**

746K

**Order Approving Stipulation.pdf**

96K

<p>DISTRICT COURT, FREMONT, COLORADO 136 Justice Center Rd Suite 103 Cañon City, CO 81212 (719)269-0100</p> <p>Plaintiff(s): ZEPHYR GOLD USA Ltd.</p> <p>v</p> <p>Defendant(s): RANDY V. KELLER and JERI JEAN KELLER Douglas D. Piersel: MULLANS, PIERSEL & REED, P.C. 1311 North Greenwood Pueblo, Colorado 81003 Phone Number: (719)543-2040 Fax Number: (719)543-6538 Atty. Reg. #: 5879</p>	<p>COURT USE ONLY</p> <p>Case Number: 2019CV30090 Div.: 1</p>
<p align="center">STIPULATION FOR ACCESS AND ENTRY UPON LAND</p>	

COMES NOW the Plaintiff by and through its attorneys, Mullans, Piersel & Reed, P.C. and the Defendants by and through their attorney, Fredrickson Johnson & Belveal LLC who Stipulate to the following.

1. The Plaintiff, and its business invitees, are granted access by the Order of Court over the existing access road that is the subject of the Complaint during the pendency of this litigation or until further orders of the Court. The Defendants agree they shall refrain from interfering with the use of the access road by Plaintiff.
2. The Defendants shall forthwith provide to the Attorney for Plaintiff the lock combination permitting access to the subject road at the point of entry. Should the Defendants change the code to the combination lock during the pendency of this litigation, they shall immediately provide the new code to Plaintiff's attorney.
3. Plaintiff agrees it will not widen, improve or change the existing road until further order of the Court. Plaintiff may maintain the road to keep it in a condition that is accessible to two-wheel drive vehicles. In addition, Plaintiff agrees to notify Defendants, through counsel, of the date and time it intends to perform any such maintenance.
4. Plaintiff agrees it will not provide the code to the combination lock to anyone other than authorized personnel who are acting on behalf of plaintiff.
5. Plaintiff agrees it will not park its vehicles or equipment or the vehicles or equipment of its employees, agents and subcontractors upon the defendants' premises during the pendency of this lawsuit.
6. This order shall remain in full force and effect during the pendency of the litigation or until other Orders of the Court are issued.

7. The parties stipulate that the Court may enter an order approving this Stipulation of the Parties.

WHEREFORE, it is respectfully requested that the Court issue an Order Approving the Stipulation

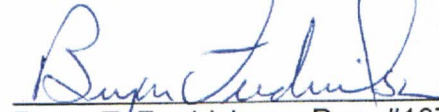
Respectfully submitted this 22nd day of AUGUST, 2019.

Mullans, Piersel & Reed, P.C.



Douglas D. Piersel, Reg. #5879
Attorneys for Plaintiff
1311 North Greenwood
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(719) 543-2040

Fredrickson Johnson & Belveal, LLC



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DISTRICT COURT, FREMONT, COLORADO 136 Justice Center Rd Suite 103 Cañon City, CO 81212 (719)269-0100 Plaintiff(s): ZEPHYR GOLD USA Ltd. v Defendant(s): RANDY V. KELLER and JERI JEAN KELLER	DATE FILED: August 27, 2019 10:13 PM CASE NUMBER: 2019CV30090 <div style="text-align: center;">• COURT USE ONLY •</div> Case Number: 2019CV30090 Div.: 1
ORDER APPROVING STIPULATION	

THIS MATTER COMES before the Court on the Stipulation of the Parties. The Court is duly advised in the premises and after review of the Stipulation

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT THE STIPULATION OF THE PARTIES IS HEREBY MADE AN ORDER OF THE COURT:

1. The Plaintiff, and its business invitees, are granted access by the Order of Court over the existing access road that is the subject of the Complaint during the pendency of this litigation or until further orders of the Court. The Defendants agree they shall refrain from interfering with the use of the access road by Plaintiff.
2. The Defendants shall forthwith provide to the Attorney for Plaintiff the lock combination permitting access to the subject road at the point of entry. Should the Defendants change the code to the combination lock during the pendency of this litigation, they shall immediately provide the new code to Plaintiffs attorney.
3. Plaintiff agrees it will not widen, improve or change the existing road until further order of the Court. Plaintiff may maintain the road to keep it in a condition that is accessible to two-wheel drive vehicles. In addition, Plaintiff agrees to notify Defendants, through counsel, of the date and time it intends to perform any such maintenance.
4. Plaintiff agrees it will not provide the code to the combination lock to anyone other than authorized personnel who are acting on behalf of plaintiff.
5. Plaintiff agrees it will not park its vehicles or equipment or the vehicles or equipment of its employees, agents and subcontractors upon the defendants' premises during the pendency of this lawsuit.

6. This order shall remain in full force and effect during the pendency of the litigation or until other Orders of the Court are issued.

DATED THIS 27th day of August, 2019.

BY THE COURT:



JUDGE