

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. Tejon, P.O. Box 2980 Colorado Springs, CO 80901-2980 Phone: (719) 448-7650	FILED Document CO El Paso County District Court 4th JD Filing Date: Apr 14 2009 2:18PM MDT Filing ID: 24663983 Review Clerk: Donna Maes
Plaintiffs: CHARLES WARNE, et al. Defendants / Third Party Plaintiffs: WOODMEN HILLS COVENANT MANAGEMENT BOARD, et al. and Third Party Defendants: TRAVIS R. HELTON and KAREN E. HELTON	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: right;">Case Number: 2008CV2923</p> <p style="text-align: right;">Division: 5</p>
Attorneys for Defendants: SUSEMIHL, McDERMOTT & COWAN, P.C. Jason W. Downie, Reg # 27256 Geoffrey L. Lindquist, Reg # 38290 660 Southpointe Court, Suite 210 Colorado Springs, CO 80906 Phone Number: (719) 579-6500 Fax Number: (719) 579-9339 E-mail: jdownie@smmclaw.com	
AFFIDAVIT OF CYNTHIA L. VINCELLETTE	

I, Cynthia L. Vincellette, being first duly sworn upon oath, depose and say that:

1. I am the owner of real property in Woodmen Hills legally described as LOT 524 WOODMEN HILLS FILING NO 9 and more commonly known as 8409 Bohleen Road, Peyton, CO 80831.
2. My husband and I closed on the purchase of our home from Melody Homes in January of 2002.
3. Melody Homes' salesperson, Dusty, informed us upon the purchase of our home that the entire Woodmen Hills neighborhood had covenants.
4. Before closing on our lot, Melody Homes presented us a three-ring binder full of information regarding the neighborhood and the covenants that covered our the neighborhood.

5. Dusty also informed us that homes that had not been built in the Woodmen Hills area would all be under similar covenants.

6. Upon the purchase of our home, Melody Homes had us sign a form stating that we had received the three-ring binder full of information and a copy of the covenants.

7. When the Woodmen Hills Metropolitan District began contemplating whether it should help the community regarding covenant enforcement, it sent out numerous notices to the community regarding the matter and requesting volunteers to help. Also, even before the Metropolitan District was involved, the developer of the entire community, Falcon Properties and Investments, sent out information regarding covenant enforcement and requesting volunteers to help.

8. One reason my husband and I left Colorado Springs and moved out to Woodmen Hills was to live in an attractive community with covenant enforcement. We were sick of people in town who would leave their Christmas lights up year-round, park boats and campers in their yards, and with the general lack of care of their homes and property.

9. The conditions in Woodmen Hills are worse than it was in town. I would have never moved here if I had known that homeowners in the community would be so careless regarding the attractiveness, value and cleanliness of the community.

Further affiant sayeth naught.

Cynthia L. Vincelleto
Cynthia L. Vincelleto, Affiant

STATE OF COLORADO)
) ss.:
COUNTY OF EL PASO)

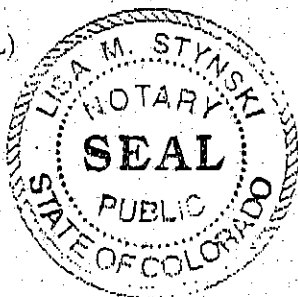
BEFORE ME, the undersigned authority, personally appeared Cynthia L. Vincelleto, who after being first duly sworn, stated that she is the person executing the foregoing Affidavit and that the facts contained therein are true and correct to the best of her knowledge, information, and belief.

Subscribed and sworn to before me this 8th day of April, 2009.

Witness my hand and official seal.

My commission expires: July 31, 2010

(SEAL)



Lisa M. Stynski
Notary Public