DISTRICT COURT, EL PASO COUNTY, COLORADO

Court Address: 270 S. Tejon, P.O. Box 2980

Colorado Springs, CO 80901-2980

Phone: (719) 448-7650

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

Attorneys for Defendants:

SUSEMIHL, McDERMOTT & COWAN, P.C.

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Case Number:

2008CV2923

Division:

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AFFIDAVIT OF PHYLLIS H. ZINN

- I, Phyllis H. Zinn, 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 541 WOODMEN HILLS FILING NO 9 and more commonly known as 8428 Bohleen Road, Peyton, CO 80831.
  - 2. My husband and I purchased our home from Melody Homes in July of 2002.
- 3. During a home-buying search, we fell in love with the Melody Homes models in Woodmen Hills. After walking through the models and touring the community, we knew this would be our new home.
- 4. Melody Homes' salesperson, Dusty, explained the vision of the community and provided a covenant overview to us. We were attracted to the vision of Woodmen Hills that would be a clean, attractive and family oriented community.

- 5. Woodmen Hills has changed a lot in the past six-and-a-half years. In the beginning, people cared about the community and things just seemed nicer. Throughout time, lots began to junk up, people started storing RVs, campers and boats in their yards, weeds grew above knee-high, and it seemed like there was a general lack of pride in the community.
- 6. Since the Woodmen Hills Metropolitan District stepped in to help with covenant enforcement, I am finally seeing a glimpse of the neighborhood I fell in love with.
- 7. When purchasing my home, I was told by Melody Homes that there would be covenant enforcement in the community. I was never told the contrary.
- 8. I have never been approached by Melody Homes or DR Horton for a meeting with other homeowners regarding the dismissal of covenant enforcement.

Further affiant sayeth	naught.				
		1	2		
		Phyllis H.	Zinn, Affian	<b>t</b>	
STATE OF COLORADO	•		$\bigcup$		
COUNTY OF EL PASO	) Ss.: )				

BEFORE ME, the undersigned authority, personally appeared Phyllis H. Zinn, 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 day of April, 2009.

Witness my hand and official seal.

My commission expires: 1/13/2012

(SEAL)

CIMBY VINCELLETTE NOTARY PUBLIC, STATE OF COLORADO Notary Public

The foregoing instrument was acknowledged before me in the County of L. PC.O. State of Colorado. this

Notary Public State of Colorado