

AFFIDAVIT PURSUANT TO C.R.S. § 38-35-109(5)

STATE OF COLORADO)
COUNTY OF LA PLATA) ss.

I, Todd Macon, being first duly sworn, depose and state as follows:

1. I have actual, personal knowledge of each fact stated herein and I am competent to testify to the facts stated in this Affidavit.
2. This Affidavit is made pursuant to the provisions of C.R.S. § 38-35-109(5). My address is 2444 County Road 204, Durango, CO 81301 and I can be contacted about the statements herein through my attorney, Kimberly Perdue, of Southwest Water and Property Law LLC, 679 East Second Ave., Unit 10, Durango, Colorado 81301.
3. The real property that is the subject of and is affected by this Affidavit, together with improvements thereon, situate, lying, and being in the County of La Plata and State of Colorado, is described as follows (the "Property"):

Lot 27 of Block 9 in SKYRIDGE VILLAGE AND ESTATES PLANNED DEVELOPMENT - PHASE 2 FINAL PLAT, according to the plat thereof filed for record September 12, 2000 as Reception No. 792623.

also known by street address as 39 Ophir Drive Durango, Colorado 81301 and as assessor's parcel no. 566522305012.

4. The name of the person and/or entity appearing of record to be the owner of the Property and whose title is affected by the facts set forth in this Affidavit is:

James M. Burger, Trustee of the James M. Burger Trust dated May 14, 1994

5. An "Agreement of 39 Ophir Dr., Durango, CO" (hereinafter "Agreement") was made on October 1, 2019 between and among James Burger, Trustee of the James M. Burger Trust, James Burger individually, and Nancy Burger individually (collectively "Burger"); and Brenda Macon and me, both individually (and collectively "Macon") which provided that Burger and Macon had shared and would continue to share equally in the principal, interest, taxes, insurance, capital expenses, maintenance, and repairs of the Property.