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CITY ATTORNEY

**EIGHTH JUDICIAL DISTRICT COURT,
LARIMER COUNTY,
STATE OF COLORADO**

Court Address:
Larimer County Justice Center
201 Laporte Avenue
Fort Collins, Colorado 80521
Telephone: 970-494-3500

▲ COURT USE ONLY ▲

Contestor/Plaintiff: Larry Sarner,

v.

Contestee/Defendant: City of Loveland;

Indispensable Party: Angela Myers, Clerk and
Recorder of Larimer County;

Party without attorney:

Larry Sarner, *pro se*
711 West Ninth Street
Loveland, Colorado 80521
Telephone: 970-667-7313
larry.sarner@gmail.com

Case Number:

16 CV 230

Courtroom: **5C**

AFFIDAVIT IN SUPPORT OF MOTION TO DEEM BOND SUFFICIENT

I, Larry Sarner, do hereby swear and attest that the following statements are true to the best of my knowledge:

1. I am the Contestor and sole petitioner in case #16CV230 and I am paying for the costs of this action from my own available funds.
2. The Contestee in this case, in several pleadings, has demanded that I post a \$10,000 bond to be heard in this case. Such a bond amount is beyond my

ability to pay, either at the present time or at any time in the foreseeable future. A bond at this level would empty my accounts of all liquid assets.

3. I am personally aware of no offerers of surety bonds who would offer anyone of my means or situation a surety bond for a fee, any fee. I am also unaware of any offerers of surety bonds who would offer a surety bond under the conditions of CRS §1-11-203.5(1).
4. Even if the amount of \$10,000 was not beyond my current financial resources, I believe that I would be imprudent to post a bond at that level. I have a justifiable fear that the the Court might abuse its discretion or fail to recognize that no circumstance could possibly exist in which an award of the bond amount to the Contestee could come to pass in this matter. I believe it is possible that the Court at some future point in time might actually award, in a manner inconsistent with law, all or a substantial portion of the money from the bond amount to the Contestee.
5. The financial benefit I personally may receive directly from a favorable ruling in the subject matter of the present case is nil. Unless I am awarded costs, the case will have cost me hundreds of dollars; that was sufficient consideration to deter me from engaging in frivolity, and to assure that I would pursue (maintain) the contest once started. That is, as I understand, all that was meant by the General Assembly in requiring the bond.
6. On the other hand, I have held, in good faith, a belief that the Contestee City stands to gain from barring this case from going forward, and that gain could amount to hundreds of millions of dollars in taxes paid by me and others, in a manner contrary to law and the state constitution. A potential collective loss of that magnitude to me and my neighbors motivated me to file this case and to expect that the Court would not collude with unreasonable demands from the Contestee that only serves to prevent me from having my day in court.
7. I believe now that a high bond amount was only requested by the Contestee in order to chill me from pursuit of enforcement of TABOR, and thereby obstruct justice in this case.
8. The chilling effect will not be limited to me, the present party affected. I have talked to interested persons, like me of ordinary means, around Colorado who will not attempt to assure free and fair elections through CRS §1-11-203.5 in their communities, or not attempt to enforce TABOR, if the attempts always meet with a bond obstacle by judges collaborating with the taxing authorities.

I fear such widespread chilling will necessarily result in a *de facto* nullification of TABOR's election requirements.

DATED this 2nd day of September, 2016.

Larry Sarner

STATE OF COLORADO)
COUNTY OF LARIMER) SS.

Subscribed and sworn to before me this 2nd day of September, 2016,
by Larry Sarner.

Court Clerk

Certificate of Delivery

I hereby certify that, on September 2, 2016, I have delivered a true and correct copy of the foregoing, by the means indicated, to the following:

(by electronic mail and First Class Mail) (by hand)

Thomas W. Snyder, #33106

Thomas A. Isler, #48472

Kutak Rock LLP

1801 California St. #3000

Denver, CO 80202

thomas.snyder@kutakrock.com

thomas.isler@kutakrock.com

Alicia R. Calderon, #32296

Assistant City Attorney

Civic Center

500 E. 3rd St. #330

Loveland, CO 80537

alicia.calderon@cityofloveland.org

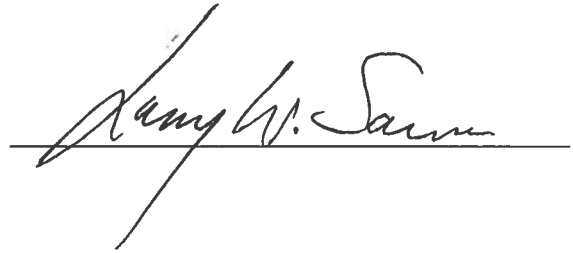
(by hand)

Angela Myers

Larimer County Clerk and Recorder

200 W. Oak St.

Fort Collins, Colo. 80521

A handwritten signature in black ink, appearing to read "Amy W. Sam", is written over a horizontal line.