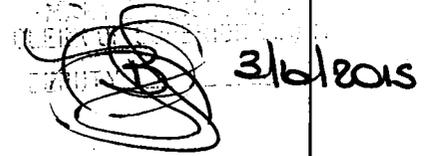


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7 **SUPERIOR COURT OF ARIZONA**
8 **COUNTY OF COCHISE**

9
10 **DANNY R. HATCH, JR. and DENICE R.**
11 **HATCH, husband and wife,**
12 **Plaintiffs,**

13 vs.

14
15 **RONALD J. KLUMP and JANE DOE**
16 **KLUMP, husband and wife, ROY J.**
17 **KLUMP and JANE DOE KLUMP, husband**
18 **and wife, and DAYLA HEAP and JOHN**
19 **DOE HEAP, wife and husband,**

20 **Defendants.**

Case No.: CV201300128

**RONALD A. KLUMP STATEMENT OF
FACT**

21
22 **STATEMENT OF FACT OF RONALD A. KLUMP**

23 Pursuant to Rule 56(c)(2), Ariz.R.Civ.P., Ronald A. Klump, Defendant, submits the
24 following statement of facts in support of Defendants' Motion for Summary Judgment:

- 25 1. I, Ronald A. Klump, currently reside at 3840 N Johnson Saddle Rd., Willcox,
26 Arizona.

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COURT ADMINISTRATION

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2. In the years leading up to the end of 2004, I used the easement on North Sheppard road regularly in order to check water for cattle. There is a water well on the Klump land and every few days someone would have to check and make sure cattle had water in the troughs.
3. Near the end of 2004, I moved to New Mexico. I was away from the Willcox area until April of 2010.
4. In April 2010, I placed a manufactured home on the land and have resided there since.
5. My residence is located on the Klump land in the vicinity of the water well for the cattle.
6. Since I moved there in April of 2010, I am able to check the water for cattle and the need to have someone else access the property has been eliminated.
7. With temporary permission from the gas company, I used the gas line for access to the property to place the manufactured home. I used the gas line because there are fewer sharp turns and it was more accessible for a trailer to place the home.
8. Between April 2010 and December of 2013, I used the gas line for access to my residence.
9. The gas line became very difficult to drive over and the gas company would not allow me to improve the condition in order to continue using it.
10. The gas company has locked access to the gas line and the temporary permission has been revoked. The gas line is no longer an available access point.
11. In December of 2013, I attempted to begin using Sheppard Road for access to my residence.

- 1 12. In an attempt to drive on the easement, late in December 2013, I found the
2 gate on the north end of parcel 32 was locked. A sheriff was called to the
3 location, the sheriff allowed access to the easement for me to drive on.
4
- 5 13. I do not know exactly when the gate was locked for the first time. My first
6 experience attempting to access my residence by way of the easement to find
7 a locked gate was late in December 2013.
- 8 14. For the years between the end of 2004 and December of 2013, I personally did
9 not attempt to use the easement on North Sheppard Road.
- 10 15. For the years between 2004 and 2010, I lived out of the area and had no need
11 to use the easement.
- 12 16. Upon returning to the area in April 2010, I had temporary access using the
13 gas line and had no need to use the easement.
- 14 17. It was not until December of 2013 that a problem arose with access to the
15 easement.
- 16 18. I am currently a tenant under a verbal agreement at 3840 N Johnson Saddle
17 Rd. and I am in discussions with Roy Klump, my brother and owner of the
18 land regarding a possible purchase agreement for some land.
- 19 19. When traveling to my residence from E. Page Ranch Road, I travel south on
20 Sheppard Road, which is an easement beginning at Page Ranch Road and
21 continuing south until Secreto Ranch Road. I then travel west on Secreto
22 Ranch Road, another easement, until I arrive at the entry to my residence.
- 23 20. Even prior to residing at 3840 N Johnson Saddle Road, I had driven on North
24 Shepard Road, including on Parcel 32 for the purposes of, checking the fence
25 line to the adjacent property just to the south of Parcel 32, as well as for other
26 purposes related to ranching and caring for the land just south of Parcel 32.
- 27 21. Currently, North Shepard Road is the only roadway access I have to my
residence.

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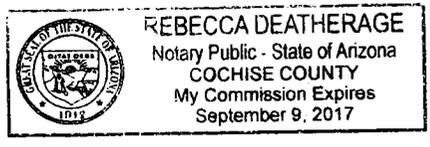
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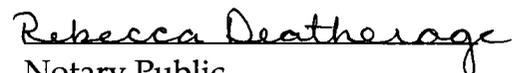
Date



Ronald A. Klump

SUBSCRIBED AND SWORN to before me this March 2, 2015, by Ronald
A. Klump.





Notary Public