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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

RAY M. COLLINS and CAROL J.)
COLLINS,)
Plaintiff,)

vs.)

DAVID W. HALL and MARGARET R.)
HALL Trustees, and their successors in)
trust, of the D & M HALL COMMUNITY)
PROPERTY TRUST, dated March 14,)
2005, and also all other persons or parties)
unknown claiming a right, title, estate, lien,)
or interest in the real estate described in the)
complaint in this action,)
Defendants.)

Case No. 1JU-14-771 CI

PLAINTIFFS' INITIAL DISCLOSURES

Plaintiffs RAY COLLINS and CAROL COLLINS, by and through their attorney Daniel G. Bruce of the law firm of Baxter Bruce & Sullivan P.C., and pursuant to Rule 26(a)(1), Alaska R.Civ.P., hereby submit the following initial disclosures:

A. FACTUAL BASIS FOR PLAINTIFFS' CLAIM.

Plaintiffs are, and at all times relevant herein have been, the owners of the property (hereinafter "the Collins property") described as follows:

Lot 14, Area 1, Colt Island Alaska Recreational Development, according to Plat No. 75-11, U.S. Survey No. 1755, Juneau Recording District, First Judicial District, State of Alaska.

Plaintiffs acquired title to the Collins property by deed dated April 30, 1990 and recorded June 1, 1990 in Book 331 at Page 671 and by deed dated February 12, 2013 and recorded February 13, 2013 at Serial No. 2013-001223-0.

Plaintiffs possess, and at all times relevant herein have possessed, the Collins property and have a right to the possession of it.

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1 Defendants own and possess the land adjacent and contiguous to the Collins
2 property. Defendants are, and at all times relevant herein has been, the owners of the
3 property (hereinafter “the Hall property”) described as follows:

4 Lot 15, Area 1, Colt Island Alaska Recreational Development,
5 according to Plat No. 75-11, U.S. Survey No. 1755, Juneau
6 Recording District, First Judicial District, State of Alaska.

7 Defendants originally acquired title to the Hall property by deed dated July 15, 1994
8 and recorded July 18, 1994 in Book 409 at Page 767, as subsequently conveyed to their
9 trust by deed dated March 14, 2005 and recorded March 14, 2005 at Serial No. 2005-
10 001967-0.

11 The Hall property and Collins property boundaries, as well as platted ingress and
12 egress trails within Colt Island Recreational Development, were surveyed and monumented
13 by J. W. Bean, Registered Land Surveyor No. 3650 (“Bean”) on or about July 2009.

14 The survey monuments put in the ground by Bean have been used by all owners of
15 developed lots within Colt Island Recreational Development other than defendants as a
16 basis for construction of recreational homes and business developments, as well as for
17 establishment of access trails within the subdivision.

18 It is clearly evident that the original home construction by defendants and their
19 predecessors, conformed to the survey monuments established by Bean. However,
20 defendants then constructed a shop-generator building and remodeled the outhouse
21 originally built by a predecessor in title which, according to Bean’s survey monuments in
22 the ground and established long before Defendants began construction, encroach upon the
23 Collins property.

24 Subsequent to such construction, Defendants obtained a survey from R & M
25 Engineering. The Record of Survey by R & M Engineering, filed as Plat No. 2012-32R on
26 December 7, 2012 (“R&M Survey”) places the boundary lines in a different location than
27 what Bean’s survey monuments show.

28 The R&M Survey also shows that Defendants 5’ gravel path travels across the 20’
29 Totem Pole Trail and onto Lot 15, Area 2. Lot 15, Area 2, is where Totem Pole Trail
30 actually exists.

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The R&M Survey therefore substantiates that Totem Pole Trail is actually located approximately twenty feet (20.0') northeasterly of where it is shown on the R&M Survey.

A dispute exists between plaintiffs and defendants concerning the boundary lines of the Collins property. Plaintiffs have had the Collins property surveyed by Bean on two different occasions.

On or about June 28, 2013, Defendants trespassed onto the Collins property and removed the marker establishing the outhouse encroachment, and tampered with personal property located on plaintiffs' property. All of defendants' entry onto the Collins property has been intentional, without privilege and without plaintiffs' consent.

On or about January 25, 1977, protective covenants (hereinafter "protective covenants") were recorded in Book 128 Page 934.

Defendants' outhouse dumps raw sewage directly into a hole in the ground and does not have a self-contained chemical holding tank. Defendants' shop generator building and outhouse have been constructed such that they encroach over the property lines established by Bean and onto the Collins property, and outside of the set-back requirements established in the protective covenants.

B. INDIVIDUALS WITH DISCOVERABLE KNOWLEDGE.

Plaintiffs incorporate by reference any individuals listed by defendants and also include the following individuals and entities:

1. Ray M. Collins
c/o Baxter Bruce & Sullivan P.C.
P.O. Box 32819
Juneau, AK 99803
(907) 789-3166

Mr. Collins is one of the plaintiffs in this action and, as such, has knowledge regarding the facts and circumstances set forth in the pleadings. Attorney-client privilege may apply.

2. Carol J. Collins
c/o Baxter Bruce & Sullivan P.C.
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