


March 21, 2001

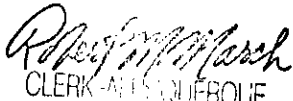
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HC 61 Box 747  
Ramah, NM 87321

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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Charles E. O'Connell Jr., Trial Attorney  
US Department of Justice  
ENRD/Indian Resources Section  
PO Box 44378  
Washington, DC 20026-4378

  
CLERK - ALBUQUERQUE

Re: Docket Number CIV01-0072-BB-WWD  
United States District Court  
District of New Mexico

Dear Mr. O'Connell, Jr.:

Since we are not attorneys, nor are we in the position to be able to pay for attorney's services, we are not sure what is required of us in your statement that we must "answer the complaint" before 60 days from the date designated (21st day of February, 2001).

In the interest of proving our willingness to comply, however, we submit the following:

When we purchased our property in 1984, we were not informed that we did not have water rights. We have a copy of the HUD report as well as a McKinley County Disclosure for the subdivision, i.e. Timberlake Ranch and we cannot find in it any mention of a lack of water rights. In fact, there is a detailed hydrological report to explain the water situation and a warning that we must be prepared to drill our own well. It would seem to us that this report issued by the United States Government has given us implied permission to drill such a well. Indeed, if we had not drilled a well, and hauled water in to our property, we would be under governmental disobedience to the various sanitation laws and violating the Covenants of the Subdivision requirements!

We were never informed that we could not use the ground water. We should never been issued a well permit nor a building permit! We have no desire to deprive our Indian neighbors of their rightful use to the water. If the US Government will reimburse us the \$13,000 for the cost of the well, and the Indian Nations put a meter on said well, we will be happy to pay the going price for water.

Complicating our personal situation is that we have heard that such lawsuits take many years to settle, and we have been advised by our physicians that we need to move to a much lower elevation, and our combined health has deteriorated significantly over the years we have lived here that we need to move to a location near one of our children in order to be given the care we now require.

34


With a lawsuit against us, it will be impossible to pass a clear title to a prospective buyer, even if we should find someone who would want to buy a property so endangered. Would the Government and/or Indian Nations be willing to reimburse us for the total improvements we have put on the property as well as the price we paid for the land? This amount would be about \$140,000. After paying off a present mortgage, the equity remaining is our entire "fortune".

In short, since the Government did nothing to notify nor protect us prior to our purchase of the property, we feel we are entirely innocent in the purchase of the land and the drilling of a well to which we, presumably, are not entitled. We also believe that both of the Indian Nations involved were well-aware of this particular subdivision (some of our neighbors here are members of the Nations), and therefore, should have entered an objection to such subdivision and had signs or other means of notification in place to prevent sales to unknowing and innocent persons, especially those such as us, moving in from other states, who trusted the HUD Report's veracity.

If this letter does not conform to your definition of an "answer to the complaint", please inform us in simple language just what is required.

Please also do us the courtesy to "answer" OUR complaint that it is entirely unjust for the Federal Government to sue (and to pay for and assist other entities to sue) an innocent land-buyer who trusted that same Federal Government's Report to protect them from unscrupulous sub-dividers who sell worthless land and unclear titles. We do not have 40 to 50 years left in which to get this settled so that we can move as our physicians advise.

Yours truly,



Ann Hambleton Beardsley

cc: President George W. Bush  
Senator Pete Domenici  
Senator Jeff Bingaman  
Representative Tom Udall  
Judge Bruce B. Black  
Vicki L. Gabin  
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