

## CITATION 14 CONTINUED

In spite of its standstill agreement with Waldau and subsequent protests by Forester, MBR in November 1998 unilaterally proceeded to bulldoze the way through Waldau's and the Defendant Deborah Forester's property. MBR thereby connected the new roadway to their property by taking down the fence and locked gate at the point of the entry to the Thronas property. See Affidavit of Forester.

Subsequently the Plaintiff continued to use the right of way for all purposes of access to its three (3) parcels via use by tractors, cement trucks, semi trailers, bulldozers, all assortments of pick-ups, cars, workers' vehicles and other commercial vehicles. The Defendant Forester has repeatedly objected to and protested this unilateral and unpermitted road work and use by MBR since that time. See Affidavit of Forester.

In the course of this extension of use of its claimed Easement by MBR; valuable bamboo plantings belonging to the Defendant were destroyed; fence posts were knocked out; cattle gates were bent; the sides of the way were made muddy and impassible; and the way has been expanded to 19' up to 43' in some places. See Affidavit of Forester.

Subsequent attempts to resolve this dispute short of litigation involved several sessions of negotiations. During the course of these negotiations the Plaintiff acknowledged that it was seeking to use this way for access to all three (3) of its parcels which were being dedicated to three (3) separate