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MAY 24 2006

3:08 P.M.

COLORADO TITLE SETTING BOARD

ELECTIONS/LICENSING
SECRETARY OF STATE

In re Title and Ballot Title and Submission Clause for Initiative 2005-2006 #125

MOTION FOR REHEARING

On behalf of Howard Stanley Dempsey, Jr. a registered elector of the State of Colorado, the undersigned hereby moves for a rehearing of the title, ballot title, and submission clause for Initiative 2005-2006 #125, set by the title Board on May 17, 2006, and states as follows:

1. The Petitioner claims that the Title Board is without jurisdiction to set a title because it cannot ascertain the true intent and meaning of the initiative, and therefore it cannot set a title that correctly and fairly expresses the true intent and meaning of the initiative. Merely repeating the language of the initiative does not ensure that voters will be appraised of the true intent and meaning of the initiative.

2. The title and submission clause contain an impermissible catch phrase in the use of the term "fair value."

Respectfully submitted this 24th day of May, 2006.

By: 

Scott E. Gessler

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Attorney for Howard Stanley Dempsey, Jr.

Address of Petitioner:

3110 Alkire St.

Golden, Colorado 80401

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2006, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

John Gorman
Colorado Land Owners for Fairness
P.O. Box 3361
Glenwood Springs, Colorado 81602

John Real
55 Hideaway Lane
Glenwood Springs, Colorado 81601