

Mrs. Betty H. Dick

Testimony
Before the Subcommittee on National Parks
United States House of Representatives

Hearing on H.R. 432, a Private Bill to require the Secretary of Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park
Members of the Subcommittee on National Parks:

Thank you for your kind consideration of my plight. I am here to speak in favor of H.R. 432 and to acquaint you with the reasons why you should vote favorably on it.

I am the widow of George F. Dick (known to his friends and family as Fred), who died in 1992. I am 82 years old and, during the summer months, I live on a 20 acre parcel that is within the boundaries of the Rocky Mountain National Park.

This property was at one time owned by Fred and his former wife, Marilyn. In settlement of Fred and Marilyn's bitter divorce, Marilyn received the property and Fred received a right of first refusal to buy it. Later, without giving Fred his right of first refusal, Marilyn sold the property to the United States Government. When Fred discovered that the property had been sold, he sued Marilyn and the Government, demanding that he be given the right to buy the property under his right of first refusal.

At some point in the middle of the litigation, I married Fred and so I became an interested bystander to the fight and witnessed the events that I want to bring to your attention.

It was after interminable depositions, hearings and the like, and thousands of dollars spent on two law firms that Fred and I, without our lawyers, traveled to Washington, D.C. in November 1979 to see if the case could be settled. In a meeting with various officials representing the Department of Interior, it was tentatively agreed that the case would be settled with Fred and I receiving a life estate in the property.

Our understanding of the agreement reached in Washington, D.C. with the Department of Interior in November 1979 was not mistaken. Shortly after the meeting, on November 26, 1979, the Associate Regional Director of Park Operations at the Rocky Mountain National Park circulated a memo which recounted the November meeting and specifically recited the Department of Interior's recommendation that we were to get a life estate to settle the case. This memorandum, attached as Exhibit A, states as follows:

At this meeting, Mr. Kriz [a Department of Interior official] suggested that from a technical land position, a compromise whereby George and Betty Dick would obtain a life estate on the house, surrounding outbuildings, and a portion of the land seemed to be in order. . . . After discussing this matter with Superintendent Brooks, we concur with Mr. Kriz in the desirability of a life estate compromise.

Papers were drawn to settle the case based upon this agreement that we would have a life estate. Specifically, a Stipulation (Exhibit B) and a Judgment (Exhibit C) were drawn which expressly stated that Fred and I would have a life estate on the property.

But the agreement that we thought we had with the Government was not to be. In August 1980, a draft of settlement papers were received which changed the rights in the property from a life estate to a term of 25 years. When we saw the change, Fred said that he was tired of fighting this four year battle to retain the property and he felt that neither of us would live until the expiration of the 25-year settlement. So he signed it. This final settlement is attached as Exhibit D.

Fred was right about one thing. He would not live so long that there would be a difference between a life estate and a term of 25 years. But I am still here and it makes a difference to me.

At 82, I have a few years of life left. For the last 25 years, I been a good neighbor to the Park and the employees who feel comfortable just dropping in for a cup of coffee or to check on me. I have been heavily involved in the Grand Lake community, making my home and grounds available for several organizations for their summer picnics and cook-outs. I have served on the board of Rocky Mountain Repertory Theater for over five years, two as president. I spent one full summer raising \$100,000 to purchase a cabin complex for housing college students who perform each summer and thus bring a cultural aspect to the community. The Grand Lake City Council is backing my request and I have huge support from the Grand Lake community. As long as my health continues to be good, I intend to continue in these community activities just as

I have in the past. That, is, if I have my home to live in.

I watched litigation that went on for too long and cost too much money. Then, when we thought we had the matter settled, the Government changed the deal. At that point, it was either spend more money on lawyers to fight the Government or take what they would give us. Given that the Government could spend more money on lawyers than we could, it was Fred's decision to take what he could get even though it was different from what had been agreed upon.

I respectfully ask the Subcommittee to consider the fairness the matter and to give me what we agreed on in November 1979. I know a deal is a deal, but sometimes fairness enters into the equation. This is one of those times.

One further thing: For what it is worth, the Government's contention that there was a court order is not true. There was no court order decreeing a 25 year term. There was a settlement and the case was dismissed. I don't think this matters, but apparently someone in the Government does. If it does matter, then the facts ought to control.

I thank you for your consideration and I will respect whatever decision you make.