

**PROFESSIONAL QUALIFICATIONS
DAVID B. CLAYTON**

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EDUCATION

University of Houston College of Law, J.D., 1983

Texas Tech University, B.A. Economics, 1976

DESIGNATIONS, LICENSES, AFFILIATIONS

CRE: Elected to the Counselors of Real Estate, Chairman of the Colorado Chapter

MAI: The Appraisal Institute

AI-GRS: The Appraisal Institute – General Review Specialist

ASA: Member - The American Society of Appraisers, Accredited Senior Appraiser #36726
Elected Member, National Real Property Committee (2004-2005)

FRICS: Elected Fellow to the Royal Institution of Chartered Surveyors

Certified General Appraiser - Colorado Certification Number: CG1315748

Colorado Attorney at Law #14578

Denver Metro Association of Realtors®

Aspen Association of Realtors®

SPEAKING ENGAGEMENTS AND CLASSES TAUGHT

***Proving Value When It Is Hard to Prove**
(January 2024 – ALI-CLE – New Orleans, Louisiana)*

***Eminent Domain 2022**
(October 2022 - CLE International – Denver, Colorado)*

***Eminent Domain 2020**
(September 2020 - CLE International – Denver, Colorado)*

***Eminent Domain 2019**
(April 2019 - CLE International – Denver, Colorado)*

International Right of Way Association
(March 2018 – Eminent Domain Mock Trial – Denver, Colorado)

Colorado Eminent Domain Practice
(November 2017 – Denver, Colorado)

Eminent Domain 2017
(April 2017 - CLE International – Denver, Colorado)

Eminent Domain 2016
(April 2016 - CLE International – Denver, Colorado)

Right of Way and Crossing Agreements for Electric Transmission Lines: A Legal Guide 2016
(March 2016 – Kinetic – Denver, Colorado)

Eminent Domain 101
(November 2015 – Colorado CLE – Denver, Colorado)

Eminent Domain 2015
(April 2015 - CLE International – Denver, Colorado)

Right of Way and Crossing Agreements: A Legal Guide 2015
(March 2015 – Kinetic – Denver, Colorado)

Eminent Domain 2010
(August 2010 - CLE International – Denver, Colorado)

Eminent Domain 2008
(August 2008 - CLE International – Denver, Colorado)

Eminent Domain 2007
(August 2007 - CLE International – Denver, Colorado)

Repositioning Properties
(October 2006 - Colorado Brownfields Conference – Arvada Center, Colorado)

Risk Reduction Strategies for Environmentally Impaired Real Estate
(October 2000 - General Services Administration Conference B Hyannis, Mass.)

Rights of Surface Owners Where There Are Reserved Oil & Gas Rights
(July 1997 - 15th Annual Real Estate Symposium, Colorado Bar Association - Vail, Colorado)

Environmental Issues in Real Estate
(October 1996 - Colorado Society of Certified Public Accountants/Marriott DTC, Denver)

Turning Brownfields into Gold
(September 1996 - NAIOP/Marriott City Center, Denver)

The Colorado Brownfields Policy Forum
(April 1996 - Colorado Convention Center, Denver)

Making Sense of Brownfields Redevelopment: Practical Applications
(March 1996 - Hyatt Regency, Denver)

ARTICLES PUBLISHED

"Contaminated Property" - **The Colorado Springs Business Journal (September 12, 1997).**

"The Dirty Dozen: Twelve Rules for Buying Contaminated Property" - **The Colorado Springs Business Journal (August 1, 1997).**

"Don't Overpay Real Property Tax" - **Colorado Real Estate Journal (May 7, 1997).**

"Challenging Valuations of Contaminated Property" - **The Colorado Lawyer (April 1997).**

"Owners can Challenge Tax Bill When Property Is Contaminated" - **Colorado Real Estate Journal (September 4, 1996).**

EXPERIENCE

Mr. Clayton is currently employed by Clayton and Company, Inc., where he serves as president. Mr. Clayton has over 40 years of experience as a real estate appraiser and consultant. His practice includes an emphasis in the areas of:

Eminent Domain
Tax Assessment Appeals
Bankruptcy Asset Valuation
Construction Defects Cases

Oil and Gas Pipeline Acquisitions
Litigation Support
Properties with Environmental Issues

QUALIFIED EXPERT TESTIMONY – MOST RECENT FOUR YEARS

Mr. Clayton has been qualified as an expert witness and has testified in trial on numerous occasions. Cases in which he has provided sworn testimony as an expert witness in deposition or trial include the following:

1. *Good Funds Lending, LLC v. Westcor Land Title Insurance Company*. Forum Arbitration Dispute Resolution File No. FA1706001737926. Testimony was at an arbitration hearing (July 2018).
2. *The City of Federal Heights v. Suncor Energy Sales Inc., et al*, Adams County District Court Case No. 2017-CV-31266. The testimony was by deposition (July 2018) and trial (August 2018).
3. *United States of America v. 8.11 Acres of Land, More or Less In the County of Grand, Colorado; and Lambright, LLC, et al.*, United States District Court for the District of Colorado, Civil Action No. 1:17-CV-01553-RM-SKC. The testimony was by depositions (October 2018) and (November 2018). Trial testimony was given (October 2019).
4. *James L Parks Elk Creek, LLC, et al v. William H. Wheeler, et al* District Court Rio Blanco County Case No. 2017CV30015. The testimony was by deposition (September 2019) and trial (October 2020).

5. *City of Idaho Springs, Colorado v. Mile 242, LLC, et al*, District Court of Clear Creek County Case No. 2018 CV 30018. The testimony was by deposition (July 2019) and trial (August 2019).
6. *Board of County Commissioners of the County of Adams v. TDSO Holdings, LLC, et al*, District Court of Adams County Case No. 2018CV31658. The testimony was by trial (November 2019).
7. *City of Thornton v. Andrew P. Calerich, et al*, District Court of Adams County Case No. 2018CV32099. The testimony was by deposition (October 2019).
8. *Public Service of Colorado v. William L. Coyle, et al*, District Court of Douglas County Case No. 2018CV30780. The testimony was by deposition (October 2019), pre-trial hearing (December 2019), second deposition (October 2020), Trial testimony (September 2021)
9. *City of Greeley v. Westview Center, LLC, et al*, District Court of Weld County Case No. 2018CV30268. Testimony was by deposition (August 2019).
10. *Transportation Commission & Department of Transportation, State of Colorado v. JRJDK, LLLP, et al*, District Court of Larimer County Case No. 2018CV30757. The testimony was by deposition (November 2019).
11. *Cheyenne Connector Pipeline, Inc. v. Janet Frazier*, District Court of Weld County Case No. 201CV30055. The testimony was at an Immediate Possession Hearing (March 2019).
12. *In Re: 999 Brush Creek Road, LLC EIN: 81-1752575 Debtor-in-Possession*, Case No. 19-16888-JGR Chapter 11, United States Bankruptcy Court for the District of Colorado. The testimony was at trial (November 2019).
13. *Shur View Limited Partnership v. ARB Midstream, LLC, et al*, District Court of Weld County Case No. 2019CV30627. The testimony was in trial (August 2020).
14. *Transportation Commission & Department of Transportation, State of Colorado v. Minglewood, LLC, et al*, District Court in Larimer County Case No. 2019CV30929. The testimony was by deposition (July and August 2020) and trial (September and October 2020).
15. *Johns Manville v. Jefferson County Board of Equalization*, Board of Assessment Appeals State of Colorado, Schedule No. 3000038579, Docket No. 78511. The testimony was at trial (October 2020).
16. *The City of Thornton v. ERN Limited Partnership, et al*, District Court of Weld County Case No. 2020CV30305. The testimony was by deposition (December 2020).
17. *Farina, et al. v. Taylor Morrison of Colorado, Inc.* AAA Case Number: 01-19-0001-5365. The testimony was at arbitration (April 2021).
18. *The City of Thornton v. D & C Farms, LLLP, et al*, District Court of Weld County Case No. 2020CV30419. The testimony was by deposition (May 2021)
19. *The City of Westminster v. R. Dean Hawn Interests, et al*, District Court of Jefferson County Case No. 2020CV30231. The testimony was by deposition (August 2021) and trial (December 2022).
20. *Girard Offices, LLC v. American Zurich Insurance Company*, United States District Court for the District of Colorado Case No. 1:19-cv-03590-PAB-MEH. The testimony was by deposition (July 2021).

21. *City and County of Denver v. Jay C. McGee, et al*, District Court of Denver County Case No. 2020CV34113. The testimony was by deposition (September 2021).
22. *Transportation Commission & Department of Transportation, State of Colorado v. Colorado Youth Outdoors Charitable Trust, et al*, District Court of Larimer County Case No. 2020CV30779. The testimony was by deposition (December 2022).
23. *The City of Arvada v. JTT Holding, LLC, et al*, District Court of Jefferson County, Case No. 2020CV31583. The testimony was by deposition (December 2021) and trial (February 2022).
24. *City of Fort Collins v. Calloway Hill Preserve, LLC*, District Court of Larimer County, Case No. 2021CV30427. The testimony was by deposition (April 2022).
25. *Thornton Development Authority v. Thornton, LLC, et al*, District Court Adams County, Case No. 22CV31024. The testimony was in Immediate Possession Hearing (November 2022), by deposition (January 2024).
26. *Freeway 147, Inc., aka Flying J-511 v. Glass Concrete Construction, Inc.*, District Court South Central Judicial District, Civil No. 30-2018-CV-00214. The testimony was by deposition (November 2022).
27. *Heartland Biogas, LLC v. The Colorado Department of Public Health and Environment, et al*, District Court of Denver County, Case No. 2017CV32604. The testimony was by trial (December 2022).
28. *Charles J. Hogue v. The Hogue Ranch Limited Partnership, LLP, et al.*, Case No. 2021 CV 300091, District Court of Routt County, Colorado. The testimony was by trial (February 2023).
29. *City of Aurora v. Cordillera Corporation, et al.*, Case No. 2021 CV 31277, District Court of Adams County. The testimony was by deposition (May 2023) and trial (July 2023).
30. *Town of Vail v. Vail Corporation, et al*, Case No. 2022CV30193, District Court of Eagle County. The testimony was by deposition (July 2023) and trial (September 2023).
31. *In re: Strudel Holdings, LLC, et al v. AVR AH, LLC et al*, Chapter 11 Case No. 23-90757 (CML), United States Bankruptcy Court for the Southern District of Texas Houston Division. The testimony was by deposition (November 2023) and trial (December 2023).
32. *Barsim, LLC et al v. Andrew J. Doremus, et al*, Case No. 2022CV30032, District Court of Pitkin County. The testimony was by deposition (December 2023).
33. *Thornton Development Authority v. Thornton, LLC, et al*, Case No. 2022 CV 31024, District Court of Adams County. The testimony was by deposition (January 2024) and trial (March 2024)..