

# **EXHIBIT 5**

## DECLARATION OF CLARK ROWLEY

Clark Rowley, under penalty of perjury, hereby declares as follows:

1. I am a gay man and a Plaintiff in this litigation.
2. I am over the age of 21 and competent to give this declaration
3. I was born and grew up in Des Moines, Iowa, where I lived in a loving family until I left for college. I was raised Catholic.
4. I knew from a young age that something about me was different from other boys, because I liked to play the female characters in childhood role-playing games. At puberty, I came to understand that I was sexually attracted to other boys.
5. I was panicked by that realization, because I did not know how to process it, and also because I was afraid of the consequences of revealing it to others. To protect myself from discovery, I actively began pursuing girls.
6. I left Des Moines at age 20 to attend college at Arizona State University in Tempe, AZ.
7. At age 22, I was engaged to marry a woman, despite my strong misgivings that I was being unfair to both her and myself. We broke up before the wedding, and shortly thereafter, I came out to my family and friends as gay.
8. I have worked in the business of resort management in Scottsdale for nearly three decades. I was VP of Operations for a Scottsdale company for 26 years, while simultaneously working as Senior VP of a related management company for many of those years. I now work in time-share resales for a different organization.
9. I have been involved with numerous civic and charitable organizations during my adult life, including twelve years supporting the efforts of

Christel House, a charity that assists impoverished children world-wide through educational outreach and the establishment of schools.

10. In the years prior to meeting David Chaney, I had two serious relationships with men that ultimately did not last.

11. I met David casually several years ago, and got to know him well five years ago when we bonded over our mutual love of backgammon.

12. As our courtship continued, I discovered that I wanted to make a formal declaration of my love and lifelong commitment to David in a ceremony.

13. Because David and I live in Arizona where same-sex marriage is prohibited, we discussed becoming legally married in a state that permits same-sex marriage. Both the realization that an out-of-state marriage would not be honored in Arizona, and our strong desire to marry within our own state, caused us to abandon that idea.



14. As David and I could not marry under Arizona law, we decided instead to have a formal commitment ceremony in Scottsdale. On October 9, 2010, a group of 300 people, including our many friends and both of our strongly supportive families, witnessed our pledge of life-long commitment to one another in a beautiful ceremony in front of the fountains at Scottsdale Civic Center Plaza.



15. We moved in together following that ceremony and merged our finances. We share household responsibilities, celebrate holidays with each other's families, and generally live as other married couples do.

16. David is a Type I diabetic, with the substantial health risks that his illness entails. Scottsdale, where we live, does not have an ordinance guaranteeing same-sex couples the ability to visit one another in the hospital or act on each

other's behalf in a health emergency. If David were to become ill and need to be hospitalized near our home, I do not know whether I would have any say in his treatment, or even be able to see him, despite our wishes.

17. Every day that Arizona refuses to grant us access to marriage in this state where we have both lived for decades is a day that our family suffers the indignity, stress and stigma of not knowing when or how our relationship will be recognized. Unlike opposite-sex couples who know that their marriage will be universally respected by both governmental and private actors, Arizona's constitutional and statutory denial of same sex marriage means that whatever recognition our relationship gets is due to the forbearance and good graces of private actors.

18. In January 2014, I agreed to become a Plaintiff in this litigation to nullify what I firmly believe to be Arizona's illegal, discriminatory marriage laws.

*Pursuant to 28 U.S.C., section 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.*

Executed: 3/24/14

Clark Rowley  
Clark Rowley  
Scottsdale, AZ