

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401	<b>FILED Document</b> <b>CO Jefferson County District Court 1st JD</b> <b>Filing Date: Jan 24 2011 1:54PM MST</b> <b>Filing ID: 35541063</b> <b>Review Clerk: Beth B</b>
IN RE THE MATTER OF FOOTHILLS PARK AND RECREATION DISTRICT	▲ COURT USE ONLY ▲
Plaintiffs-Intervenors (s): SIXTH AVENUE WEST ESTATES MASTER ASSOCIATION; ANDREW BURT; JAMES McKINNEY and DEBBIE ZUCKER  Defendant(s): FOOTHILLS PARK AND RECREATION DISTRICT	Case Number: 59 CV13987  Div.: 4
ATTORNEYS FOR PLAINTIFFS-INTERVENORS:  HOLLEY, ALBERTSON & POLK, P.C. Eric E. E. Torgersen #16245 1667 Cole Boulevard, Suite 100 Lakewood, Colorado 80401 Telephone: (303) 233-7838 Fax: (303) 233-2860 E-mail: eet@haplaw.net	
<b>STIPULATED MOTION TO DISMISS CLAIMS WITH PREJUDICE</b>	

**COME NOW** the parties, by and through their undersigned counsel of record, and pursuant to C.R.C.P. 41, move the Court the dismissal all claims and causes of action asserted by Plaintiffs-Intervenors Sixth Avenue West Estates Master Association, Andrew Burt, James McKinney and Debbie Zucker (collectively, "Plaintiffs-Intervenors"), with prejudice, each party to bear his, her or its own costs and attorney's fees, and **AS GROUNDS THEREFOR**, state:

1. Plaintiffs-Intervenors filed a Motion to Intervene and Complaint in Intervention on December 21, 2009, Transaction 28601244. This Court granted Plaintiff-Intervenor's Motion to Intervene by an Order dated January 14, 2010, Transaction 29039969.


2. Pursuant to this Court's Order, this Court accepted Plaintiffs-Intervenors' Complaint in Intervention, Transaction 29039969. Defendant Foothills Park and Recreation District



("District") answered the Complaint. The District does not assert any counterclaims against Plaintiffs-Intervenors.

3. Plaintiffs-Intervenors and the District stipulate and agree to the dismissal of all of Plaintiff-Intervenor's claims asserted in this action, each party to bear his, her or its own costs and attorneys fees.

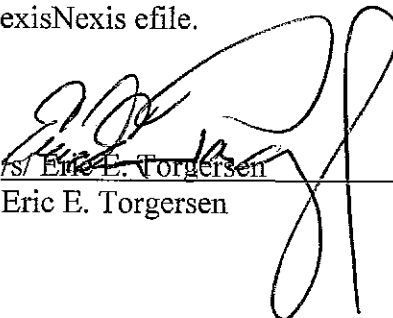
**WHEREFORE**, the parties pray that the Court dismiss Plaintiffs-Intervenors' claims in this action with prejudice, each party to bear his, her or its own costs and attorney's fees, and for such other and further relief as the Court deems just and proper.

<p>HOLLEY, ALBERTSON &amp; POLK, P.C.</p>  <p>By: <del>/s/ Eric E. Torgersen</del> Eric E. Torgersen #16245 Attorneys for Plaintiffs/Intervenors 1667 Cole Boulevard, Suite 100 Lakewood, Colorado 80401 Telephone: (303) 233-7838</p>	<p>PAUL C. RUFEN, P.C.</p> <p>By: <del>/s/ Paul C. Rufien</del> Paul C. Rufien #19948 Attorneys for Defendant 9818 South Clairton Lane Highlands Ranch, Colorado 80126 Telephone: (303) 779-0200</p>
---	--

*In accordance with C.R.C.P. 121 § 1-26(9), a printed copy of this document with original signatures is being maintained by the filing parties and will be made available for inspection by other parties or the Court upon request.*

**CERTIFICATE OF SERVICE**

I, Eric E. Torgersen, Attorney at Law, do hereby certify that on January 24, 2011, a true and correct copy of the within **STIPULATED MOTION TO DISMISS CLAIMS WITH PREJUDICE** was served on counsel of record by LexisNexis efile.



~~/s/ Eric E. Torgersen~~  
Eric E. Torgersen