



September 28, 2010

Foothills Park & Recreation District  
6612 S. Ward Street  
Littleton, Colorado 80127

Dear Board of Directors:

This letter is in response to your September 16th letter. The Mesa View board is disappointed by your refusal to discuss disposition of Estates Park without a dismissal of an unrelated lawsuit pertaining to what we believe was an illegal redistricting. We have been advised that there is no legal basis for Foothills to hold negotiations regarding the park hostage in order to force Mesa View to dismiss the pending lawsuit.

Please let us know what other issues are Foothills unwilling to speak with its members about in the event unrelated litigation is commenced. We think all of your members would be interested in such information.

That said Mesa View will not be deterred from its efforts to work in good faith and to try to ensure fair treatment by Foothills Park and Recreation District. To that end, we agree to dismiss the pending lawsuit, with each side to pay its own costs and attorney's fees as indicated in the enclosed dismissal stipulation, if you will follow through with your agreement to negotiate in good faith with Mesa View regarding control of Estates Park and the District's financial contribution.

We look forward to hearing from you.

Regards,

Mesa View Estates  
By: Andrew Burt, President

BW/ck

Cc: Paul Rufien, Legal Counsel  
Scott Albertson, Legal Counsel

Enclosure: Stipulation

9250 W. 5th Avenue  
Lakewood, CO 80226

phone 303.233.4646

fax 303.233.1018


DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401	
IN RE THE MATTER OF FOOTHILLS PARK AND RECREATION DISTRICT  Plaintiffs-Intervenors (s): SIXTH AVENUE WEST ESTATES MASTER ASSOCIATION; ANDREW BURT; JAMES McKINNEY and DEBBIE ZUCKER  Defendant(s): FOOTHILLS PARK AND RECREATION DISTRICT	▲ COURT USE ONLY ▲  Case Number: 59 CV13987  Div.: 4
ATTORNEYS FOR PLAINTIFFS-INTERVENORS:  HOLLEY, ALBERTSON & POLK, P.C. Scott D. Albertson #8022 Melissa R. Meitus #40445 1667 Cole Boulevard Building 19, Suite 100 Golden, Colorado 80401 Telephone: (303) 233-7838 Fax: (303) 233-2860 E-mail: <a href="mailto:mrm@haplaw.net">mrm@haplaw.net</a> E-mail: <a href="mailto:sda@haplaw.net">sda@haplaw.net</a>	
<b>STIPULATION FOR DISMISSAL</b>	

COME NOW the parties, by and through their respective counsel, and enter into the following Stipulation for Dismissal in this action.

1. The parties stipulate and agree that this action should properly be dismissed without prejudice.
2. Each party shall pay their own costs and attorneys' fees.

WHEREFORE, the parties request that the Court enter an Order approving this Stipulation and dismissing this action without prejudice.

HOLLEY, ALBERTSON & POLK, P.C.

BY:   
SCOTT D. ALBERTSON  
Scott D. Albertson 8022  
Attorneys for Plaintiffs - Intervenors

PAUL C. RUFEN, P.C.

BY: PAUL C. RUFEN  
Paul C. Rufen 19948  
Attorneys for Foothills Park and  
Recreation District

*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.*

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401	
IN RE THE MATTER OF FOOTHILLS PARK AND RECREATION DISTRICT  Plaintiffs-Intervenors (s): SIXTH AVENUE WEST ESTATES MASTER ASSOCIATION; ANDREW BURT; JAMES McKINNEY and DEBBIE ZUCKER  Defendant(s): FOOTHILLS PARK AND RECREATION DISTRICT	▲ COURT USE ONLY ▲  Case Number: 59 CV13987  Div.: 4
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<b>ORDER</b>	

THIS MATTER coming for hearing on the Stipulation for Dismissal presented to the Court by the parties, and the Court having reviewed said Stipulation DOTH HEREBY ORDER, ADJUDGE AND DECREE as follows:

1. This action shall be and is hereby dismissed without prejudice.
2. Each party shall pay their own costs and attorneys' fees.

DONE IN GOLDEN, COLORADO, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

BY THE COURT:

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Judge