

Common Area AA-5 of the Refiling Plat of Rockrimmon Subdivision Golden Hills Filing No. 1 recorded February 22, 1972, Plat Book U-2 at Page 59, Reception No. 864622 (“Tract AA-5”).

3. There may be persons interested in the subject matter of this action whose names cannot be inserted herein because said names are unknown to Plaintiffs although diligent efforts have been made to ascertain the names of said persons; such persons have been made Defendants and designated as “all unknown persons who claim any interest in the subject matter of this action”; so far as Plaintiffs’ knowledge extends, the interests of the unknown parties are derived through the Golden Hills Homeowners Association or some other of the named Defendant.

Venue

4. The facts set forth in this Complaint involve real property located in El Paso County, Colorado. Venue is proper pursuant to C.R.C.P. 98.

General Allegations

5. Plaintiffs purchased the Property in 1986.

6. On information and belief, improvements to the Property including a house, landscaping, and sprinkler systems were constructed in 1974.

7. In 1987, Plaintiffs fenced portions of the landscaped area.

8. Since purchase, Plaintiffs have continuously occupied and maintained the Property including the landscaped area.

9. Recently, Plaintiffs discovered that portions of their improvements including a landscaping, fence and areas maintained by them occupy portions of Tract AA-5, which occupation has continued in excess of 18 years (“Areas of Occupation”). The Areas of Occupation are depicted by the attached survey, Exhibit 1.

FIRST CLAIM FOR RELIEF
QUIET TITLE C.R.C.P. 105

10. Plaintiffs reallege and incorporate by reference the allegations set forth above.

11. Plaintiffs and their predecessors in title have been in actual physical possession of portions of Tract AA-5 in excess of 18 years.

12. Plaintiffs and their predecessors in title occupied portions of Tract AA-5 adversely to the HOA.

13. Plaintiffs and their predecessors in title have claimed portions of Tract AA-5 as their own, which claim has been exclusive and uninterrupted for a period in excess of 18 years.

14. Upon current information and belief, title to the Areas of Occupation vested in Plaintiffs on or about 1992.

15. The Defendants claim some right, title, or interest in and to the Property adverse to Plaintiff; and the claims of said Defendants are without foundation or right.

WHEREFORE, Plaintiffs pray for a complete adjudication of the rights of all parties to this action with respect to the Property; for a decree requiring the Defendants to set forth the nature of their claims, determining that the Defendants, and each of them, have no interest, estate or claim of any kind whatsoever in the Property, forever barring and enjoining the Defendants from asserting any claim or title thereto, quieting the title of the Plaintiffs in and to the Property and adjudging that the Plaintiffs are the owners in fee simple and entitled to possession of the Property; and for such other relief as the Court may deem proper.

Dated this 27th day of June, 2008.

DEBRA L. FORTENBERRY, P.C.

/s/ Debra L. Fortenberry

By: _____

Debra L. Fortenberry (#25114)
Attorney for Plaintiffs
660 Southpointe Court, Suite 210
Colorado Springs, CO 80906
Telephone: (719) 576-4030

Plaintiffs' Address:

Michael Colgate and Barbara Colgate
6450 Arequa Ridge Lane
Colorado Springs, CO 80919-1907

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. Tejon, P. O. Box 2980 Colorado Springs, CO 80901-2980 Phone Number: (719) 448-7650	EFILED Document CO El Paso County District Court 4th JD Filing Date: Jul 1 2008 10:42AM MDT Filing ID: 20469854 Review Clerk: Sharon Robinson
Plaintiffs: MICHAEL COLGATE and BARBARA COLGATE vs. Defendants: GOLDEN HILLS HOMEOWNERS ASSOCIATION, a Colorado Nonprofit Corporation, and all unknown persons who claim any interest in the subject matter of this action	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: _____ Div. _____
Debra L. Fortenberry #25114 DEBRA L. FORTENBERRY, P.C. <i>Attorneys for Plaintiffs</i> 660 Southpointe Court, Suite 210 Colorado Springs, CO 80906 Phone Number: (719) 576-4030 FAX Number: (719) 579-9339 E-mail: debra@lawsolutionspc.com	
NOTICE OF LIS PENDENS	

This Lis Pendens is recorded to give notice that an action has been commenced by the Plaintiffs against the Defendants in connection with a civil action and other related documents affecting title to the following described real property:

Common Area AA-5 of the Refiling Plat of Rockrimmon Subdivision Golden Hills Filing No. 1 recorded February 22, 1972, Plat Book U-2 at Page 59, Reception No. 864622

Dated this 27th day of June 2008.

Respectfully submitted,

DEBRA L. FORTENBERRY, P.C.

/s/ Debra L. Fortenberry

By: _____
 Debra L. Fortenberry (#25114)
Attorney for Plaintiffs

LAND SURVEY PLAT

LOT 98 OF THE REFILEING PLAT OF ROCKRIMMON SUBDIVISION
 GOLDEN HILLS FILING NO. 1
 6540 AREQUA RIDGE LANE, PID#6818201002

BEING A PART OF
 THE NORTHWEST QUARTER OF SECTION 18
 TOWNSHIP 13 SOUTH RANGE 66 WEST
 OF THE 6th PRINCIPAL MERIDIAN
 COUNTY OF EL PASO, STATE OF COLORADO

LAND SURVEYOR'S NOTES

- This survey was effected subject to the benefit of a record 8th National Standard. This Standard is intended to be a guide to the surveyor in the execution of his duty and is not intended to be a standard of accuracy.
- The survey was made in accordance with the provisions of the statute in force at the time of the survey.
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LAND SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly Licensed Professional Land Surveyor in the State of Colorado, do hereby certify that the foregoing is a true and correct copy of the original record of the survey as the same appears on the books of the State of Colorado, and that the same was made in accordance with the provisions of the statute in force at the time of the survey.

BY: W. A. BISHOP, S.L.S. No. 2288

CLERK AND RECORDERS CERTIFICATION


The Clerk and Recorder of El Paso County, Colorado, do hereby certify that the foregoing is a true and correct copy of the original record of the survey as the same appears on the books of the State of Colorado, and that the same was made in accordance with the provisions of the statute in force at the time of the survey.

FILE NO. _____ DATE OF FILING _____

DEPUTY FILE NO. _____ DATE OF FILING _____

BY _____

PROFESSIONAL LAND SURVEYOR FOR



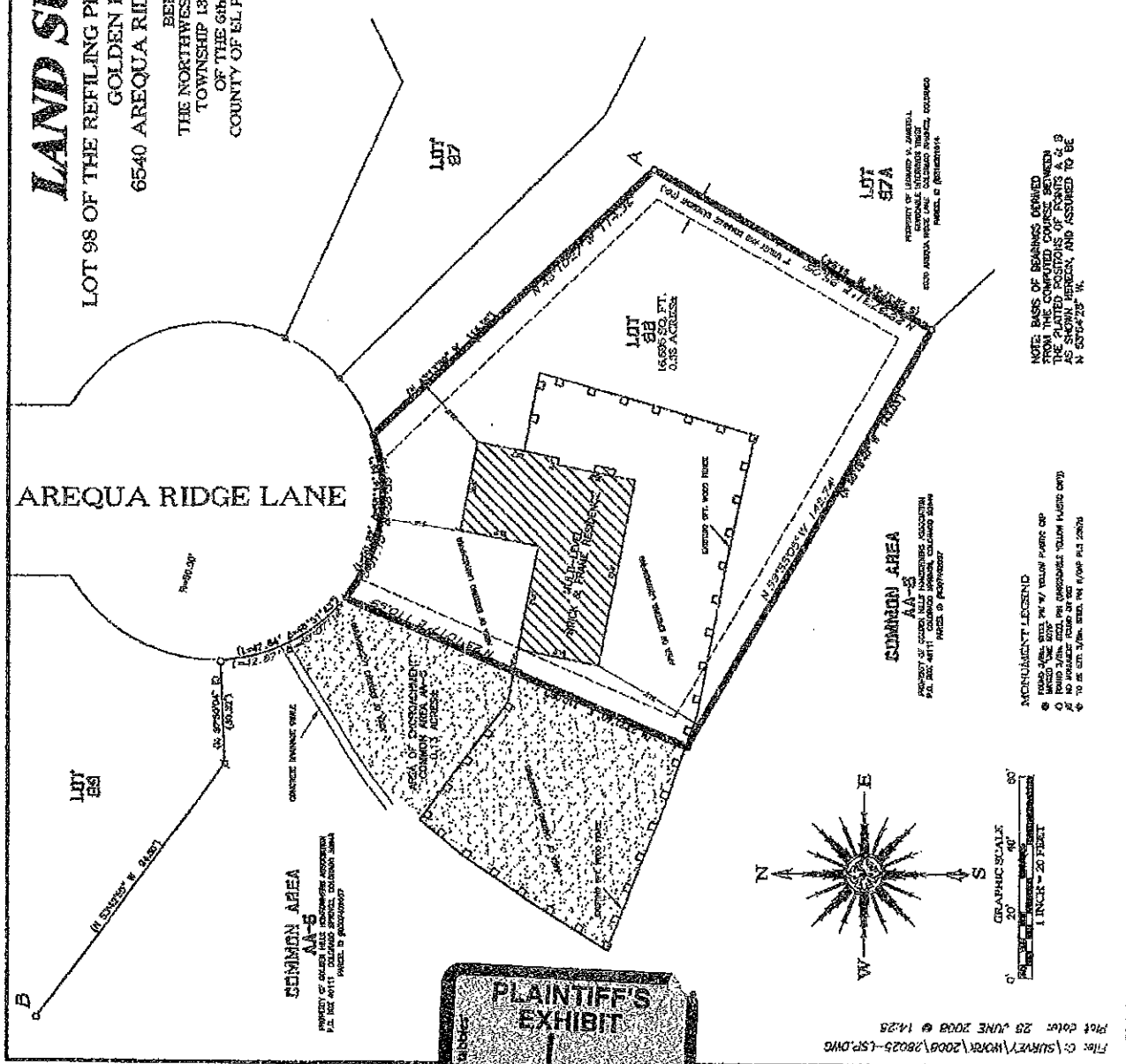
BEING A PART OF THE NORTHWEST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN COUNTY OF EL PASO, STATE OF COLORADO

LAND SURVEYOR'S PLAT

BEING A PART OF THE NORTHWEST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN COUNTY OF EL PASO, STATE OF COLORADO

FILE NO. _____ DATE OF FILING _____

DEPUTY FILE NO. _____ DATE OF FILING _____



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