

<b>El Paso County, CO, District Court</b> Court address: <b>P.O. Box 2980</b> <b>270 S. Tejon</b> <b>Colorado Springs, CO 80901-2980</b> Phone Number: <b>(719) 448-7650</b>	EFILED Document CO El Paso County District Court 4th JD Filing Date: Jun 9 2009 4:57PM MDT Filing ID: 25574607 Review Clerk: Lisa Bivings <b>Court Use Only</b> <hr/> Case Number 08CV3403  <b>Division 13 Courtroom 404</b>
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	MOTION IN THE ALTERNATIVE TO DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES OR TO REQUIRE JOINDER

The court has reviewed the Motion, Response and Reply and **Orders:**

1. The Motion to Dismiss is Denied as premature.
2. The members of the Association have a recorded interest in the property.  
Therefore, pursuant to C.R.C.P. 105 (b) and 19 (a) they must be joined in this action.
3. Plaintiff shall amend to join not later then July 15, 2009

Done this 9th day of June, 2009.

BY THE COURT:



Timothy J. Simmons  
District Court Judge