

DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way Castle Rock, Colorado 80109-7546	
IN THE MATTER OF: COLORADO HORSE PARK METROPOLITAN DISTRICT	▲ COURT USE ONLY ▲
Attorneys for the Division of Local Governments: PHILIP J. WEISER, Attorney General EMILY BUCKLEY, No. 43002* Assistant Attorney General LINDSEY KNAPTON, No. 52531* Assistant Attorney General Fellow 1300 Broadway, 6 th Floor Denver, CO 80203 Telephone: (720) 508-6403, (720) 508-6189 Email: emily.buckley@coag.gov lindsey.knapton@coag.gov *Counsel of Record	Case No. 2010CV3048
PETITION FOR ORDER AND CERTIFICATION OF DISSOLUTION OF SPECIAL DISTRICT	

COMES NOW the Division of Local Government (“the Division”) of the Colorado Department of Local Affairs, by and through the Colorado Attorney General and undersigned counsel, and petitions the Court to certify the Division’s Declaration of Dissolution of the Colorado Horse Park Metropolitan District. As grounds for this petition, the Division states as follows:

1. The Colorado Horse Park Metropolitan District (“the District”) is a quasi-municipal corporation and political subdivision organized pursuant to the provisions of Article 1 of Title 32, C.R.S, the “Special District Act.”
2. Colorado law requires that Title 32 special districts file certified copies of their annual budgets with the Office of the Division of Local Government of the Department of Local Affairs, conduct and file an annual audit of its financial statements with the state auditor, and hold or properly cancel elections. §§ 29-1-108, 29-1-601 to 608, and 32-1-801 to 835, C.R.S., respectively.
3. The Division has not received a copy of the District’s budget or annual audit of its financial statements for the past two consecutive years, nor has the Division received a certification of the District’s election results from the most recent regular election.
4. Pursuant to § 32-1-710(2)(a), C.R.S., the Division is authorized to declare a special district dissolved if the district has failed to demonstrate to the Division that the district has performed its statutory or service responsibilities or will proceed to perform such responsibilities. Pursuant to § 32-1-710(2)(b), C.R.S., there is a presumption of such failure

if the district has failed to hold or properly cancel an election, no board has been appointed pursuant to § 32-1-905(2.5), C.R.S., and there will be no interruption of services being provided by the district.

5. The Division believes administrative dissolution of the District pursuant to § 32-1-710, C.R.S. is appropriate, because the District has failed to hold or properly cancel an election and has not provided or attempted to provide any of the services or facilities for which the District was organized for two consecutive years and because the District has not responded to the Division's letter informing the District of the Division's intent to dissolve it.
6. Pursuant to § 32-1-710(1), C.R.S., the Division notified the District by first-class certified mail of the Division's intent to certify the District dissolved. Copies of the Notice and certified mail receipt numbered 7003-3110-0003-1642-3855 are attached hereto as **Exhibit 1**, at pages 4, 6. More than thirty days have passed since the Division notified the District of its intent to certify the District dissolved, during which time the District has not objected and has failed to demonstrate to the Division that the District has performed or will proceed to perform its statutory and/or service responsibilities.
7. The Division has declared the District dissolved. The Division's Declaration of Dissolution is filed with this Court contemporaneously with this Petition as **Exhibit 1**, at pages 1-3.
8. The Division has provided notice of its application to this Court for certification of the Division's Declaration of Dissolution by sending true and complete copies of this Petition and the Declaration of Dissolution, by first-class U.S. mail to the interested parties listed on the attached Certificate of Service in accordance with § 32-1-710(3), C.R.S.

The Division respectfully petitions the Court for certification of the dissolution of the Colorado Horse Park Metropolitan District and for an Order disposing of any of the assets of the District in accordance with § 32-1-708, C.R.S. Pursuant to § 32-1-801(3), the Division respectfully requests that the Court "make a determination on the division's declaration within thirty days after the declaration has been submitted."

Dated this 17th day of January, 2019.

PHILIP J. WEISER
Attorney General

s/ Emily B. Buckley

EMILY B. BUCKLEY*

Assistant Attorney General

LINDSEY KNAPTON*

Assistant Attorney General Fellow

Public Officials Unit

State Services Section

Attorneys for the Colorado Department of Local

Affairs, Division of Local Governments

*Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2019, I served the foregoing *Petition for Order and Certification of Dissolution of Special District* and *Declaration of Dissolution* to the interested parties herein pursuant to § 32-1-710(3), C.R.S. by causing true and complete copies of same to be served via Colorado Courts E-Filing or via U.S. mail, first-class postage prepaid at Denver, Colorado, addressed to each of the following:

Board of Commissioners
Douglas County
100 3rd Street
Castle Rock, CO 80104

County Assessor
Douglas County
301 Wilcox Street
Castle Rock, CO 80104

Beverly A. Rampy
Brian D. Curry
Helen E. Kriebel
Evans Legal Group
11479 S. Pine Dr.
Parker, CO 80134

Jeffrey E. Erb
Geoffrey S. Combs
Seter & Vander Wall
7400 E. Orchard Rd., 3300
Greenwood Village, CO
80111

Douglas County Clerk &
Recorder
100 3rd Street
Castle Rock, CO 80104

Kristen Bear
Colorado Horse Park
Metropolitan District
2154 Commons Avenue
Suite 2000
Centennial, CO 80122

s/ Emily B. Buckley

DECLARATION OF DISSOLUTION

Pursuant to § 32-1-710, the Director of the Division of Local Government (the "Division") declares as follows:

1. Colorado Horse Park Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the state organized in 2010, pursuant to the provisions of Article 1 of Title 32, C.R.S., the "Special District Act."
2. Colorado law requires the Division to notify a district of the Division's intent to certify a district dissolved if, inter alia, "[t]he district has not provided or attempted to provide any of the services or facilities for which the district was organized for two consecutive years" and "the district has no financial obligations." Subparagraph 32-1-710(1)(a)(IV) and Paragraph (1)(b), respectively.
3. According to the Division's records and research, the District:
 - Has failed to hold or properly cancel, pursuant to Article 1 of Title 32, both the May 3, 2016, and the May 8, 2018, regular elections;
 - Has failed to adopt a budget pursuant to section 29-1-108 C.R.S. for at least two consecutive years;
 - Has failed to conduct and file an annual audit of its financial statements in compliance with Part 6 of Article 1 of Title 29 for two consecutive years;
4. The Division notified the District of the Division's intent to certify the District dissolved by certified mail, return receipt number 7003-3110-0003-1642-3855 on October 26, 2018, to the last available address the District supplied to the Division per requirements of § 32-1-104(2) and published in the inventory of local government entities maintained pursuant to § 24-32-116 (see Exhibit A and Exhibit B).
5. More than 30 days have passed since the Division notified the District of its intent to certify the District dissolved.
6. The Division received the certified mail return receipt on November 6, 2018, (see Exhibit C).
7. The District has failed to demonstrate to the Division that it has provided or attempted to provide any of the services or facilities for which the District was organized for at least two consecutive years.
8. Based upon review of the most recent available submission of the District's financial statements to the Office of the State Auditor, the District has been found to have no outstanding financial obligations as recognized by the Division. Additionally, the District did not respond to the Division's request within the notice of intent to dissolve.

9. There has been no evidence provided to the Division which indicates dissolution of the District will result in interruption of services to the area encompassed by the District.

Therefore, according to the authority of the Division of Local Government to dissolve special districts by administrative action pursuant § 32-1-710, C.R.S., the Division hereby declares Colorado Horse Park Metropolitan District to be dissolved.

Furthermore, the Division hereby requests that the Colorado Attorney General file a Petition for Order and Certification of Dissolution of Colorado Horse Park Metropolitan District with the District Court, Douglas County, Colorado; and if the Court determines the District to be qualified for administrative dissolution as required by law, the Court enter an Order and Certification of Dissolution dissolving the District and direct said Order and Certification of Dissolution be filed by the Clerk of the Court with the county or counties in which the District is located and with the Division in accordance with § 32-1-707(5) C.R.S.

Dated this *Tuesday, December 11, 2018*



Chantal Unfug, Director
Division of Local Government
Colorado Department of Local Affairs

CERTIFICATE OF SERVICE

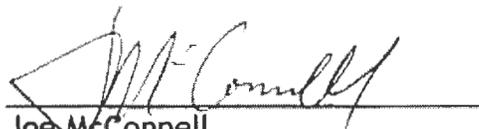
I hereby certify that on the day of December 11, 2018, I served the within *DECLARATION OF DISSOLUTION* to the parties herein by depositing a true and complete copy of same in the United States mail, first-class postage prepaid at Denver, Colorado, addressed to each of the following:

Board of Commissioners
Douglas County
100 3rd St.
Castle Rock, CO 80104

County Clerk and Recorder
Douglas County
100 3rd St
Castle Rock, CO 80104

County Assessor
Douglas County
301 Wilcox St.
Castle Rock, CO 80104

Kristen Bear
Colorado Horse Park Metro. District
2154 Commons Ave
Suite 2000
Centennial, CO 80122



Joe McConnell
Local Government Services
Division of Local Government
Department of Local Affairs



October 23, 2018,

Kristen D. Bear
2154 E. Commons Ave., Suite 2000
c/o White Bear Ankele Tanaka & Waldron
Centennial, CO 80112

Ms. Bear/to whom it may concern,

This notice concerns Colorado Horse Park Metropolitan District, LGID No. 66253.

In accordance with Colorado Revised Statute 32-1-710, the Division of Local Government (the "Division") is notifying the District of its intent to declare Colorado Horse Park Metropolitan District (the "District") dissolved.

Based upon the information available to the Division, it appears:

- The District did not hold or properly cancel the May 3, 2016, regular election
- The District did not hold or properly cancel the May 8, 2018, regular election
- The District has no outstanding financial obligations
- The District does not provide services

If any of the information in this correspondence is incorrect, please contact the Division no later than thirty (30) days from receipt of this certified notice. Following this period, the Division will make a Declaration of Dissolution and move to request an order of dissolution from the applicable district court.

Sincerely,

Joe McConnell
Division of Local Government

Cc: Douglas County BOCC, Clay Brown (Division)



Name: Colorado Horse Park Metropolitan District Duplicate Name

Basic | Boundary | Budget | Contact | County | CTF | Director | Election | Finance | Service | Subdist | Tracking | Docs

Sync. Address?

Contact Type: Official DLG Contact Certified: [] Updated On: 07-26-18 10:52 Updated By: MRUSH

Name: [] Kristen [D] [] Bear [] Esq

Title: General Counsel

Mailing Address: 2154 E Commons Ave, Suite 2000 [Copy to Clipboard](#)

Alt. Address: c/o White Bear Ankele Tanaka & Waldron

Mailing City State ZIP: Centennial CO 80122

Work Phone: 303-858-1800 Fax: []

Email Address: [] User ID: EF66253KPA Assign

Contact # 1 of 1

Exhibit B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kristen D. Bear
 2154 E. Commons Ave., Suite 2000
 Centennial, CO 80112



9590 9402 1647 6053 1248 23

2. Article Number (Transfer from service label)

03 3110 0003 1642 3855

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Andie Ecker* Agent
 Addressee

B. Received by (Printed Name)

Andie Ecker

C. Date of Delivery

10-26

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

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[PROPOSED] ORDER AND CERTIFICATION OF DISSOLUTION OF SPECIAL DISTRICT	

The Court, having received and considered the Division of Local Government’s Declaration of Dissolution and Petition for Order and Certification of Dissolution of Special District and, having either received no objection to the Petition, or finding any objections without merit, hereby finds and orders as follows:

The Division of Local Government (“the Division”) has declared Colorado Horse Park Metropolitan District (“the District”) dissolved and filed a Declaration of Dissolution and Petition for Order and Certification of Declaration of Dissolution of Special District pursuant to § 32-1-710(2), C.R.S.

Upon review of the Division’s Petition and Declaration of Dissolution, the Court finds that the District has failed to demonstrate that it has performed or will proceed to perform its statutory and/or service responsibilities and is therefore found to be inactive.

Accordingly, the Court ORDERS that:

1. The division petition is GRANTED and the Division’s Declaration of Dissolution is hereby certified. The District’s assets, if any, shall be disposed of pursuant to § 32-1-708, C.R.S.
2. The Clerk shall file a certified copy of this Order of Dissolution with Douglas County Clerk and Recorder and with the Division.

Done this ____ day of _____, 2019.

BY THE COURT:

JUDGE