

District Court, Archuleta County, Colorado 449 San Juan Boulevard Pagosa Springs, CO 81147	▲Court Use Only▲
Plaintiff: COLORADO'S TIMBER RIDGE HOME OWNERS ASSOCIATION, a Colorado non-profit corporation, and Defendant(s): COLORADO TIMBER RIDGE RANCH, L.P., a California limited partnership; et al.	
SPRINGER AND STEINBERG, P.C. Jeffrey A. Lane, No.: 11356 Attorney for Defendants Colorado Timber Ridge Ranch, L.P. and George and Jean Taulman 1600 Broadway, Suite 1200 Denver, Colorado 80202 Telephone Number: (303) 861-2800 Facsimile Number: (303) 832-7116 Email Address: jlane@springer-and-steinberg.com	Case No: 09 CV 95 Division:
ANSWER, JURY DEMAND AND COUNTERCLAIMS OF DEFENDANTS COLORADO TIMBER RIDGE RANCH, L.P. AND WALTER JOSEPH MACHOCK	

Defendants, Colorado Timber Ridge Ranch, L.P. and Walter Joseph Machock, by and through their attorneys Springer and Steinberg, P.C., submit the within Answer to plaintiff's Second Amended Complaint.

1. These defendants admit the allegations of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 22, and 23.
2. These defendants are without knowledge as to the allegations set forth in paragraphs 15 and 19, and therefore deny the same.
3. These defendants deny the allegations of paragraphs 20 and 21 to the extent that it alleges any infirmity in the conveyance.
4. These defendants deny the allegations of paragraphs 24, 25, 26, 27, 28, and 29.

AFFIRMATIVE DEFENSES

1. Plaintiffs claims are barred by estoppel, waiver and laches.

2. To the extent that plaintiff seeks equitable relief, the plaintiff comes to this court with unclean hands.

3. Plaintiff has failed to join indispensable parties as required by C.R.C.P. 19, C.R.C.P. 105, C.R.C.P. 57 and Section 13-51-105 et seq., C.R.S.

4. Plaintiffs claims are barred by Section 38-35-109, C.R.S.

Wherefore, defendants Colorado Timber Ridge Ranch, L.P. and Walter Joseph Machock ask this Court to dismiss the claims of the plaintiff and award them costs, attorney fees and any and such further relief as this Court deems proper.

COUNTERCLAIM

FIRST CLAIM FOR RELIEF (Slander of Title)

1. Plaintiff published slanderous words by the filing of this action and the recording of a Lis Pendens.

2. The slanderous words published by plaintiff are false.

3. The slanderous words published by plaintiff were published maliciously.

4. As a direct proximate result of the publication of those slanderous words a cloud has been placed on the title of real property owned by defendant Colorado Timber Ridge Ranch, L.P. As a result defendant Colorado Timber Ridge Ranch, L.P. has suffered special damages in an amount to be determined at trial.

Wherefore, relief is prayed for at the conclusion hereof.

SECOND CLAIM FOR RELIEF (Intentional Interference with Prospective Business Relations)

5. Plaintiff, through its Board of Directors, has engaged in a pattern of intentional and improper conduct designed to subvert and interfere with the ability of defendant Colorado Timber Ridge Ranch, L.P. to further develop and sell the real property at issue.

6. The aforementioned conduct of plaintiff has prevented defendant Colorado Timber Ridge Ranch, L.P. from acquiring or continuing business relations with prospective

purchasers of the real property at issue.

7. Absent the aforementioned conduct by plaintiff there was a reasonable probability that contracts would have resulted between defendant Colorado Timber Ridge Ranch, L.P. and prospective buyers of the real property.

8. As a direct and proximate result of the conduct of plaintiffs, defendant Colorado Timber Ridge Ranch, L.P. has suffered damages in an amount to be determined at trial.

Wherefore, relief is prayed for at the conclusion hereof.

THIRD CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

9. Plaintiff, through its Board of Directors, has engaged in an intentional pattern of extreme and outrageous conduct designed to inflict severe emotional distress upon defendant Walter Joseph Machock by causing him severe and extreme economic hardship.

10. As a direct and proximate result of the aforementioned conduct defendant Walter Joseph Machock has suffered severe emotional distress.

Wherefore, relief is prayed for at the conclusion hereof.

PRAYER FOR RELIEF

Wherefore, defendants Colorado Timber Ridge Ranch, L.P. and Walter Joseph Machock pray that judgment enter in an amount to be determined at trial, together with interest thereon as provided by law, costs, attorney fees and any and such further relief as this Court deems proper.

DEFENDANTS DEMANDS A TRIAL TO A JURY OF SIX ON ALL ISSUES

Dated this 10th day of October 2009.

Respectfully Submitted,

SPRINGER AND STEINBERG, P.C.

/s/ Jeffrey Lane

JEFFREY A. LANE, #11356

Attorney for Plaintiff

1600 Broadway, Suite 1200

Denver, Colorado 80202

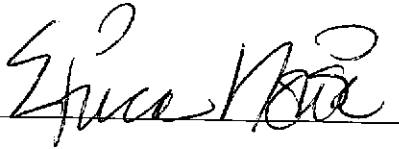
Telephone Number: (303) 861-2800

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of October, 2009, I e-filed via Lexis Nexis, a true and correct copy of the above and foregoing **ANSWER OF DEFENDANTS GEORGE AND JEAN TAULMAN**, and e-served a copy of the same upon:

A. Michael Chapman
R. Thomas Geyer
Shand, Newbold & Chapman, P.C.
P.O. Box 2790
Durango, Colorado 81302-2790

SPRINGER AND STEINBERG, P.C.

A handwritten signature in black ink, appearing to read "Erica K. Steinberg", is written over a horizontal line. The signature is cursive and somewhat stylized.