

The HOA Board is please to inform you that judgments have been entered against Colorado Timber Ridge Ranch, L.P. ("CTRR LP"), Walter Joseph Machock ("Machock") and George and Jean Taulman ("Taulmans") in the State District Court litigation. The judgments were entered on January 25 and 27, 2011 and have been certified by the Court Clerk and recorded in the real property records for Archuleta County. Copies of the judgments are posted on our website for your convenience and review.

The District Court found the HOA to be the prevailing party as against all named defendants and awarded the HOA recovery of its reasonable attorneys fees and costs incurred in enforcing the applicable covenants and the Colorado Common Interest Ownership Act as against CTRR, LP. The Court instructed our legal counsel to provide the court legal authority for the HOA's request that such attorneys fees and costs also be awarded against Mr. Machock individually as the general partner for the limited partnership. The issue of whether any of the attorney's fees and costs incurred by the HOA will be apportioned to the Taulmans is reserved for a future hearing on the appropriate amount of attorneys' fees and costs to be awarded to the HOA.

Currently, there are four pending motions/requests seeking recovery of attorney's fees and costs incurred by the HOA:

1. Motion to Recover Attorney's Fees and Costs Incurred in Moving to Dismiss Tort Claims Under C.R.S. § 13-7-201 filed on January 5, 2011;
2. Request for Attorney's Fees and Costs Pursuant to Court Order and Entry of Default Judgment Against CTRR, LP and Machock filed on January 25, 2011;
3. Requests for Attorney's Fees and Costs Pursuant to Court Order Compelling Discovery and Payment of Plaintiff's Attorney's Fees for Defendant CTRR, LP's Failure to Answer Rule 33 Interrogatories and Failure to Respond to Rule 34 Requests for Production filed on January 25, 2011; and,
4. Requests for Attorney's Fees and Costs Pursuant to Court Order Compelling Discovery and Payment of Plaintiff's Attorney's Fees for Defendant Machock's Failure to Answer Rule 33 Interrogatories and Failure to Respond to Rule 34 Requests for Production filed on January 25, 2011.

The above identified motions are in addition to the amount to be awarded to the HOA as the "prevailing party". As the prevailing party, the HOA will be filing its final motion for attorney's fees and costs by February 16, 2011. The Court will consider any responses to the HOA's motion filed by the named defendants and a hearing will be held to address the reasonableness of the fees and costs requested, and the apportionment of the awarded fees and costs as between CTRR LP, Machock and the Taulmans. The date for such hearing has not been established.