

SMALL CLAIMS COURT, DOUGLAS COUNTY, COLORADO Douglas Combined Courts 4000 Justice Way Suite 2009 Castle Rock CO 80109 720-437-6200	
Plaintiff: JAMES D. ROGERS v. Defendants: BANNOCKBURN HOMEOWNERS ASSOCIATION	▲ COURT USE ONLY ▲
<i>Attorneys for Defendants:</i> Andrew D. Peterson, No. 33081 Aricyn J. Dall, No. 51467 Jachimiak Peterson Kummer, LLC 860 Tabor Street, Suite 200 Lakewood, CO 80401 Phone: 303.863.7700 E-mail: apeterson@jpk.law ; adall@jpk.law	Case No: 22S125 Division: A Courtroom:
DEFENDANT’S ANSWER TO NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL	

Defendant Bannockburn Homeowners Association, by its attorneys, Jachimiak Peterson Kummer LLC, hereby submits the following Answer and states as follows:

DEFENDANT’S RESPONSE: Defendant does not owe the Plaintiff or is not responsible to the Plaintiff because:

1. Defendant denies any and all liability to Plaintiff regarding any and all claims for relief.
2. Defendant denies that it owes Plaintiff any monies.

AFFIRMATIVE DEFENSES

1. Plaintiff’s Notice, Claim and Summons to Appear for Trial and the individual claims therein fail to set forth a claim upon which relief can be granted against this Defendant.

2. Plaintiff's claims may be barred by the doctrines of waiver, laches, estoppel, and/or unclean hands.
3. Plaintiff's claims may be barred by the doctrines of consent, ratification, and/or acquiescence.
4. Plaintiff's claims may be barred, in whole or in part, by the failure to perform a condition precedent and/or condition subsequent.
5. Plaintiff's claims may be barred by his failure to comply with applicable contractual requirement, governing documents, and/or law.
6. Defendant acted in compliance with the business judgment rule.
7. Defendant acted in good faith at all times.
8. Plaintiff may have failed to mitigate his damages, if any.
9. Defendant Bannockburn Homeowner's Association may be entitled to recover its attorney fees pursuant to C.R.S. § 38-33.3-123(1)(c) and the governing documents.
10. Defendants reserves the right to add additional defenses revealed during the course of this proceeding.

WHEREFORE, Defendant, Bannockburn Homeowners Association requests that the Court dismiss the Plaintiffs' Notice, Claims and Summons to Appear for Trial with prejudice, award Defendant its costs and attorney fees incurred in the defense of this matter, and grant such other and further relief as this Court deems just and proper.

Dated this 1st day of September, 2022.

JACHIMIAC PETERSON KUMMER, LLC

*Duly signed original on file at the office of the undersigned
pursuant to C.R.C.P. 121, § 1-26*

By: /s/ Aricyn J. Dall

Andrew D. Peterson, No. 33081

Aricyn J. Dall, No. 51467

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2022, a true and correct copy of the foregoing **DEFENDANT'S ANSWER TO NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL** was electronically filed with the Court **via email to 18Jury@judicial.state.co.us**.

*Duly signed original on file at the office of the undersigned
pursuant to C.R.C.P. 121, § 1-26*

/s/ Melissa J. Ciener