

SERVE

Small Claims Court Douglas County, Colorado
Court Address: 4000 Justice Way, Castle Rock, Colorado 80109

PLAINTIFF(S): James D. Rogers
Address: 2207 Meadowgreen Circle
City/State/Zip: Franktown, Colorado 80116
Phone: Home 303-688-0480 Work _____ Cell 303-886-7410

FILED
IN THE COMBINED COURTS
DOUGLAS COUNTY, CO
SEP - 9 2022

v.
DEFENDANT(1): Bannockburn Homeowners Association *JOR*
Address: P.O. Box 244 10808 HOLDEN CIRCLE
City/State/Zip: Franktown, Colorado 80116
Phone: Home _____ Work _____ Cell _____

▲ COURT USE ONLY ▲
Case Number:
22S160
Division A Courtroom A

DEFENDANT(2): _____
Address: _____
City/State/Zip: _____
Phone: Home _____ Work _____ Cell _____

NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: Jack Shuler
Address: P.O. Box 244, Franktown, Colorado 80116 *JR*
Home address: 10808 Holden Circle, Franktown, Colorado 80116

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
You are scheduled to have your trial in this case on Oct. 25/22 (date) at 11:00 am (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: 9/9/22
[Signature]
Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
The Defendant(s) owe(s) me \$7500.00 _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Defendant failed to respond within 40 days to 21 separate requests for Bannockburn HOA documents as enumerated in a letter from me dated 4/25/2022, sent to Defendant via Certified mail, return receipt requested, and received by Defendant on May 2, 2022. Defendant's response letters dated May 19, 2022, and June 8, 2022 were received by me on by me on May 21 2022 and June 14, 2022, respectively, the latter 43 days after Defendant received requests. Defendants' responses did not include requested documents and some of the documents claimed in the responses to be available on the Bannockburn HOA web site (bannockburnhoa.com) were in fact not available.

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: 8/6/2022
[Signature]
Plaintiff's Signature

Plaintiff's Signature

You must complete and fill out a response and or counterclaim on reverse side of Defendant's copy and bring to Court. Defendant's Response (If responding, pay the appropriate filing fee). I do not owe the Plaintiff(s) or am not responsible to the Plaintiff(s) because:

Defendant's Counterclaim (If submitting a counterclaim, pay the appropriate filing fee).

The Plaintiff(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

- The amount of my/our counterclaim does not exceed the jurisdictional amount of the Small Claims Court of \$7,500.00.
- The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, but I/we wish to limit the amount that I/we wish to recover from the Plaintiff to \$7,500.00.
- The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, and I/we wish to have the case sent to County Court (only if I/we wish to limit the amount I/we can recover from the plaintiff to \$25,000.00) District Court (I/we do not wish to limit the amount I/we can recover from the Plaintiff(s)) and will pay the appropriate filing fee. I/we am/are filing a Notice of Removal and paying the appropriate filing fee to the Court at this time.

I am an attorney. Yes No

I declare under penalty of perjury that this information is true and correct and that I mailed a copy of the Response/Counterclaim to the Plaintiff(s) at the address(es) stated on this form on _____ (date).

Defendant's Address

Defendant's Signature Date Telephone #: Home Work Cell

Information for Defendants in Small Claims Cases

A. Filing Fees.

Response without a counterclaim:

- ◆ Claim \$500.00 or less: **\$26.00**
- ◆ Claim over \$500.00 but less than \$7,500.00: **\$41.00**

Response with a counterclaim:

- ◆ If Plaintiff's claim is \$500.00 or less and counterclaim is \$500.00 or less: **\$31.00**
- ◆ If Plaintiff's claim is more than \$500.00 or counterclaim is more than \$500.00: **\$46.00**

- B. Response.** You have been served with a Summons. If you fail to appear on the trial date shown on this notice, judgment may be entered against you. If you wish to defend the claim or present a counterclaim, you must file with the Court Clerk a written response or counterclaim on or before the scheduled trial date, provide a copy to the Plaintiff(s), pay the appropriate nonrefundable filing fee, and appear on the date set for trial in this notice with all evidence and witnesses needed to establish your defense.
- C. Subpoenas.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.
- D. Counterclaim.** If you have a claim against the Plaintiff(s), you must file with the Court clerk the Defendant's counterclaim at the top of this form, provide a copy of the counterclaim to the Plaintiff(s) prior to the trial, and pay the appropriate nonrefundable filing fee. If you settle your counterclaim before trial, notify the Small Claims Court and the Plaintiff(s) in writing. **If you want your case heard by a Court of greater jurisdiction, you must complete and file this form, pay the appropriate filing fee (County: Under \$999.99 = \$85.00; \$1,000 - \$14,999.99 = \$105.00; \$15,000.00 - \$25,000 = \$135.00. District: \$235.00) and file a Notice of Removal (JDF 251) at least 7 days before the trial date shown on this Notice.**
- E. Trial Responsibility.** You have a right to a trial. Bring all evidence necessary to establish your defense and/or counterclaim: books, papers, repair bills, photographs or other exhibits. If the suit involves the delivery of personal property, be prepared to deliver the property immediately after trial. Be on time. If you are late, the Court may enter judgment against you.
- F. Appeal.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P 411.
- G. Judgment. The Court does not collect any judgment, but will help with the necessary forms.**
Money Judgment. If judgment is entered against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.
Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, your failure to comply with the Court order may result in an award of damages and/or being held in contempt.
- H. Case Inquiries.** When inquiring about this case, refer to the case number on this notice. Direct all inquiries to the clerk, not the judge or magistrate.
- I. Attorney.** If you want to be represented by an attorney, you or your attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then the Plaintiff(s) may have representation by an attorney. If the Plaintiff(s) is/are an attorney, you also may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.
- J. Judicial Officer.** A magistrate or a judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.
- K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court, County of Douglas
Douglas Combined Courts
4000 Justice Way Suite 2009
Castle Rock CO 80109
720-437-6200

FILED
IN THE COMBINED COURTS
DOUGLAS COUNTY, CO
SEP - 9 2022

^ COURT USE ONLY ^

Plaintiff(s):

Rogers

Defendant(s):

Bannockburn HOA

Case Number:

22 S 160

Division: A

SMALL CLAIMS CASE MANAGEMENT ORDER

THIS COURT, in its efforts to facilitate a smooth and speedy resolution of the large number of conflicts brought before it, hereby issues the following case management order:

It is hereby ordered that the parties must attend mediation prior to trial. THIS MEDIATION IS MANDATORY, AND EACH LITIGANT IS ORDERED TO PAY \$20.00 IN CASH (per side), TO THE MEDIATOR UNLESS BOTH PARTIES AGREE TO AN ALTERNATIVE MEDIATOR, WHICH MEDIATION SHALL OCCUR BEFORE THE MATTER IS SET FOR TRIAL.

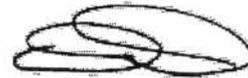
Appear at the Clerk of Court Window for check-in, at the time scheduled for your case, where you may proceed to satisfy the mandatory mediation (trial will not be set until after mediation). Be sure to bring all your evidence (exhibits) with you to mediation. You must bring three copies of your exhibits; one for the Magistrate, one for the defendant, and one for the plaintiff. Plaintiff (person bring the suit) must label their exhibits with numbers (i.e. Exhibit 1, Exhibit 2, etc.) and the Defendant must label their exhibits with letters (i.e. Exhibit a, Exhibit B, etc.).

If the mediation is successful, you will sign a document confirming your agreement. If the mediation is unsuccessful, each Defendant shall go to the Clerk of Courts window, to file an Answer and pay the Answer filing fee.

The mediator will let the Clerk of Court Office know if a trial needs to be scheduled. **Most likely, your trial will be scheduled on the Friday after mediation.** All parties must appear back at the Clerk of Court window, immediately after mediation, if a trial needs to be set. Your exhibits will be processed by the clerk at this time and exchanged with the other party.

If your case is scheduled for trial, the parties will be given a Small Claims Advisement. The Advisement explains the trial process. The parties are to read the Advisement carefully. Exhibits and a witness list should be exchanged between parties in advance of the trial so that parties will be prepared to proceed at the time of trial. The parties should appear at least 15 minutes prior to the time scheduled for trial to assure all parties are ready to begin the trial at the time scheduled.

If you fail to appear as scheduled, a Default Judgement may enter against you, or, if you are the plaintiff, your case may be dismissed with prejudice. If a default judgement enters against you, you will be responsible for the full amount of the judgement, plus costs. If your case is dismissed, absent good cause, you may not be able to bring your case against the Defendant in any court again.



Magistrate Stewart, Division A

November 5, 2021