

DISTRICT COURT, DOUGLAS COUNTY, COLORADO

Court Address: 4000 Justice Way, #2000, Castle Rock, CO 80104

**PLAINTIFF: HIDDEN POINTE HOMEOWNERS ASSOCIATION, a Colorado Nonprofit Corporation**

**DEFENDANT: CASTLE PINES NORTH ASSOCIATION, INC., a Colorado Nonprofit Corporation**

**and**

**THIRD PARTY PLAINTIFF: CASTLE PINES NORTH ASSOCIATION, a Colorado Nonprofit Corporation**

**THIRD PARTY DEFENDANTS: FREDA POUNDSTONE, KYLE LINHARDT and CRAIG LAURIA.**

Attorneys for Defendant and Third Party Plaintiff:  
WINZENBURG, LEFF, PURVIS & PAYNE, LLP  
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▲ COURT USE ONLY ▲

Case Number: 03CV1198

Div.: 2 Ctrm.: \_\_

**UNOPPOSED MOTION TO ADD NECESSARY DEFENDANTS**

C.R.C.P. 121 §§ 1-15, ¶¶ 8 Certification: Defendant's counsel has conferred in good faith with Plaintiff's counsel about this Motion. Plaintiff's counsel does not oppose the relief requested in this Motion.

Defendant and Third Party Plaintiff ("Defendant") Castle Pines North Association, Inc., moves this Court for an order to add Castle Pines North Metropolitan District ("Metropolitan District") and Castle Pines Park Authority ("Park Authority") as Party Defendants in this action, pursuant to Rule 19(a) of the Colorado Rules of Civil Procedure. As grounds therefore, Defendant states the following:

1. C.R.C.P. 19(a) requires joinder of a party if: (1) in the absence of the person, complete relief cannot be accorded among those already parties; or (2) the person claims an interest related to the subject of the action and is so situated that the disposition of the action in the person's absence may as a practical matter impair or impede the person's ability to protect that interest or leave the persons who are parties subject to substantial risk of incurring inconsistent obligations by reason of the person's claimed interest.

2. The Metropolitan District is an obligor and beneficiary of the Agreement to Construct Park Improvements and for Conveyance of Property ("Park Construction Agreement"), entered into on or about February 27, 2001, which is an agreement at issue in the present case.
3. The Metropolitan District's presence as a Party Defendant in the above action is essential to permit the Court to render complete relief.
4. The Metropolitan District is subject to the jurisdiction of this Court.
5. The Park Authority is an obligor and beneficiary of the Parks Authority Agreement entered into on or about December 14, 1999, and recorded November 28, 2000, in the records of the Clerk and Recorder for Douglas County, at Reception No. DC0085383. The Park Authority is also an obligor and beneficiary of the Park Construction Agreement. Both agreements are at issue in the present case.
6. The Park Authority's presence as a Party Defendant in the above action is essential to permit the Court to render complete relief.
7. The Park Authority is subject to the jurisdiction of this Court.
8. Plaintiff does not oppose this Motion and would not be prejudiced by the Court's granting of this Motion.

WHEREFORE, we move this Court to add the Metropolitan District and the Park Authority as necessary Party Defendants in this action.

MOVED this 21 day of May, 2004.

Respectfully submitted,

WINZENBURG, LEFF, PURVIS & PAYNE, LLP

  
\_\_\_\_\_  
David J. Graf, #26070

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**ORDER GRANTING UNOPPOSED MOTION TO ADD NECESSARY DEFENDANTS**

WHEREFORE, the Court finds that Castle Pines North Metropolitan District (“Metropolitan District”) and Castle Pines Park Authority (“Park Authority”) are essential Party Defendants to the above action and that both are subject to the jurisdiction of the Court, and the Court being advised in the matter;

IT IS SO ORDERED that the Metropolitan District be and hereby is added as an additional Party Defendant in this action and that the Park Authority be and hereby is added as an additional Party Defendant in this action;

IT IS FURTHER ORDERED that the Metropolitan District and the Park Authority be served with a Summons and the Complaint and that each party be allowed twenty days in which to answer the Complaint.

ORDERED this \_\_\_\_ of \_\_\_\_, 2004.

\_\_\_\_\_  
DISTRICT COURT JUDGE