

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway , Golden, CO 80401	DATE FILED: August 4, 2020 1:55 PM FILING ID: EB76B2372A3CD CASE NUMBER: 2005CV3035
INTHE MATTER OF ORGANIZATION OF FOSSIL RIDGE METROPOLITAN DISTRICTS NO. 2 AND 3	▲ COURT USE ONLY ▲
PETITIONER: John Henderson. #50508 2167 S. Juniper St. Lakewood, Colorado 80228 Jkhjr1@gmail.com 316-295-0084	Case No. 2005. CV. 3035 Division 1
PETITION TO APPOINT DESIGNATED ELECTION OFFICIAL PURSUANT TO CRS 32-1-909 AND ATTACHED PROPOSED PETITIONS TO RECALL AND DEMAND ELECTION OF SUCCESSOR TO FRMD DISTRICTS 2 AND 3 DIRECTORS	

The petitioner respectfully requests the Court appoint a designated election official pursuant to CRS 32-1-909 for the purpose of reviewing and qualifying the attached forms of the "Petitions to Recall and Demand the Election of a Successor" for the identified directors of Fossil Ridge Metropolitan Districts 2 and 3; as well as certifying the sufficiency of the petitions once they are executed by the electors of the districts and filed with the designated election official.

The petition respectfully suggests that the Court appoint the Jefferson County Clerk and Recorder as the designated election official pursuant to CRS 32-1-909.

Attached in support are the proposed "Petitions to Recall and Demand the Election of a Successor" for:

Fossil Ridge Metropolitan District 2:

Tom Waterman
 Dave McGraw
 Terry Larson
 Ted Michelsen

Fossil Ridge Metropolitan District 3:

Craig Brown
Aaron Hochstein
Daniel Dominic
Mike McCleary

As to each, the "General Stated of Grounds for Recall" include:

- 1. Violating his fiduciary duty to the residents by refusing to restore the resident's right to vote on future tax and bond debt.**
- 2. Violating his fiduciary duty to the residents by refusing to secure an independent forensic audit of Brookfield's finances regarding the cost of each lot and the infrastructure income and expenses, prior to reaching a deal with Brookfield to pay Brookfield additional money through bond debt.**
- 3. Violating his fiduciary duty to the residents by failing to contest the unenforceable agreements Brookfield relies upon to claim payments are owed to Brookfield by the electors of District.**
- 4. Violating his fiduciary duty to the residents by having the board approve more bond debt through a vote of the board, not the residents, on August 3, 2020 based upon three days notice to the residents.**

CRS 32-1-909 states in relevant part:

"1) A recall petition shall not be circulated until it has been approved as meeting the requirements of this section as to form.

(2) The proposed form of a recall petition shall be filed with the court as defined in section 32-1-103 (2) for the special district. Within five business days of receipt of a proposed form of recall petition for a special district director, the court shall issue an order appointing a designated election official who shall perform the duties set forth for the recall. The designated election official shall not be the director sought to be recalled by the petition or the spouse or civil union partner of the director sought to be recalled by the petition.

(3) The designated election official shall approve or disapprove a petition as to form by the close of the third business day following his or her appointment as the designated election official. On the day that the petition is approved or disapproved as to form, the designated election official shall mail or transmit electronically written notice of the approval or disapproval to the committee as defined in subsection (4)(a) of this section, the board of directors of the special district, and the director sought to be recalled. If the designated election official disapproves the petition as to form, the designated election official shall identify in the written notice the portion or portions of the petition that are not sufficient and the reasons they are not sufficient. . . ."

(Emphasis added)

For these reasons the petitioner respectfully requests the court appoint the Jefferson County Clerk and Recorder as the designated election official to fulfill the duties set forth in Title 32, beginning with CRS 32-1-909.

_____/s/_____
John Henderson #50508
Dated: August 2, 2020

Certificate of Service
I certify that on August 2, 2020, I served the foregoing document by electronic mail through the electronic filing system and via email to counsel for the boards of directors.

