

DISTRICT COURT, PARK COUNTY, COLORADO Court Address: P.O. Box 190, 300 Fourth Street, Fairplay, CO, 80440	DATE FILED: September 1, 2015 4:52 PM CASE NUMBER: 2014CV30056 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) INDIAN MOUNTAIN CORP v. Defendant(s) INDIAN MOUNTAIN METROPOLITAN DISTRICT	
Order: Order Granting IMC Motion to Reconsider	

The motion/proposed order attached hereto: DENIED.

Issue Date: 9/1/2015



STEPHEN A GROOME
 District Court Judge

District Court, Park County, State of Colorado P.O. Box 190 Fairplay, Colorado 80440	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff: Indian Mountain Corp. v. Defendant: Indian Mountain Metropolitan District	
ORDER GRANTING INDIAN MOUNTAIN CORP.'S MOTION TO RECONSIDER AND ORDER DENYING INDIAN MOUNTAIN METROPOLITAN DISTRICT'S MOTION FOR ORDER TO SHOW CAUSE	

THIS MATTER comes before the Court on Plaintiff Indian Mountain Corp.'s ("IMC") Motion for Reconsideration and Request for Reassignment and Resetting in Accordance with C.R.C.P. 107(c) filed August 21, 2015 (the "Motion"). Having reviewed the Motion, any response and reply, and now being fully advised in the premises the Court now finds, concludes, and orders as follows:

In the Motion IMC requests that the Court reconsider its August 20, 2015 Order to Show Cause and to deny Indian Mountain Metropolitan District's ("IMMD") Motion for Order to Show Cause. In support of its request, IMC provided a joint newsletter published by IMMD and Indian Mountain Property Owners Association ("IMPOA") and provided to Indian Mountain lot owners on or about May 12, 2015. In the newsletter, IMPOA and IMMD stated that "the Judge ruled that IMC could only charge IM property owners for the 'actual and reasonable expenses for maintenance, repair, and operation of the plan.'" The Court finds and concludes that IMMD may not now seek an order finding IMC in contempt when IMMD acknowledged that the Court's orders allowed IMC to take the actions that it now alleges amount to contempt.

The Court further finds and concludes that IMC has not misrepresented the import of the Courts orders to Indian Mountain lot owners. The statements contained in the letters sent to Indian Mountain lot owners from IMC are not substantially different than the explanation that IMMD provided to lot owners in the May 12, 2015 newsletter.

WHEREFORE, the Court hereby CONCLUDES AND ORDERS that the Motion to Show Cause entered on August 20, 2015 is DISCHARGED and IMMD's Verified Motion for Show Cause Order Regarding Criminal Contempt of Court Under C.R.C.P. 107(c) is hereby DENIED.

Entered this ____ day of _____, 2015.

BY THE COURT:

Honorable Stephen A. Groome

Attachment to Order - 2014CV30056