

<p>DISTRICT COURT, DOUGLAS COUNTY, COLORADO</p> <p>Court Address: 4000 Justice Way Castle Rock, CO 80109</p> <p>Telephone: (303) 663-7200</p>	
<p><b>PETITIONER:</b> <b>CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10</b></p>	<p><b>▲ COURT USE ONLY ▲</b></p>
<p><b>Attorney for Petitioner:</b></p> <p>Name: Kristin B. Tompkins, Esq. Megan J. Murphy, Esq.</p> <p>Address: WHITE BEAR ANKELE TANAKA &amp; WALDRON Attorneys at Law 2154 E. Commons Ave., Suiteh 2000 Centennial, CO 80122</p> <p>Phone: (303) 858-1800 Fax: (303) 858-1801 Email: <a href="mailto:ktompkins@wbapc.com">ktompkins@wbapc.com</a>; <a href="mailto:mmurphy@wbapc.com">mmurphy@wbapc.com</a></p> <p>Atty. Reg. #: 34839; 47464</p>	<p>Case Number: 2004CV1251</p> <p>Division:</p> <p>Courtroom:</p>
<p><b>SPECIAL DISTRICT NOTICE OF INACTIVE STATUS FOR CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10</b></p>	

TO THE HONORABLE DISTRICT COURT IN AND FOR DOUGLAS COUNTY,  
COLORADO:

BY AND THROUGH its attorneys, the Board of Directors (the “Board”) of Cherry Creek South Metropolitan District No. 10, Town of Parker, Douglas County, Colorado (the “District”), in accordance with § 32-1-104(3)(b), C.R.S., hereby files with the Court a Special District Notice of Inactive Status, attached hereto as **Exhibit A**, as well as a Resolution of the District Board Declaring Return to Inactive Status, attached hereto as **Exhibit B**.

Respectfully submitted this 9th day of December, 2021.

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

*/s/ Kristin B. Tompkins*

Kristin B. Tompkins, Esq. #34839

Megan J. Murphy, Esq. #47464

ATTORNEYS FOR PETITIONER

**EXHIBIT A**  
**(Special District Notice of Inactive Status)**



Title 32, Article 1 Special District Notice of Inactive Status

**NOTICE IS HEREBY GIVEN** by the Board of Directors

of the \_\_\_\_\_ District (LGID)  
 in \_\_\_\_\_ County, Colorado

pursuant to subsection 32-1-104(3)(a) C.R.S., the District is an Inactive Special District having adopted a resolution (attached) describing and affirming the District's qualification for this status as defined by C.R.S. 32-1-103(9.3) and that said district is in compliance with each of the requirements specified in subsection 32-1-104(5) C.R.S. The Board of Directors adopted such resolution at a public meeting held: \_\_\_\_\_, declaring the District Inactive beginning: \_\_\_\_\_,

**NOTICE IS FURTHER GIVEN**, pursuant to subsection 32-1-104(4), during the period that the District is on inactive status, it shall not issue any debt, impose a mill levy, or conduct any other official business other than to conduct elections and to undertake procedures necessary to implement the district's intention to return to active status.

District Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact Signature: Keith B. Tompkins Date: \_\_\_\_\_

Contact Email Address: \_\_\_\_\_

District Address: \_\_\_\_\_

Address (cont.): \_\_\_\_\_

Address City/State/Zip: \_\_\_\_\_

Directors	Elected or Appointed	Term Exp. Yr.
1. Board Chair:		
2. Director:		
3. Director:		
4. Director:		
5. Director :		
6. Director:		
7. Director:		

Generally, per C.R.S. 32-1-104(5), Inactive Special Districts shall be exempt from compliance with the provisions of:

- 32-1-104(2) - Annual January 15<sup>th</sup> Contact Filing;
- 32-1-306 - Annual January 1st Map Filing
- 32-1-809 - Annual January 15th Notice to Electors
- 32-1-903 - Meetings
- Title 29, Art 1, Part 1 - Budget Law
- Title 29, Art 1, Part 2 - List of Contracts
- Title 29, Art 1, Part 6 - Audit Law
- Title 39, Art 1, Part 1 - Notices of Boundary Change, Intent to Levy
- Title 39, Art 5, Part 1 - Annual Mill Levy Certification

**PROCEDURAL INSTRUCTIONS**

As directed in 32-1-104(3)(b) C.R.S., by *Certified Mail, Return Receipt Requested* except where electronic filing is required by the receiving entity, on or before December 15<sup>th</sup> file this Notice of Inactive Status and a copy of the resolution adopted pursuant to 32-1-104(3)(a) C.R.S. with:

- the Board of County Commissioners and the City Council/Town Board of each county and municipality that approved the District's service plan pursuant to section 32-1-204 or 32-1-204.5 C.R.S.;
- the Treasurer, Assessor, and the Clerk and Recorder of the county(ies) in which the District is located;
- the district court having jurisdiction over the formation of the special district;
- the Office of the State Auditor; and
- the Division of Local Government (ELECTRONIC FILING REQUIRED – [www.dola.colorado.gov/e-filing](http://www.dola.colorado.gov/e-filing) –)



**EXHIBIT B**  
**(Resolution Declaring Inactive Status)**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10  
  
DECLARING INACTIVE SPECIAL DISTRICT STATUS**

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WHEREAS, the Cherry Creek South Metropolitan District No. 10 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and is a duly organized and existing special district pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-104(3)(a), C.R.S., the board of directors of an “inactive special district,” as that term is defined in § 32-1-103(9.3), C.R.S., may adopt a resolution that declares and affirms its qualifications for inactive status; and

WHEREAS, the Board of Directors for the District (the “**Board**”) has determined that the District qualifies as an inactive special district; and

WHEREAS, the Board desires to declare and affirm the District’s qualifications for inactive status in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DISTRICT AS FOLLOWS:

1. INACTIVE SPECIAL DISTRICT STATUS. The Board hereby declares and affirmatively states that the District meets the criteria for being an inactive special district as defined in § 32-1-103(9.3), C.R.S. The Board directs legal counsel to file a notice of inactive status with the agencies prescribed in § 32-1-104(3)(a), C.R.S., and, for each year thereafter in which the District qualifies as an inactive special district, to file a notice of continuing inactive status for the District pursuant to § 32-1-104(4), C.R.S.

2. AUTHORITY TO CONDUCT ELECTIONS. The Secretary of the District (the “**Authorized Officer**”) shall be authorized and is hereby directed by the Board to cause such actions to be taken as may be necessary, including but not limited to, the adoption of a resolution to conduct regular or special elections of the District (collectively, the “**Election**”) during the period of inactive status and to seek funding for such activities from the developer or owner(s) of property within the District’s boundaries, if necessary. The Board further hereby deems that the following shall apply to the Election:

2.1 The Election shall be conducted pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); §§ 1-13.5-101, *et seq.*, C.R.S. (the “**Colorado Local Government Election Code**”); and §§ 1-1-101 through 1-13-101, *et seq.*, C.R.S. (the “**Uniform Election**”)

**Code of 1992”**), including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary.

2.2 The Election shall be conducted as an independent mail ballot election unless otherwise deemed necessary and expressed in a separate election resolution adopted by the Board.

2.3 Pursuant to the authority set forth in § 1-1-111, C.R.S., the Board hereby appoints Ashley B. Frisbie, of the law firm of WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, as the Designated Election Official (the “**DEO**”) of the District for the Election called by the Board, or called on behalf of the Board by the DEO, and hereby authorizes and directs the DEO to take all actions necessary for the proper conduct of the Election, including, if applicable, cancellation of the Election in accordance with § 1-13.5-513, C.R.S.

2.4 In the event the DEO is not available, the Authorized Officer shall be authorized to appoint a new DEO, who shall thereafter have all of the authority granted to the DEO by this Resolution, the Colorado Local Government Election Code and the Uniform Election Code of 1992.

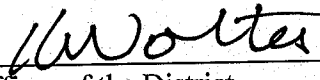
3. COMPLIANCE MATTERS. The Board hereby directs legal counsel for the District to undertake to all action required of inactive special districts in accordance with law.

4. FULL FORCE AND EFFECT. This Resolution shall remain in full force and effect until repealed or superseded, in whole or part, by subsequent official action of the Board, including, but not limited to, a return to active status pursuant to § 32-1-104(3)(b), C.R.S.

*[Signature page follows]*

RESOLVED, APPROVED AND ADOPTED THIS 8th DAY OF DECEMBER, 2021

**CHERRY CREEK SOUTH METROPOLITAN  
DISTRICT NO. 10**


  
\_\_\_\_\_  
Officer of the District

ATTEST:

  
\_\_\_\_\_  
Kim Jensen (Dec 8, 2021 13:06 MST)

APPROVED AS TO FORM:

**WHITE BEAR ANKELE TANAKA & WALDRON**  
Attorneys at Law

  
\_\_\_\_\_  
General Counsel to the District

*[Signature Page to Resolution Declaring Inactive District Status]*