

OCT 03 2018

<p>8th DISTRICT COURT LARIMER COUNTY JUSTICE CENTER Court Address: 201 Laporte Avenue Fort Collins, CO 80521 Phone (970) 494-3500</p>	<p>DATE FILED: October 3, 2018 CASE NUMBER: 2018CV149</p>
<p>Plaintiff: Eric Sutherland, <i>pro se</i></p> <p>v.</p> <p>Defendants : THE CITY OF FORT COLLINS, a home rule municipality in the state of Colorado; STEVE MILLER, in his capacity as the Larimer County Assessor and all successors to this office; IRENE JOSEY, in her capacity as the Larimer County Treasurer and all successors to this office;</p> <p>And</p> <p>Indispensable Parties: THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.</p>	
<p>Party without attorney: Eric Sutherland, pro se 3520 Golden Currant Boulevard Fort Collins, CO 80521 Phone Number: (970) 224 4509 E-mail: sutherix@yahoo.com</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case #: 2018CV149 Division: 3C</p>
<p style="text-align: center;">PROPOSED ORDER: MOTION FOR DETERMINATION OF QUESTIONS OF LAW UNDER RULE 56(H)</p>	

This matter comes before the Court on Plaintiff, Eric Sutherland's, Motion for Determination of three questions of Law under C.R.C.P. Rule 56(h).

The three questions of law presented for review are:

1.) Is the EUEB an 'issuing authority' for the purposes of Part 2 of Article 57 of Title 11, the Supplemental Public Securities Act or "SPSA" of the Colorado Revised Statutes as that term is defined in C.R.S. 11-57-203 (2).

2.) Is any part of the SPSA including C.R.S. § 11-57-210 and § -212 applicable to the issuance of debt authorized by Ordinance 003 of the City of Fort Collins Electric Utility Enterprise Board or "EUEB"?

3.) Did the EUEB know or should the EUEB have known that it was not an 'issuing authority' under the SPSA?

This Court hereby FINDS that the determination of these three questions is necessary for the fair and just adjudication of this case.

This Court hereby ORDERS that the first question of law is answered in the negative.

This Court hereby ORDERS that the second question of law is answered in the negative.

This Court hereby ORDERS that the third question of law is answered in the affirmative.

By _____ Date _____

District Court Judge.