

MAR 11 2019

**8<sup>th</sup> DISTRICT COURT**

**LARIMER COUNTY JUSTICE CENTER**

Court Address: 201 Laporte Avenue  
Fort Collins, CO 80521  
Phone (970) 494-3500

DATE FILED: March 11, 2019  
CASE NUMBER: 2018CV149

**Plaintiff:** Eric Sutherland, *pro se*

v.

**Defendants :** THE CITY OF FORT COLLINS, a home rule municipality in the state of Colorado; BOB OVERBECK, 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;

And

Indispensable Parties: THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.

▲ COURT USE ONLY ▲

**Party without attorney:**

Eric Sutherland, *pro se*  
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Case #: 2018CV149  
Division:

**PROPOSED ORDER: MOTION TO VACATE ORDER GRANTING TIMNATH DEVELOPMENT AUTHORITY'S AND COMPASS MORTGAGE CORPORATIONS' MOTION FOR ATTORNEYS' FEES PURSUANT TO RULE 60(B)**

This Court hereby FINDS and ORDERS that

- 1) Plaintiff's has alleged sufficient facts for this court to find that Defendant Timnath Development Authority is not properly constituted in accordance with the Urban Renewal Authority law, C.R.S. §31-25-101 *et seq.* and was not properly constituted on August 1, 2018 on the occasion of the filing of Defendant's motion for attorneys fees and costs.

- 2) This court finds that any public entity and especially a public entity such as an urban renewal authority in which the general assembly has specifically granted the power to sue and be sued to the governing body that is improperly constituted lacks the capacity to come into court for the purposes of requesting attorneys's fees and costs.
- 3) This Court's Order Granting Defendant Timnath Development Authority and Compass Mortgage Corporations' Combined Motion For Attorneys Fees and Costs is hereby vacated.

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District Court Judge.