

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LaPorte Avenue Fort Collins, CO 80521	DATE FILED: January 15, 2020 9:05 AM FILING ID: 99A60A34390D1 CASE NUMBER: 2018CV149
<p><b>Plaintiff:</b> ERIC SUTHERLAND, <i>pro se</i></p> <p>v.</p> <p><b>Defendants:</b> 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 in this office; IRENE JOSEY, in her capacity as the Larimer County Treasurer and all successors to this office; THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Counsel for Defendants/Judgment Creditors: The Timnath Development Authority and Compass Mortgage Corporation</p> <p>Eric R. Burris, admitted <i>pro hac vice</i>          BROWNSTEIN HYATT FARBER SCHRECK, LLP          201 Third Street NW, Suite 1800          Albuquerque, NM 87102          Telephone: 505.244.0770          Email: eburris@bhfs.com</p> <p>Chloe Mickel, #50437          Jesse D. Sutz, #52395          BROWNSTEIN HYATT FARBER SCHRECK, LLP          410 Seventeenth Street, Suite 2200          Denver, CO 80202-4432          Phone: 303.223.1100          Emails: cmickel@bhfs.com; jsutz@bhfs.com</p>	<p>Case Number: 18CV149</p> <p>Division:</p>
<b>MOTION TO ISSUE WRIT OF EXECUTION</b>	

Defendants The Timnath Development Authority (“TDA”) and Compass Mortgage Corporation (“Compass”), by and through counsel, submit the following Motion to Issue Writ of Execution.

**Certificate of Conferral Pursuant to Colo. R. Civ. P. 121 § 1-15:** Counsel for TDA

and Compass have conferred with Plaintiff regarding the relief requested in this Motion.

Plaintiff advised he opposes the relief requested.

1. On September 10, 2018, Judgment was entered in favor of TDA and Compass, and against Plaintiff Eric Sutherland in the above-captioned case in the amount of \$45,613.55 together with interest at the statutory rate from the date of entry.

2. The fourteen-day automatic stay on execution imposed by C.R.C.P. 62 has lapsed.

3. On December 21, 2018, Compass assigned its rights to all sums awarded to it pursuant to the Judgment to TDA.

4. On April 25, 2019, TDA submitted a Motion to Issue a Writ of Execution pursuant to C.R.C.P. 69(a).

5. On April 29, 2019, this court granted TDA's Motion to Issue a Writ of Execution, issuing the writ, and granting ninety days to satisfy the judgment.

6. On July 18, 2019, TDA submitted a Motion to Reissue a Writ of Execution pursuant to C.R.C.P. 69(a).

7. On the same day, this Court granted TDA's Motion to Reissue a Writ of Execution, issuing the writ, and granting ninety days to satisfy the judgment.

8. This ninety-day period expired on October 27, 2019.

9. TDA now seeks to enforce its final money judgment through a writ of execution, in accordance with C.R.C.P. 69(a).

WHEREFORE, TDA and Compass respectfully request that this Court direct its Clerk to issue the attached proposed Writ of Execution.

DATED this 15<sup>th</sup> day of January, 2020.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/Jesse D. Sutz  
Eric R. Burris, *admitted pro hac vice*  
Chloe Mickel, #50437  
Jesse D. Sutz, #52395

*Attorneys for Defendants/Judgment Creditors The Timnath  
Development Authority and Compass Mortgage Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of January, 2020, a true and correct copy of the foregoing **MOTION TO ISSUE WRIT OF EXECUTION** was filed with the Court and served via Colorado Courts E-Filing System on all counsel of record and *pro se* party as follows:

***By Email and Regular Mail***

Eric Sutherland  
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*s/Penny G. Lalonde*

Penny G. Lalonde, Paralegal

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