

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202 720.865.8612	DATE FILED: August 14, 2019 12:29 PM FILING ID: 3638CA086288A CASE NUMBER: 2018CV33011
Plaintiff: CHRIS MYKLEBUST, SECURITIES COMMISSIONER FOR THE STATE OF COLORADO, v. Defendants: GARY DRAGUL; GDA REAL ESTATE SERVICES, LLC; AND GDA REAL ESTATE MANAGEMENT, LLC.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Attorneys for Galloway & Company, Inc.: Debra Piazza, #15197 Lindsay J. Miller, #42372 MONTGOMERY LITTLE & SORAN, PC 5445 DTC Parkway, Suite 800 Greenwood Village, CO 80111 Phone No.: 303.773.8100 Email: dpiazza@montgomerylittle.com lmiller@montgomerylittle.com	Case No.: 2018CV33011 Div.: 424
<p style="text-align: center;">RESPONSE TO RECEIVER’S MOTION FOR ORDER AUTHORIZING SALE OF ASH AND BELLAIRE PROPERTIES</p>	

Galloway & Company, Inc. (“Galloway”), through its attorneys at Montgomery Little & Soran, PC, respectfully files this Response to Receiver’s Motion for Order Authorizing Sale of Ash and Bellaire Properties (“Motion”) as follows:

1. As identified in the Motion at Paragraph 9, Galloway recorded its mechanic’s lien in the amount of \$141,988.94 against the subject properties¹ on October 2, 2018. A copy of Galloway’s recorded Statement of Mechanic’s Lien is attached hereto as **Exhibit 1**.

¹ 2166 S. Ash Street; 2176 S. Ash Street; 2186 S. Ash Street; 2196 S. Ash Street; 2175 S. Bellaire Street; and 2195 S. Bellaire Street (the “Property”).

2. The Statement of Mechanic's Lien attached hereto as Exhibit 1 complies with the requirements of C.R.S. § 38-22-109, and is a valid and enforceable lien. Pursuant to the Court's Temporary Restraining Order, Order Freezing Assets, Order of Non-Destruction of Records, and Preliminary Injunction ("TRO"), and the Order Approving Stipulated Order Appointing Receiver ("Order Appointing Receiver"), Galloway was stayed from commencing any action otherwise required by C.R.S. § 38-22-110².

3. Galloway asserts a valid and enforceable lien on the Property and reserves all of its rights with respect thereto.

4. Galloway does not object to the proposed sale of the Property, and is willing to release its lien at closing upon full payment of the amount of the lien.

WHEREFORE, Galloway asserts a valid and enforceable lien on the Property and requests payment in full in the amount of the lien at closing, and for such other and further relief as the Court deems just and proper.

DATED: August 14, 2019.

Respectfully submitted,

MONTGOMERY LITTLE & SORAN, PC

s/ Lindsay J. Miller

² See Order Appointing Receiver, ¶ 26 ("It is further Ordered that all actions in law or equity at law against the [Receiver and Defendants] or the Receivership Estate are hereby enjoined and any actions already pending are hereby stayed, pending further action by this Court.")

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2019, a true and correct copy of the foregoing was served via Colorado Courts E-Filings system as follows:

Robert W. Finke
Sueanna P. Johnson
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, CO 80203

Holly R. Shilliday
McCarthy Holthus, LLP
7700 E. Arapahoe Rd., Ste. 230
Centennial, CO 80120

Jeffery A. Springer
Springer and Steinberg, P.C.
1600 Broadway, Ste. 1200
Denver, CO 80202

Duncan Barber
Shapiro Biegging Barber Otteson, LLP
7979 E. Tufts Ave., Ste. 1600
Denver, CO 80237

Karen Radakovich
Frascona Joiner Goodman & Greenstein, P.C.
4750 Table Mesa Dr.
Boulder, CO 80305

Original signature on file

*/s/Kellie O'Farrell*_____

In accordance with C.R.C.P. 121 § 1-26(9) a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the court upon request.



10/02/2018 10:07 AM
City & County of Denver
Electronically Recorded

R \$23.00

D \$0.00

L

STATEMENT OF MECHANICS' LIEN

Sections 38-22-101 through 38-22-133, Colorado Revised Statutes

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In accordance with Sections 38-22-101 through 38-22-133, Colorado Revised Statutes, **Galloway & Company, Inc.** ("Lien Claimant") makes the following Statement of Lien:

1. The name of the owner or reputed owner of the property to be affected by the lien is:

- 2166 South Ash 17, LLC
- 2176 South Ash 16, LLC
- 2186 South Ash 16, LLC
- 2196 South Ash 16, LLC
- 2175 South Bellaire 16, LLC
- 2195 South Bellaire 16, LLC

2. The name and mailing address of the Lien Claimant are **Galloway & Company, Inc.**, 6162 S. Willow Drive, Suite 320, Greenwood Village, CO 80111 a subcontractor, a principal contractor.

3. The name of the person who furnished the laborers or materials or performed the labor or services, or supplied the machinery, tools or equipment for which said lien is claimed is **Galloway & Company, Inc.**

4. The name of the principal contractor is **GDA Real Estate Services, LLC.**

5. The property to be affected by such lien is described as follows:

- Lots 17 and 18, Block 3, Warrens University Heights (2166 S. Ash Street)
- Lots 19 and 20, Block 3, Warrens University Heights (2176 S. Ash Street)
- Lots 21 and 22, Block 3, Warrens University Heights (2186 S. Ash Street)
- Lots 23 and 24, Block 3, Warrens University Heights (2196 S. Ash Street)
- Lots 28-30 inclusive, Block 3, Warrens University Heights (2175 S. Bellaire Street)
- Lots 25-27 inclusive, Block 3, Warrens University Heights (2195 S. Bellaire Street)

City and County of Denver, State of Colorado.

6. The Mechanics' Lien is held for and on account of labor and services performed, including services of professional architects and engineers, rendered to the owner of the property.

7. The amount of indebtedness due or owing the Lien Claimant for which said lien is claimed, for laborers or material furnished, labor and services performed, machinery, tools and equipment supplied is **\$141,988.94**, together with interest thereon at the legal or agreed rate.

Galloway & Company, Inc.

By 
Kristoffer Kenton, AIA,
Principal, Director of Architecture

STATE OF COLORADO

County of Arapahoe

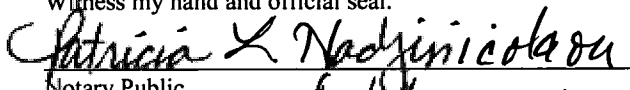
I, Kristoffer Kenton, AIA, being of lawful age and being first duly sworn upon oath, do say that I am a Principal and Director of Architecture of the Lien Claimant herein named; that I have read the within Statement of Mechanics' Lien and know the contents thereof; and that the same is true and correct, to the best of my knowledge, information and belief, and is made on behalf of the Lien Claimant.


Kristoffer Kenton, AIA

Subscribed and sworn to before me in the County of Arapahoe, State of Colorado, this 20 day of September, 2018.

PATRICIA L HADJINICOLAOU
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19984015021
MY COMMISSION EXPIRES OCTOBER 4, 2020

Witness my hand and official seal.


Notary Public
My commission expires: October 4, 2020

NOTICE OF INTENT TO FILE A LIEN STATEMENT

TO THE OWNER AND TO THE PRINCIPAL CONTRACTOR:

Take Notice that the Lien Claimant set forth on the Statement of Lien contained on the reverse of this Notice claims a Mechanics' Lien for laborers or material or equipment supplied to, or labor performed on, the project situate upon the real property described on said Statement of Mechanics' Lien, for the amount stated. If payment is not made within ten (10) days, the Lien Claimant intends to record said Statement of Mechanics' Lien in the County wherein the real property is located. This notice is given pursuant to Section 38-22-109(3), C.R.S



Debra Piazza, Attorney for Galloway & Company, Inc.

Debra Piazza
Montgomery Little & Soran, PC
5445 DTC Parkway, Suite 800
Greenwood Village, CO 80111
Attorney's Name and Address

Galloway & Company, Inc.
Attn: Kristoffer Kenton, AIA
6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
Name and Address of Claimant


AFFIDAVIT OF SERVICE OR MAILING – OWNER

STATE OF COLORADO

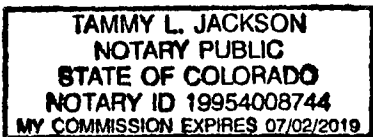
County of Arapahoe

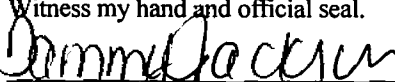
The undersigned, being of lawful age and being first duly sworn upon oath, deposes and says that this Notice of Intent to File a Lien Statement was mailed by certified mail, return receipt requested, to the last known address of the owner or reputed owner or his or her agent, on the 20 day of September, 2018 as follows:

- 2166 South Ash 17, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111
- 2176 South Ash 16, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111
- 2186 South Ash 16, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111
- 2196 South Ash 16, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111
- 2175 South Bellaire 16, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111
- 2195 South Bellaire 16, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111



Subscribed and sworn to before me in the County of Arapahoe, State of Colorado, this 20 day of September, 2018.



Witness my hand and official seal.

Notary Public
My commission expires: 7/2/2019

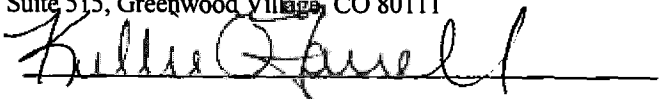
AFFIDAVIT OF SERVICE OR MAILING – CONTRACTOR

STATE OF COLORADO

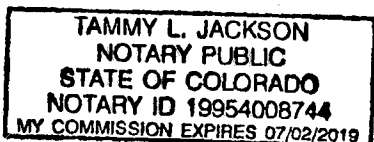
County of Arapahoe

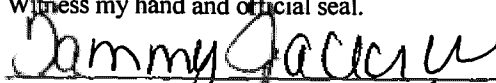
The undersigned, being of lawful age and being first duly sworn upon oath, deposes and says that this Notice of Intent to File a Lien Statement was mailed by certified mail, return receipt requested, to the last known address of the principal or prime contractor or his or her agent, on the 20 day of September, 2018 as follows:

GDA Real Estate Services, LLC, 5690 S. DTC Blvd., Suite 515, Greenwood Village, CO 80111



Subscribed and sworn to before me in the County of Arapahoe, State of Colorado, this 20 day of September, 2018.




Witness my hand and official seal.

Notary Public
My commission expires: 7/2/2019

AFFIDAVIT OF SERVICE OR MAILING PRIOR TO FILING LIEN STATEMENT

STATE OF COLORADO


County of Arapahoe

The undersigned, being of lawful age and being first duly sworn, deposes and says that this Notice of Intent to File a Lien Statement was served pursuant to Section 38-22-109(3) C.R.S, as evidenced by the above Affidavits of Service or Mailing, at least ten (10) days before the time of filing the Lien Statement with the appropriate County Clerk and Recorder.



Subscribed and sworn to before me in the County of Arapahoe, State of Colorado, this 2 day of October, 2018.

Witness my hand and official seal.



Notary Public
My commission expires: 7/2/2019

