

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p>DATE FILED: October 30, 2019 6:34 PM FILING ID: 709CBA08B1D6E CASE NUMBER: 2019CV33374</p>
<p>Plaintiff: Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC.</p> <p>v.</p> <p>Defendants: Russell Becker, Joseph J. Peirce, and Ken Stoltzfus.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver: Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Jeremy T. Jonsen, #48859 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 mgilbert@allen-vellone.com pvellone@allen-vellone.com jjonsen@allen-vellone.com rsternlieb@allen-vellone.com</p>	<p>Case Number: 19CV33374 Division/Courtroom: 269</p>
<p style="text-align: center;">MOTION FOR EXTENSION OF TIME TO SERVE JOSEPH J. PEIRCE</p>	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (the “Receiver”), pursuant to C.R.C.P. 4(m), asks the Court to enter an order granting the Receiver a thirty-one-day extension, through and including December 2, 2019, within

which to serve Defendant Joseph J. Peirce with the summons and complaint in this case (“Defendant”):

1. C.R.C.P. 4(m) provides that the Court may extend the time for service upon a showing of good cause. Good cause exists here to extend the time to serve the Defendant.

2. The Receiver filed his Complaint against Defendant, among others, on August 30, 2019.

3. Pursuant to C.R.C.P. 4(m), the Receiver is required to serve process on the Defendant on or before November 1, 2019.

4. The Receiver has diligently attempted to serve Defendant. Upon information and belief, the Receiver believed Defendant resided at 5125 West Lake Ave., Littleton CO 80123. The Receiver was unable to serve Defendant at this residence. *See Exhibit 1*. When the process server attempted service at this location on September 12, 2019, he was informed that Defendant was no longer the owner of this residence. *Id.*

5. After the Receiver was unable to serve Defendant in Colorado, he continued to further investigate Defendant’s whereabouts and obtained information indicating that Defendant may be living in Florida.

6. The Receiver thereafter attempted to serve Defendant at 13715 N.W. 11th Street, Pembroke Pines, FL 33028, which the Receiver reasonably believed to be Defendant’s Florida’s residence. Despite repeated service attempts, the Receiver was unable to serve Defendant at this residence. *See Exhibit 2*. On October 2, 2019, the

second service attempt, the Receiver was advised by Defendant's son-in-law that Defendant was vacationing in Costa Rica. *Id.* Thus, the Receiver attempted service on October 22, 2019, and October 24, 2019, in the hopes that Peirce had returned. *Id.*

7. The Receiver believes the Defendant is evading service and has actual notice of this action, given that the process servers spoke with his son-in-law.

8. The Receiver has diligently attempted to serve the Defendant in two states at two separate locations and continues to investigate other leads in an effort to locate and serve the Defendant.

9. Accordingly, good cause exists to extend the time to serve the Defendant.

10. If the Receiver can't serve Defendant by December 2, 2019, he anticipates filing a motion for substitute service.

WHEREFORE, the Receiver asks the Court to grant a thirty-one-day extension, through and including December 2, 2019, within which to serve Defendant.

Dated: October 30, 2019

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.



By: /s/ *Jeremy T. Jonsen*

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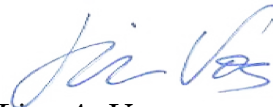
ATTORNEYS FOR THE PLAINTIFF, AS RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019, I served a true and correct copy of the foregoing on the Colorado Courts E-Filing system to the following or by USPS postage prepaid:

Douglas W. Brown, Esq.
Rachel H. Connor, Esq.
Brown Dunning Walker PC
2000 South Colorado Blvd.
Tower Two, Suite 700
Denver, CO 80222

Russell Becker (VIA USPS)
16 La Villita Circle NE
Albuquerque, NM 87122



s/ Lisa A. Vos

Allen Vellone Wolf Helfrich & Factor P.C.

AFFIDAVIT OF NON-SERVICE

State of Colorado

County of Denver

DATE FILED: October 30, 2019 6:34 PM
FILING ID: 709CBA08B1D6E
CASE NUMBER: 2019CV33374

District Court

Case Number: 19CV33374

Plaintiffs:

Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC and GDA Real Estate Management, LLC

vs.

Defendants:

Russell Becker, Joseph J. Peirce, and Ken Stoltzfus

For:

Allen Vellone Wolf Helfrich & Factor, PC
1600 Stout Street
Suite 1100
Denver, CO 80202

Received by Front Range Legal Process Service to be served on **Joseph J Peirce, 5125 West Lake Ave, Littleton, CO 80123.**

I, Derek Minto, being duly sworn, depose and say that on the **12th day of September, 2019 at 7:30 pm, I:**

after due search, careful inquiry and diligent attempts was unable to serve the **Summons; Complaint; Delay Reduction Order; Civil Coversheet; Exhibits on Joseph J Peirce** for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

This a secure complex called Coventry. I spoke with Eva the security officer at the gate house. She said that Mr. Peirce was the previous owner and Arapahoe County Assessor site confirmed that information.

I certify that I am over the age of 18, have no interest in the above action. Service was made pursuant to the rules and regulations of the State of Colorado.

Derek Minto
Process Server

Front Range Legal Process Service
145 W. Swallow
Fort Collins, CO 80525
(970) 267-9109

Our Job Serial Number: FRS-2019006358
Service Fee: _____

Subscribed and Sworn to before me on the 12th day of September, 2019 by the affiant who is personally known to me.

NOTARY PUBLIC
My commission expires 8/22/22

HEATHER HEATH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184032275
MY COMMISSION EXPIRES AUGUST 22, 2022

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RETURN OF NON-SERVICE

State of Colorado

County of Denver

District Court

Case Number: 19CV33374

DATE FILED: October 30, 2019 6:34 PM
FILING ID: 709CBA08B1D6E
CASE NUMBER: 2019CV33374

Plaintiffs:

**Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC
and GDA Real Estate Management, LLC**

vs.

Defendants:

Russell Becker, Joseph J. Peirce, and Ken Stoltzfus

For:

Allen Vellone Wolf Helfrich & Factor, PC
1600 Stout Street
Suite 1100
Denver, CO 80202

Received by Front Range Legal Process Service on the 19th day of September, 2019 at 9:55 am to be served on **Joseph J Peirce, 13715 N.W. 11th Street, Pembroke Pines, FL 33028.**

I, Jacqueline Garcia, do hereby affirm that on the **28th day of October, 2019 at 7:00 pm, I:**

NON-SERVED the Summons; Complaint; Delay Reduction Order; Civil Coversheet; Exhibits for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

9/25/2019 7:10 pm Attempted Service at 13715 NW 11th Street, Pembroke Pines, FL 33028. The is a 2 story home with a 2 car garage. There were no vehicles in the driveway and no lights on. There was a large dog barking inside when I knocked. No one answered the door.


10/2/2019 8:18 am Attempted Service at 13714 NW 11th Street, Pembroke Pines, FL 33028. There were 2 vehicles in the driveway. There was a Black Ford F150 with Florida tag GNQ Y73 and a White Jeep Rangler with FL tag AGG S75. Spoke with homeowner. He said that Joseph J. Peirce is his Father-In-Law. He said he stayed with them for a couple of weeks when he first came to Florida but now has an apartment somewhere off of Pines Blvd. He further advised that he is currently in Costa Rica. I left my contact information and asked that he contact me when he returns.

10/22/2019 2:15 pm Attempted Service at 13715 NW 11th Street, Pembroke Pines, FL 33028. There were no vehicles in the driveway. Dog was barking, there was no answer at the door.

10/24/2019 6:50 pm Attempted Service at 13715 NW 11th Street, Pembroke Pines, FL 33028. There were no vehicles in the driveway. Dog was barking when I knocked. There were no lights on and no answer at the door.

RETURN OF NON-SERVICE For 19CV33374

Under penalty of perjury, I swear or affirm, pursuant to Fla. Stat 92.525 that I have read the foregoing and the facts stated there are true. I am over the age of 18, have no interest in the above action, and am a Special Process Server, in good standing, in the judicial circuit in which the process was served.



Jacqueline Garcia
SPS #1449

Front Range Legal Process Service
145 West Swallow RD
Ft. Collins, CO 80525
(888) 387-3783

Our Job Serial Number: FRS-2019006706