

DISTRICT COURT, CITY AND COUNTY OF
DENVER, COLORADO
Denver District Court
1437 Bannock Street
Denver, CO 80202
Phone: 720-865-8301

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CASE NUMBER: 2020CV30255

PLAINTIFF:

HARVEY SENDER, AS RECEIVER FOR GARY
DRAGUL, GDA REAL ESTATE SERVICES, LLC, &
GDA REAL ESTATE MANAGEMENT, LLC

v.

DEFENDANTS:

GARY J. DRAGUL, BENJAMIN KAHN, THE
CONUNDRUM GROUP, LLP, SUSAN MARJUSCH,
ALAN C. FOX, ACF PROPERTY MANAGEMENT,
INC., MARLIN S. HERSHEY, PERFORMANCE
HOLDINGS, INC., OLSON REAL ESTATE
SERVICES, LLC, JUNIPER CONSULTING GROUP,
LLC, and JOHN AND JANE DOES 1-10, AND XYZ
CORPORATIONS 1-10

Attorneys for Defendants:

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7 World Trade Center
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▲ COURT USE ONLY ▲

Case Number:
2020CV30255

Courtroom: Div. 414

**ANSWER AND AFFIRMATIVE DEFENSES OF SUSAN MARKUSCH AND OLSON
REAL ESTATE SERVICES**

Defendants, Susan Markusch and Olson Real Estate Services,

LLC, through counsel, WILLIAMS LLP, submit their Answer, Affirmative Defenses, and Counterclaims and state as follows:

INTRODUCTION

1. DENY—as to Susan Markusch (“Markusch”) and Olson Real Estate Services (“Olson”).
2. DENY—as to MARKUSCH and OLSON.
3. MARKUSCH and OLSON are aware that Defendant, Gary Dragul, was indicted, but are without sufficient information about the remaining allegations in Paragraph 3 of the Complaint.
4. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 4 of the Complaint, and, for that reason, DENY the allegations in paragraph 4 of the Complaint.
5. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 5 of the Complaint, and, for that reason, DENY the allegations in paragraph 5 of the Complaint.
6. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 6 of the Complaint, and, for that reason, DENY the allegations in paragraph 6 of the Complaint.
7. DENY.
8. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 8 of the Complaint, and, for that

reason, DENY the allegations in paragraph 8 of the Complaint.

9. DENY—as to MARKUSCH and OLSON.

THE PARTIES

10. MARKUSCH and OLSON are aware that Defendant, Gary Dragul, entered into a Stipulation with the Receiver, Harvey Sender, but are without sufficient information about the remaining allegations in Paragraph 3 of the Complaint.

11. Paragraph 11 does not contain an allegation, if it does, MARKUSCH and OLSON DENY the allegations therein.

12. Paragraph 12 does not contain an allegation, if it does, MARKUSCH and OLSON DENY the allegations therein.

13. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 5 of the Complaint, and, for that reason, DENY the allegations in paragraph 5 of the Complaint.

14. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 14 of the Complaint, and, for that reason, DENY the allegations in paragraph 14 of the Complaint.

15. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 15 of the Complaint, and, for that reason, DENY the allegations in paragraph 15 of the Complaint.

16. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 16 of the Complaint, and, for that reason, DENY the allegations in paragraph 16 of the Complaint.

17. ADMIT.

18. ADMIT.

19. ADMIT.

20. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 20 of the Complaint, and, for that reason, DENY the allegations in paragraph 20 of the Complaint.

21. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 21 of the Complaint, and, for that reason, DENY the allegations in paragraph 21 of the Complaint.

22. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 22 of the Complaint, and, for that reason, DENY the allegations in paragraph 22 of the Complaint.

23. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 23 of the Complaint, and, for that reason, DENY the allegations in paragraph 23 of the Complaint.

24. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 24 of the Complaint, and, for that reason, DENY the allegations in paragraph 24 of the Complaint.

25. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 25 of the Complaint, and, for that reason, DENY the allegations in paragraph 25 of the Complaint.

26. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 26 of the Complaint, and, for that reason, DENY the allegations in paragraph 26 of the Complaint.

27. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 27 of the Complaint, and, for that reason, DENY the allegations in paragraph 27 of the Complaint.

28. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 28 of the Complaint, and, for that reason, DENY the allegations in paragraph 28 of the Complaint.

29. Paragraph 29 does not contain an allegation, if it does, MARKUSCH and OLSON DENY the allegations therein.

30. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 30 of the Complaint, and, for that reason, DENY the allegations in paragraph 30 of the Complaint.

31. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 31 of the Complaint, and, for that reason, DENY the allegations in paragraph 31 of the Complaint.

JURISDICTION AND VENUE

32. ADMIT.

33. ADMIT.

GENERAL ALLEGATIONS

A. General Factual Background—Key Players in the Fraudulent Scheme.

34. DENY.

35. DENY.

36. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 36 of the Complaint, and, for that reason, DENY the allegations in paragraph 36 of the Complaint.

36. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 37 of the Complaint, and, for that reason, DENY the allegations in paragraph 37 of the Complaint.

37. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 37 of the Complaint, and, for that reason, DENY the allegations in paragraph 37 of the Complaint.

38. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 38 of the Complaint, and, for that reason, DENY the allegations in paragraph 38 of the Complaint.

39. ADMIT that MARKUSCH worked for GDA; DENY the remaining

allegations in Paragraph 39.

40. DENY.

41. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 41 of the Complaint, and, for that reason, DENY the allegations in paragraph 41 of the Complaint.

42. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 42 of the Complaint, and, for that reason, DENY the allegations in paragraph 42 of the Complaint.

43. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 43 of the Complaint, and, for that reason, DENY the allegations in paragraph 43 of the Complaint.

44. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 44 of the Complaint, and, for that reason, DENY the allegations in paragraph 44 of the Complaint.

45. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 45 of the Complaint, and, for that reason, DENY the allegations in paragraph 45 of the Complaint.

46. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 46 of the Complaint, and, for that reason, DENY the allegations in paragraph 46 of the Complaint.

47. DENY.

48. ADMIT—as to the Writ; DENY the remaining allegations in Paragraph 48.

49. DENY.

50. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 50 of the Complaint, and, for that reason, DENY the allegations in paragraph 50 of the Complaint.

51. DENY.

52. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 50 of the Complaint, and, for that reason, DENY the allegations in paragraph 50 of the Complaint.

B. Dragul's Ponzi Scheme

53. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 53 of the Complaint, and, for that reason, DENY the allegations in paragraph 53 of the Complaint.

54. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 54 of the Complaint, and, for that reason, DENY the allegations in paragraph 54 of the Complaint.

55. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 54 of the Complaint, and, for that reason, DENY the allegations in paragraph 54 of the Complaint.

56. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 56 of the Complaint, and, for that reason, DENY the allegations in paragraph 56 of the Complaint.

57. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 57 of the Complaint, and, for that reason, DENY the allegations in paragraph 57 of the Complaint.

C. The Financial Operations of GDA.

58. DENY.

59. DENY.

60. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 60 of the Complaint, and, for that reason, DENY the allegations in paragraph 60 of the Complaint.

61. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 61 of the Complaint, and, for that reason, DENY the allegations in paragraph 61 of the Complaint.

62. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 62 of the Complaint, and, for that reason, DENY the allegations in paragraph 62 of the Complaint.

63. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 63 of the Complaint, and, for that reason, DENY the allegations in paragraph 63 of the Complaint.

64. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 64 of the Complaint, and, for that reason, DENY the allegations in paragraph 64 of the Complaint.

65. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 65 of the Complaint, and, for that reason, DENY the allegations in paragraph 65 of the Complaint.

66. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 66 of the Complaint, and, for that reason, DENY the allegations in paragraph 66 of the Complaint.

67. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 67 of the Complaint, and, for that reason, DENY the allegations in paragraph 67 of the Complaint.

68. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 68 of the Complaint, and, for that reason, DENY the allegations in paragraph 68 of the Complaint.

69. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 69 of the Complaint, and, for that reason, DENY the allegations in paragraph 69 of the Complaint.

70. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 70 of the Complaint, and, for that reason, DENY the allegations in paragraph 70 of the Complaint.

71. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 71 of the Complaint, and, for that reason, DENY the allegations in paragraph 71 of the Complaint.

72. DENY.

73. DENY.

74. DENY.

75. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 75 of the Complaint, and, for that reason, DENY the allegations in paragraph 75 of the Complaint.

76. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 76 of the Complaint, and, for that reason, DENY the allegations in paragraph 76 of the Complaint.

77. DENY.

D. Solicitation of Investor Funds—Private Offerings

78. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 78 of the Complaint, and, for that reason, DENY the allegations in paragraph 78 of the Complaint.

79. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 79 (and all subparts thereof) of the Complaint, and, for that reason, DENY the allegations in paragraph 79 (and all subparts thereof) of the Complaint.

80. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 80 of the Complaint, and, for that reason, DENY the allegations in paragraph 80 of the Complaint.

81. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 81 of the Complaint, and, for that reason, DENY the allegations in paragraph 81 of the Complaint.

82. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 82 of the Complaint, and, for that reason, DENY the allegations in paragraph 82 of the Complaint.

83. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 83 of the Complaint, and, for that reason, DENY the allegations in paragraph 83 of the Complaint.

84. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 84 of the Complaint, and, for that reason, DENY the allegations in paragraph 84 of the Complaint.

85. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 85 of the Complaint, and, for that reason, DENY the allegations in paragraph 85 of the Complaint.

86. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 86 of the Complaint, and, for that reason, DENY the allegations in paragraph 86 of the Complaint.

87. DENY—as to MARKUSCH and OLSON.

88. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 88 of the Complaint, and, for that reason, DENY the allegations in paragraph 88 of the Complaint.

89. DENY.

**i. The Market at Southpark
(7901-8051 S. Broadway, Littleton, CO)**

90. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 90 of the Complaint, and, for that reason, DENY the allegations in paragraph 90 of the Complaint.

91. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 91 of the Complaint, and, for that reason, DENY the allegations in paragraph 91 of the Complaint.

92. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 92 of the Complaint, and, for that reason, DENY the allegations in paragraph 92 of the Complaint.

93. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 93 of the Complaint, and, for that reason, DENY the allegations in paragraph 93 of the Complaint.

94. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 94 of the Complaint, and, for that reason, DENY the allegations in paragraph 94 of the Complaint.

95. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 95 of the Complaint, and, for that reason, DENY the allegations in paragraph 95 of the Complaint.

96. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 96 of the Complaint, and, for that reason, DENY the allegations in paragraph 96 of the Complaint.

97. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 97 of the Complaint, and, for that reason, DENY the allegations in paragraph 97 of the Complaint.

98. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 98 of the Complaint, and, for that reason, DENY the allegations in paragraph 98 of the Complaint.

99. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 99 of the Complaint, and, for that reason, DENY the allegations in paragraph 99 of the Complaint.

100. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 100 of the Complaint, and, for that reason, DENY the allegations in paragraph 100 of the Complaint.

101. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 101 of the Complaint, and, for that reason, DENY the allegations in paragraph 101 of the Complaint.

102. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 102 of the Complaint, and, for that reason, DENY the allegations in paragraph 102 of the Complaint.

103. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 103 of the Complaint, and, for that reason, DENY the allegations in paragraph 103 of the Complaint.

104. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 104 of the Complaint, and, for that reason, DENY the allegations in paragraph 104 of the Complaint.

105. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 105 of the Complaint, and, for that reason, DENY the allegations in paragraph 105 of the Complaint.

106. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 106 of the Complaint, and, for that reason, DENY the allegations in paragraph 106 of the Complaint.

107. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 107 of the Complaint, and, for that reason, DENY the allegations in paragraph 107 of the Complaint.

108. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 108 of the Complaint, and, for that reason, DENY the allegations in paragraph 108 of the Complaint.

109. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 109 of the Complaint, and, for that reason, DENY the allegations in paragraph 109 of the Complaint.

110. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 110 of the Complaint, and, for that reason, DENY the allegations in paragraph 110 of the Complaint.

111. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 111 of the Complaint, and, for that reason, DENY the allegations in paragraph 111 of the Complaint.

112. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 112 of the Complaint, and, for that reason, DENY the allegations in paragraph 112 of the Complaint.

113. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 113 of the Complaint, and, for that reason, DENY the allegations in paragraph 113 of the Complaint.

114. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 114 of the Complaint, and, for that reason, DENY the allegations in paragraph 114 of the Complaint.

115. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 115 of the Complaint, and, for that reason, DENY the allegations in paragraph 115 of the Complaint.

116. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 116 of the Complaint, and, for that reason, DENY the allegations in paragraph 116 of the Complaint.

117. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 117 of the Complaint, and, for that reason, DENY the allegations in paragraph 117 of the Complaint.

118. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 118 of the Complaint, and, for that reason, DENY the allegations in paragraph 118 of the Complaint.

119. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 119 of the Complaint, and, for that reason, DENY the allegations in paragraph 119 of the Complaint.

120. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 120 of the Complaint, and, for that reason, DENY the allegations in paragraph 120 of the Complaint.

121. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 121 of the Complaint, and, for that reason, DENY the allegations in paragraph 121 of the Complaint.

122. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 122 of the Complaint, and, for that reason, DENY the allegations in paragraph 122 of the Complaint.

123. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 123 of the Complaint, and, for that reason, DENY the allegations in paragraph 123 of the Complaint.

124. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 124 of the Complaint, and, for that reason, DENY the allegations in paragraph 124 of the Complaint.

125. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 125 of the Complaint, and, for that reason, DENY the allegations in paragraph 125 of the Complaint.

126. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 126 of the Complaint, and, for that reason, DENY the allegations in paragraph 126 of the Complaint.

127. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 127 of the Complaint, and, for that reason, DENY the allegations in paragraph 127 of the Complaint.

128. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 128 of the Complaint, and, for that reason, DENY the allegations in paragraph 128 of the Complaint.

129. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 129 of the Complaint, and, for that reason, DENY the allegations in paragraph 129 of the Complaint.

130. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 130 of the Complaint, and, for that reason, DENY the allegations in paragraph 130 of the Complaint.

131. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 131 of the Complaint, and, for that reason, DENY the allegations in paragraph 131 of the Complaint.

132. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 132 of the Complaint, and, for that reason, DENY the allegations in paragraph 132 of the Complaint.

133. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 133 of the Complaint, and, for that reason, DENY the allegations in paragraph 133 of the Complaint.

134. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 134 of the Complaint, and, for that reason, DENY the allegations in paragraph 134 of the Complaint.

135. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 135 of the Complaint, and, for that reason, DENY the allegations in paragraph 135 of the Complaint.

136. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 136 of the Complaint, and, for that reason, DENY the allegations in paragraph 136 of the Complaint.

137. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 137 of the Complaint, and, for that reason, DENY the allegations in paragraph 137 of the Complaint.

138. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 138 of the Complaint, and, for that reason, DENY the allegations in paragraph 138 of the Complaint.

139. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 139 of the Complaint, and, for that reason, DENY the allegations in paragraph 139 of the Complaint.

140. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 140 of the Complaint, and, for that reason, DENY the allegations in paragraph 140 of the Complaint.

141. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 141 of the Complaint, and, for that reason, DENY the allegations in paragraph 141 of the Complaint.

142. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 142 of the Complaint, and, for that reason, DENY the allegations in paragraph 142 of the Complaint.

**ii. Plaza Mall of Georgia North
(3410 & Buford Drive, Buford Georgia, 30519)**

143. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 143 of the Complaint, and, for that reason, DENY the allegations in paragraph 143 of the Complaint.

144. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 144 of the Complaint, and, for that reason, DENY the allegations in paragraph 144 of the Complaint.

145. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 145 of the Complaint, and, for that reason, DENY the allegations in paragraph 145 of the Complaint.

146. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 146 of the Complaint, and, for that reason, DENY the allegations in paragraph 146 of the Complaint.

147. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 147 of the Complaint, and, for that reason, DENY the allegations in paragraph 147 of the Complaint.

148. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 148 of the Complaint, and, for that reason, DENY the allegations in paragraph 148 of the Complaint.

149. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 149 of the Complaint, and, for that reason, DENY the allegations in paragraph 149 of the Complaint.

150. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 150 of the Complaint, and, for that reason, DENY the allegations in paragraph 150 of the Complaint.

151. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 151 of the Complaint, and, for that reason, DENY the allegations in paragraph 151 of the Complaint.

152. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 152 of the Complaint, and, for that reason, DENY the allegations in paragraph 152 of the Complaint.

153. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 153 of the Complaint, and, for that reason, DENY the allegations in paragraph 153 of the Complaint.

154. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 154 of the Complaint, and, for that reason, DENY the allegations in paragraph 154 of the Complaint.

155. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 155 of the Complaint, and, for that reason, DENY the allegations in paragraph 155 of the Complaint.

156. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 156 of the Complaint, and, for that reason, DENY the allegations in paragraph 156 of the Complaint.

157. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 157 of the Complaint, and, for that reason, DENY the allegations in paragraph 157 of the Complaint.

158. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 158 of the Complaint, and, for that reason, DENY the allegations in paragraph 158 of the Complaint.

159. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 159 of the Complaint, and, for that reason, DENY the allegations in paragraph 159 of the Complaint.

160. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 160 of the Complaint, and, for that reason, DENY the allegations in paragraph 160 of the Complaint.

161. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 161 of the Complaint, and, for that reason, DENY the allegations in paragraph 161 of the Complaint.

162. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 162 of the Complaint, and, for that reason, DENY the allegations in paragraph 162 of the Complaint.

**iii. Forth Collins WF 02, LLC
Highlands Ranch, Meadows Shopping Center
Southwest Commons, Laveen Ranch and Tower Plaza**

163. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 163 of the Complaint, and, for that reason, DENY the allegations in paragraph 163 of the Complaint.

164. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 164 of the Complaint, and, for that reason, DENY the allegations in paragraph 164 of the Complaint.

165. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 165 of the Complaint, and, for that reason, DENY the allegations in paragraph 165 of the Complaint.

166. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 166 of the Complaint, and, for that reason, DENY the allegations in paragraph 166 of the Complaint.

167. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 167 of the Complaint, and, for that reason, DENY the allegations in paragraph 167 of the Complaint.

168. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 168 of the Complaint, and, for that reason, DENY the allegations in paragraph 168 of the Complaint.

169. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 169 of the Complaint, and, for that reason, DENY the allegations in paragraph 169 of the Complaint.

170. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 170 of the Complaint, and, for that reason, DENY the allegations in paragraph 170 of the Complaint.

171. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 171 of the Complaint, and, for that reason, DENY the allegations in paragraph 171 of the Complaint.

172. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 172 of the Complaint, and, for that reason, DENY the allegations in paragraph 172 of the Complaint.

173. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 173 of the Complaint, and, for that reason, DENY the allegations in paragraph 173 of the Complaint.

174. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 174 of the Complaint, and, for that reason, DENY the allegations in paragraph 174 of the Complaint.

175. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 175 of the Complaint, and, for that reason, DENY the allegations in paragraph 175 of the Complaint.

176. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 176 of the Complaint, and, for that reason, DENY the allegations in paragraph 176 of the Complaint.

177. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 177 of the Complaint, and, for that reason, DENY the allegations in paragraph 177 of the Complaint.

178. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 178 of the Complaint, and, for that reason, DENY the allegations in paragraph 178 of the Complaint.

179. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 179 of the Complaint, and, for that reason, DENY the allegations in paragraph 179 of the Complaint.

180. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 180 of the Complaint, and, for that reason, DENY the allegations in paragraph 180 of the Complaint.

181. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 181 of the Complaint, and, for that reason, DENY the allegations in paragraph 181 of the Complaint.

182. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 182 of the Complaint, and, for that reason, DENY the allegations in paragraph 182 of the Complaint.

183. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 183 of the Complaint, and, for that reason, DENY the allegations in paragraph 183 of the Complaint.

184. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 184 of the Complaint, and, for that reason, DENY the allegations in paragraph 184 of the Complaint.

185. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 185 of the Complaint, and, for that reason, DENY the allegations in paragraph 185 of the Complaint.

186. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 186 of the Complaint, and, for that reason, DENY the allegations in paragraph 186 of the Complaint.

187. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 187 of the Complaint, and, for that reason, DENY the allegations in paragraph 187 of the Complaint.

188. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 188 of the Complaint, and, for that reason, DENY the allegations in paragraph 188 of the Complaint.

189. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 189 of the Complaint, and, for that reason, DENY the allegations in paragraph 189 of the Complaint.

190. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 190 of the Complaint, and, for that reason, DENY the allegations in paragraph 190 of the Complaint.

191. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 191 of the Complaint, and, for that reason, DENY the allegations in paragraph 191 of the Complaint.

192. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 192 of the Complaint, and, for that reason, DENY the allegations in paragraph 192 of the Complaint.

193. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 193 of the Complaint, and, for that reason, DENY the allegations in paragraph 193 of the Complaint.

194. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 194 of the Complaint, and, for that reason, DENY the allegations in paragraph 194 of the Complaint.

195. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 195 of the Complaint, and, for that reason, DENY the allegations in paragraph 195 of the Complaint.

196. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 196 of the Complaint, and, for that reason, DENY the allegations in paragraph 196 of the Complaint.

197. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 197 of the Complaint, and, for that reason, DENY the allegations in paragraph 197 of the Complaint.

198. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 198 of the Complaint, and, for that reason, DENY the allegations in paragraph 198 of the Complaint.

199. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 199 of the Complaint, and, for that reason, DENY the allegations in paragraph 199 of the Complaint.

200. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 200 of the Complaint, and, for that reason, DENY the allegations in paragraph 200 of the Complaint.

201. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 201 of the Complaint, and, for that reason, DENY the allegations in paragraph 201 of the Complaint.

202. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 202 of the Complaint, and, for that reason, DENY the allegations in paragraph 202 of the Complaint.

203. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 203 of the Complaint, and, for that reason, DENY the allegations in paragraph 203 of the Complaint.

204. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 204 of the Complaint, and, for that reason, DENY the allegations in paragraph 204 of the Complaint.

205. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 205 of the Complaint, and, for that reason, DENY the allegations in paragraph 205 of the Complaint.

206. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 206 of the Complaint, and, for that reason, DENY the allegations in paragraph 206 of the Complaint.

207. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 207 of the Complaint, and, for that reason, DENY the allegations in paragraph 207 of the Complaint.

208. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 208 of the Complaint, and, for that reason, DENY the allegations in paragraph 208 of the Complaint.

209. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 209 of the Complaint, and, for that reason, DENY the allegations in paragraph 209 of the Complaint.

210. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 210 of the Complaint, and, for that reason, DENY the allegations in paragraph 210 of the Complaint.

211. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 211 of the Complaint, and, for that reason, DENY the allegations in paragraph 211 of the Complaint.

212. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 212 of the Complaint, and, for that reason, DENY the allegations in paragraph 212 of the Complaint.

213. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 213 of the Complaint, and, for that reason, DENY the allegations in paragraph 213 of the Complaint.

214. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 214 of the Complaint, and, for that reason, DENY the allegations in paragraph 214 of the Complaint.

E. Real Estate Transfers Between Dragul and Fox—Prospect Square.

215. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 215 of the Complaint, and, for that reason, DENY the allegations in paragraph 215 of the Complaint.

216. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 216 of the Complaint, and, for that reason, DENY the allegations in paragraph 216 of the Complaint.

217. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 217 of the Complaint, and, for that

reason, DENY the allegations in paragraph 217 of the Complaint.

218. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 218 of the Complaint, and, for that reason, DENY the allegations in paragraph 218 of the Complaint.

219. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 219 of the Complaint, and, for that reason, DENY the allegations in paragraph 219 of the Complaint.

220. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 220 of the Complaint, and, for that reason, DENY the allegations in paragraph 220 of the Complaint.

221. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 221 of the Complaint, and, for that reason, DENY the allegations in paragraph 221 of the Complaint.

222. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 222 of the Complaint, and, for that reason, DENY the allegations in paragraph 222 of the Complaint.

223. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 223 of the Complaint, and, for that reason, DENY the allegations in paragraph 223 of the Complaint.

224. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 224 of the Complaint, and, for that

reason, DENY the allegations in paragraph 224 of the Complaint.

225. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 225 of the Complaint, and, for that reason, DENY the allegations in paragraph 225 of the Complaint.

226. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 226 of the Complaint, and, for that reason, DENY the allegations in paragraph 226 of the Complaint.

227. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 227 of the Complaint, and, for that reason, DENY the allegations in paragraph 227 of the Complaint.

228. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 228 of the Complaint, and, for that reason, DENY the allegations in paragraph 228 of the Complaint.

229. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 229 of the Complaint, and, for that reason, DENY the allegations in paragraph 229 of the Complaint.

230. DENY.

231. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 231 of the Complaint, and, for that reason, DENY the allegations in paragraph 231 of the Complaint.

232. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 232 of the Complaint, and, for that reason, DENY the allegations in paragraph 232 of the Complaint.

233. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 233 of the Complaint, and, for that reason, DENY the allegations in paragraph 233 of the Complaint.

234. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 234 of the Complaint, and, for that reason, DENY the allegations in paragraph 234 of the Complaint.

235. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 235 of the Complaint, and, for that reason, DENY the allegations in paragraph 235 of the Complaint.

236. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 236 of the Complaint, and, for that reason, DENY the allegations in paragraph 236 of the Complaint.

237. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 237 of the Complaint, and, for that reason, DENY the allegations in paragraph 237 of the Complaint.

238. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 238 of the Complaint, and, for that reason, DENY the allegations in paragraph 238 of the Complaint.

239. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 239 of the Complaint, and, for that reason, DENY the allegations in paragraph 239 of the Complaint.

240. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 240 of the Complaint, and, for that reason, DENY the allegations in paragraph 240 of the Complaint.

241. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 241 of the Complaint, and, for that reason, DENY the allegations in paragraph 241 of the Complaint.

242. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 242 of the Complaint, and, for that reason, DENY the allegations in paragraph 242 of the Complaint.

243. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 243 of the Complaint, and, for that reason, DENY the allegations in paragraph 243 of the Complaint.

244. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 244 of the Complaint, and, for that reason, DENY the allegations in paragraph 244 of the Complaint.

245. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 245 of the Complaint, and, for that reason, DENY the allegations in paragraph 245 of the Complaint.

246. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 246 of the Complaint, and, for that reason, DENY the allegations in paragraph 246 of the Complaint.

247. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 247 of the Complaint, and, for that reason, DENY the allegations in paragraph 247 of the Complaint.

248. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 248 of the Complaint, and, for that reason, DENY the allegations in paragraph 248 of the Complaint.

249. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 249 of the Complaint, and, for that reason, DENY the allegations in paragraph 249 of the Complaint.

250. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 250 of the Complaint, and, for that reason, DENY the allegations in paragraph 250 of the Complaint.

251. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 251 of the Complaint, and, for that reason, DENY the allegations in paragraph 251 of the Complaint.

252. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 252 of the Complaint, and, for that reason, DENY the allegations in paragraph 252 of the Complaint.

253. MARKUSCH and OLSON are without sufficient information about

the allegations in Paragraph 253 of the Complaint, and, for that reason, DENY the allegations in paragraph 253 of the Complaint.

254. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 254 of the Complaint, and, for that reason, DENY the allegations in paragraph 254 of the Complaint.

255. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 255 of the Complaint, and, for that reason, DENY the allegations in paragraph 255 of the Complaint.

256. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 256 of the Complaint, and, for that reason, DENY the allegations in paragraph 256 of the Complaint.

257. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 257 of the Complaint, and, for that reason, DENY the allegations in paragraph 257 of the Complaint.

258. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 258 of the Complaint, and, for that reason, DENY the allegations in paragraph 258 of the Complaint.

F. Dragul, Markusch, the Kahn and Fox Defendants' Conduct Designed to Thwart the Receiver's Efforts and Conceal or Impermissibly Transfer Receivership Estate Assets.

259. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 259 of the Complaint, and, for that

reason, DENY the allegations in paragraph 259 of the Complaint.

260. DENY—as to MARKUSCH and OLSON.

261. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 261 of the Complaint, and, for that reason, DENY the allegations in paragraph 261 of the Complaint.

262. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 262 of the Complaint, and, for that reason, DENY the allegations in paragraph 262 of the Complaint.

263. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 263 of the Complaint, and, for that reason, DENY the allegations in paragraph 263 of the Complaint.

264. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 264 of the Complaint, and, for that reason, DENY the allegations in paragraph 264 of the Complaint.

265. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 265 of the Complaint, and, for that reason, DENY the allegations in paragraph 265 of the Complaint.

266. DENY—as to MARKUSCH and OLSON.

267. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 267 of the Complaint, and, for that reason, DENY the allegations in paragraph 267 of the Complaint.

268. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 268 of the Complaint, and, for that reason, DENY the allegations in paragraph 268 of the Complaint.

269. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 269 of the Complaint, and, for that reason, DENY the allegations in paragraph 269 of the Complaint.

270. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 270 of the Complaint, and, for that reason, DENY the allegations in paragraph 270 of the Complaint.

271. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 271 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 271 (and all subparts) of the Complaint.

272. DENY—as to MARKUSCH and OLSON.

273. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 273 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 273 (and all subparts) of the Complaint.

274. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 274 of the Complaint, and, for that reason, DENY the allegations in paragraph 274 of the Complaint.

275. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 275 of the Complaint, and, for that reason, DENY the allegations in paragraph 275 of the Complaint.

276. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 276 of the Complaint, and, for that reason, DENY the allegations in paragraph 276 of the Complaint.

277. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 277 of the Complaint, and, for that reason, DENY the allegations in paragraph 277 of the Complaint.

278. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 278 of the Complaint, and, for that reason, DENY the allegations in paragraph 278 of the Complaint.

279. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 279 of the Complaint, and, for that reason, DENY the allegations in paragraph 279 of the Complaint.

280. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 280 of the Complaint, and, for that reason, DENY the allegations in paragraph 280 of the Complaint.

281. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 281 of the Complaint, and, for that reason, DENY the allegations in paragraph 281 of the Complaint.

282. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 282 of the Complaint, and, for that reason, DENY the allegations in paragraph 282 of the Complaint.

283. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 283 of the Complaint, and, for that reason, DENY the allegations in paragraph 283 of the Complaint.

284. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 284 of the Complaint, and, for that reason, DENY the allegations in paragraph 284 of the Complaint.

285. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 285 of the Complaint, and, for that reason, DENY the allegations in paragraph 285 of the Complaint.

286. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 286 of the Complaint, and, for that reason, DENY the allegations in paragraph 286 of the Complaint.

287. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 287 of the Complaint, and, for that reason, DENY the allegations in paragraph 287 of the Complaint.

288. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 288 of the Complaint, and, for that reason, DENY the allegations in paragraph 288 of the Complaint.

289. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 289 of the Complaint, and, for that reason, DENY the allegations in paragraph 289 of the Complaint.

290. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 290 of the Complaint, and, for that reason, DENY the allegations in paragraph 290 of the Complaint.

291. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 291 of the Complaint, and, for that reason, DENY the allegations in paragraph 291 of the Complaint.

292. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 292 of the Complaint, and, for that reason, DENY the allegations in paragraph 292 of the Complaint.

G. Payment of Unauthorized Commissions.

293. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 293 of the Complaint, and, for that reason, DENY the allegations in paragraph 293 of the Complaint.

294. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 294 of the Complaint, and, for that reason, DENY the allegations in paragraph 294 of the Complaint.

295. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 295 of the Complaint, and, for that

reason, DENY the allegations in paragraph 295 of the Complaint.

296. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 296 of the Complaint, and, for that reason, DENY the allegations in paragraph 296 of the Complaint.

297. DENY—as to MARKUSCH and OLSON.

i. The Dragul and Fox Commissions

298. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 298 of the Complaint, and, for that reason, DENY the allegations in paragraph 298 of the Complaint.

299. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 299 of the Complaint, and, for that reason, DENY the allegations in paragraph 299 of the Complaint.

300. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 300 of the Complaint, and, for that reason, DENY the allegations in paragraph 300 of the Complaint.

301. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 301 of the Complaint, and, for that reason, DENY the allegations in paragraph 301 of the Complaint.

302. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 302 of the Complaint, and, for that reason, DENY the allegations in paragraph 302 of the Complaint.

ii. The Markusch Commissions

303. DENY.

304. DENY.

305. DENY.

306. DENY.

307. DENY.

308. DENY.

309. ADMIT that Susan Markusch is not a licensed realtor; DENY that she was required to be licensed to earn commissions.

iii. The Hershey Commissions

310. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 310 of the Complaint, and, for that reason, DENY the allegations in paragraph 310 of the Complaint.

311. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 311 of the Complaint, and, for that reason, DENY the allegations in paragraph 311 of the Complaint.

312. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 312 of the Complaint, and, for that reason, DENY the allegations in paragraph 312 of the Complaint.

313. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 313 of the Complaint, and, for that

reason, DENY the allegations in paragraph 313 of the Complaint.

V. FIRST CLAIM FOR RELIEF:

Violations of the Colorado Securities Act

Colo. Rev. Stat. §§ 11-51-501 and 11-51-604(1), 2(A), (3), & (5)

314. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 314 of the Complaint, and, for that reason, DENY the allegations in paragraph 314 of the Complaint.

315. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 315 of the Complaint, and, for that reason, DENY the allegations in paragraph 315 of the Complaint.

316. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 316 of the Complaint, and, for that reason, DENY the allegations in paragraph 316 of the Complaint.

317. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 317 of the Complaint, and, for that reason, DENY the allegations in paragraph 317 of the Complaint.

318. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 318 of the Complaint, and, for that reason, DENY the allegations in paragraph 318 of the Complaint.

319. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 319 of the Complaint, and, for that reason, DENY the allegations in paragraph 319 of the Complaint.

320. DENY—as to MARKUSCH and OLSON.

B. Licensing and Notice Filing Violations, C.R.S. §§ 11-51-604(2)(a) and 11-51-401 (Against Dragul and the Fox and Hershey Defendants)

321. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 321 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 321 (and all subparts) of the Complaint.

322. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 322 of the Complaint, and, for that reason, DENY the allegations in paragraph 322 of the Complaint.

323. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 323 of the Complaint, and, for that reason, DENY the allegations in paragraph 323 of the Complaint.

324. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 324 of the Complaint, and, for that reason, DENY the allegations in paragraph 324 of the Complaint.

325. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 325 of the Complaint, and, for that reason, DENY the allegations in paragraph 325 of the Complaint.

326. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 324 of the Complaint, and, for that

reason, DENY the allegations in paragraph 324 of the Complaint.

C. Securities Fraud in Violation of C.R.S. §§ 11-51-604(3)-(4) and 11-501(1)(a)-(c) (against Dragul and the Fox Defendants).

327. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 327 of the Complaint, and, for that reason, DENY the allegations in paragraph 327 of the Complaint.

328. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 328 of the Complaint, and, for that reason, DENY the allegations in paragraph 328 of the Complaint.

329. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 329 of the Complaint, and, for that reason, DENY the allegations in paragraph 329 of the Complaint.

330. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 330 of the Complaint, and, for that reason, DENY the allegations in paragraph 330 of the Complaint.

331. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 331 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 331 (and all subparts) of the Complaint.

332. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 332 of the Complaint, and, for that

reason, DENY the allegations in paragraph 332 of the Complaint.

333. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 333 of the Complaint, and, for that reason, DENY the allegations in paragraph 333 of the Complaint.

334. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 334 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 334 (and all subparts) of the Complaint.

335. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 335 of the Complaint, and, for that reason, DENY the allegations in paragraph 335 of the Complaint.

336. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 336 of the Complaint, and, for that reason, DENY the allegations in paragraph 336 of the Complaint.

337. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 337 of the Complaint, and, for that reason, DENY the allegations in paragraph 337 of the Complaint.

338. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 338 of the Complaint, and, for that reason, DENY the allegations in paragraph 338 of the Complaint.

D. Control Person Liability, C.R.S. § 11-51-604(5)(a) and (b) (against Dragul and Fox)

339. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 339 of the Complaint, and, for that reason, DENY the allegations in paragraph 339 of the Complaint.

340. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 340 of the Complaint, and, for that reason, DENY the allegations in paragraph 340 of the Complaint.

341. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 341 of the Complaint, and, for that reason, DENY the allegations in paragraph 341 of the Complaint.

342. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 342 of the Complaint, and, for that reason, DENY the allegations in paragraph 342 of the Complaint.

343. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 343 of the Complaint, and, for that reason, DENY the allegations in paragraph 343 of the Complaint.

344. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 344 of the Complaint, and, for that reason, DENY the allegations in paragraph 344 of the Complaint.

*E. Substantial Assistance, C.R.S. § 11-51-604(5)(c)
(Against Kahn Defendants, the Fox Defendants, the Hershey
Defendants, Markusch)*

345. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 345 of the Complaint, and, for that reason, DENY the allegations in paragraph 345 of the Complaint.

346. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 346 of the Complaint, and, for that reason, DENY the allegations in paragraph 346 of the Complaint.

347. DENY—as to MARKUSCH and OLSON.

348. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 348 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 348 (and all subparts) of the Complaint.

349. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 349 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 349 (and all subparts) of the Complaint.

350. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 350 (and all subparts) of the Complaint, and, for that reason, DENY the allegations in paragraph 350 (and all subparts) of the Complaint.

351. DENY (and all subparts)—as to MARKUSCH and OLSON.

352. DENY—as to MARKUSCH and OLSON.

353. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 353 of the Complaint, and, for that reason, DENY the allegations in paragraph 353 of the Complaint.

354. DENY—as to MARKUSCH and OLSON.

VI. SECOND CLAIM FOR RELIEF
Negligence
(Against Dragul and the Fox and Hershey Defendants)

355. Paragraph 355 does not contain an allegation.

356. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 356 of the Complaint, and, for that reason, DENY the allegations in paragraph 356 of the Complaint.

357. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 357 of the Complaint, and, for that reason, DENY the allegations in paragraph 357 of the Complaint.

358. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 358 of the Complaint, and, for that reason, DENY the allegations in paragraph 358 of the Complaint.

359. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 359 of the Complaint, and, for that reason, DENY the allegations in paragraph 359 of the Complaint.

**VII. THIRD CLAIM FOR RELIEF:
Negligent Misrepresentation
(Against Dragul and the Fox and Hershey Defendants)**

360. Paragraph 360 does not contain an allegation.

361. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 361 of the Complaint, and, for that reason, DENY the allegations in paragraph 361 of the Complaint.

362. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 362 of the Complaint, and, for that reason, DENY the allegations in paragraph 362 of the Complaint.

363. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 363 of the Complaint, and, for that reason, DENY the allegations in paragraph 363 of the Complaint.

364. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 364 of the Complaint, and, for that reason, DENY the allegations in paragraph 364 of the Complaint.

365. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 365 of the Complaint, and, for that reason, DENY the allegations in paragraph 365 of the Complaint.

366. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 366 of the Complaint, and, for that reason, DENY the allegations in paragraph 366 of the Complaint.

367. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 367 of the Complaint, and, for that reason, DENY the allegations in paragraph 367 of the Complaint.

368. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 368 of the Complaint, and, for that reason, DENY the allegations in paragraph 368 of the Complaint.

369. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 369 of the Complaint, and, for that reason, DENY the allegations in paragraph 369 of the Complaint.

370. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 370 of the Complaint, and, for that reason, DENY the allegations in paragraph 370 of the Complaint.

VIII. FOURTH CLAIM FOR RELIEF
Civil Theft—Colo. Rev. Stat. § 18-4-401
(Against All Defendants)

371. Paragraph 371 does not include an allegation.

372. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 372 of the Complaint, and, for that reason, DENY the allegations in paragraph 372 of the Complaint.

373. DENY—as to MARKUSCH and OLSON.

374. DENY—as to MARKUSCH and OLSON.

375. DENY—as to MARKUSCH and OLSON.

376. DENY—as to MARKUSCH and OLSON.

377. DENY—as to MARKUSCH and OLSON.

**IX. FIFTH CLAIM FOR RELIEF:
Violations of the Colorado Organized Crime Control Act
("COCCA")
Colo. Rev. Stat. §18-17-101, et. Seq.
(Dragul, the Fox Defendants and the Hershey Defendants)**

378. Paragraph 378 does not contain an allegation.

379. DENY—as to MARKUSCH and OLSON.

380. DENY—as to MARKUSCH and OLSON.

381. DENY—as to MARKUSCH and OLSON.

382. DENY—as to MARKUSCH and OLSON.

383. DENY—as to MARKUSCH and OLSON.

384. DENY—as to MARKUSCH and OLSON.

385. DENY—as to MARKUSCH and OLSON.

386. DENY (and all subparts)—as to MARKUSCH and OLSON.

387. DENY(and all subparts)—as to MARKUSCH and OLSON.

388. DENY—as to MARKUSCH and OLSON.

389. DENY—as to MARKUSCH and OLSON.

390. Paragraph 390 contains legal arguments and for that reason it is DENIED—as to MARKUSCH and OLSON.

391. DENY—as to MARKUSCH and OLSON.

**X. SIXTH CLAIM FOR RELIEF:
Aiding and Abetting Violations of COCCA
Colo. Rev. Stat. § 18-17-101 et. seq.
(Against Markusch, and the Kahn, Fox, and Hershey Defendants)**

392. Paragraph 392 does not contain an allegation.

393. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 393 of the Complaint, and, for that reason, DENY the allegations in paragraph 393 of the Complaint.

394. ADMIT that MARKUSCH and OLSON are persons within the meaning of § 18-17-103(4).

395. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 395 of the Complaint, and, for that reason, DENY the allegations in paragraph 395 of the Complaint.

396. DENY(and all subparts)—as to MARKUSCH and OLSON.

397. DENY—as to MARKUSCH and OLSON.

398. MARKUSCH and OLSON are without sufficient information about the allegations in Paragraph 398 of the Complaint, and, for that reason, DENY the allegations in paragraph 398 of the Complaint.

399. DENY—as to MARKUSCH and OLSON.

400. DENY—as to MARKUSCH and OLSON.

401. DENY—as to MARKUSCH and OLSON.

402. DENY—as to MARKUSCH and OLSON.

403. Paragraph 403 includes legal argument and of that reason, Paragraph 403 is denied as to MARKUSCH AND OLSON.

404. DENY—as to MARKUSCH and OLSON.

405. DENY—as to MARKUSCH and OLSON.

406. DENY—as to MARKUSCH and OLSON.

407. DENY—as to MARKUSCH and OLSON.

**XI. SEVENTH CLAIM FOR RELIEF:
Breach of Fiduciary Duty
(Against Dragul)**

408. Paragraph 408 does not contain an allegation.

409. The allegations in Paragraph 409 are not directed at MARKUSCH or OLSON.

410. The allegations in Paragraph 410 are not directed at MARKUSCH or OLSON.

411. The allegations in Paragraph 411 are not directed at MARKUSCH or OLSON.

412. The allegations in Paragraph 412 are not directed at MARKUSCH or OLSON.

413. The allegations in Paragraph 413 are not directed at MARKUSCH or OLSON.

414. The allegations in Paragraph 414 are not directed at

MARKUSCH or OLSON.

415. The allegations in Paragraph 415 are not directed at MARKUSCH or OLSON.

416. The allegations in Paragraph 416 are not directed at MARKUSCH or OLSON.

417. The allegations in Paragraph 417 are not directed at MARKUSCH or OLSON.

418. The allegations in Paragraph 418 are not directed at MARKUSCH or OLSON.

419. The allegations in Paragraph 419 are not directed at MARKUSCH or OLSON.

420. The allegations in Paragraph 420 are not directed at MARKUSCH or OLSON.

**XII. EIGHTH CLAIM FOR RELIEF:
Aiding and abetting Dragul's Breach of Fiduciary Duties
(Against the Kahn Defendants)**

421. Paragraph 421 does not contain an allegation.

422. The allegations in Paragraph 422 are not directed at MARKUSCH or OLSON.

423. The allegations in Paragraph 423 are not directed at MARKUSCH or OLSON.

424. The allegations in Paragraph 424 are not directed at

MARKUSCH or OLSON.

425. The allegations in Paragraph 425 are not directed at MARKUSCH or OLSON.

**XIII. NINTH CLAIM FOR RELIEF:
Negligence
(Against the Kahn Defendants)**

426. Paragraph 426 does not contain an allegation.

427. The allegations in Paragraph 427 are not directed at MARKUSCH or OLSON.

428. The allegations in Paragraph 428 are not directed at MARKUSCH or OLSON.

429. The allegations in Paragraph 429 are not directed at MARKUSCH or OLSON.

430. The allegations in Paragraph 430 (and all subparts) are not directed at MARKUSCH or OLSON.

431. The allegations in Paragraph 431 are not directed at MARKUSCH or OLSON.

**XIV. TENTH CLAIM FOR RELIEF:
Breach of Fiduciary Duty
(against the Kahn Defendants)**

432. Paragraph 432 does not contain an allegation.

433. The allegations in Paragraph 433 are not directed at MARKUSCH or OLSON.

434. The allegations in Paragraph 434 are not directed at MARKUSCH or OLSON.

435. The allegations in Paragraph 435 are not directed at MARKUSCH or OLSON.

436. The allegations in Paragraph 436 are not directed at MARKUSCH or OLSON.

437. The allegations in Paragraph 437 are not directed at MARKUSCH or OLSON.

438. The allegations in Paragraph 438 (and all subparts) are not directed at MARKUSCH or OLSON.

439. The allegations in Paragraph 439 are not directed at MARKUSCH or OLSON.

440. The allegations in Paragraph 440 are not directed at MARKUSCH or OLSON.

441. The allegations in Paragraph 441 are not directed at MARKUSCH or OLSON.

**XV. ELEVENTH CLAIM FOR RELIEF:
Fraudulent Transfer—Colo. Rev. Stat. §38-8-105(1)(A)
(against all Defendants)**

442. Paragraph 442 does not contain an allegation.

443. DENY—as to MARKUSCH and OLSON.

444. DENY—as to MARKUSCH and OLSON.

445. DENY—as to MARKUSCH and OLSON.

446. DENY—as to MARKUSCH and OLSON.

**XVI. TWELFTH CLAIM FOR RELIEF:
Unjust Enrichment
(against all Defendants)**

447. Paragraph 447 does not contain an allegation.

448. DENY—as to MARKUSCH and OLSON.

GENERAL DENIAL

Defendants, Markusch and Olson, DENY each and every allegation raised directly or indirectly to which Defendants did not directly respond.

AFFIRMATIVE DEFENSES

1. The Receiver has failed to state a claim against Defendants on which relief can be granted.

2. The Receiver failed to allege that Defendants knew or understood any of the facts related to any alleged fraud or conspiracy to engage in fraud.

3. The Receiver ascribed more sophistication than that which existed to Defendant Susan Markusch's job title.

4. The Receiver failed to allege one or more elements of the claims they have asserted against Defendants.

5. All sums paid to Susan Markusch and Olson Real Estate

Services were paid in exchange for actual and legal services provided by Markusch and by Olson Real Estate Services.

6. The Receiver failed to allege that Susan Markusch or Olson Real Estate Services had the requisite intent to commit fraud.

7. The allege loses the Receiver alleges were suffered by the investors were caused by the Receiver because the Receiver failed to understand the GDA entities business when he was appointed as a Receiver. In total, the Receiver's lack of knowledge caused the GDA entities to lose more than \$4 million dollars in income.

8. Defendants could not have been unjustly enriched because all sums Defendants received were in exchange for services actually rendered; and the compensation received was set at fair market value.

9. Defendants incorporate all affirmative defenses set forth in C.R.C.P. 8(c).

10. The Receiver's claims based on equity should be denied because the Receiver has unclean hands.

11. The acts and omission attributed to Susan Markusch or Olson Real Estate Services were actually acts that if committed at all, were committed by individuals and entities other than Susan Markusch or Olson Real Estate Services.

12. One or more claims by the Receiver asserted against Susan Markusch are barred by the applicable statute of limitations.

14. The Receiver lacks standing to assert some or all of the claims he has asserted against Defendants.

15. One or more of the claims the Receiver has asserted have been equitably tolled.

16. Defendants cannot be liable for any fraudulent acts because Defendants were not in the position to provide information to any third parties.

17. Sums paid to Susan Markusch or Olson Real Estate Services did not render the GDA entities insolvent.

18. Defendants had a good faith basis for receiving all sums paid to them by the GDA entities.

19. The Receiver asserted claims against Defendants solely for the purpose of pursuing claims against other defendants: the Receiver does not have a good faith basis to allege the claims that he has alleged against Defendants.

20. Defendants reserve the right to assert additional defenses as the Receiver's lengthy and confused Complaint does not always make clear the claims which the Receiver is pursuing against Defendants solely because of Defendants' conduct.

Dated: July 8, 2021.

RESPECTFULLY SUBMITTED,

WILLIAMS LLP

By: /s/ T. Edward Williams, Esq.

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ATTORNEYS FOR INTERESTED PARTY

SUSAN MARKUSCH

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 2021, a copy of this **ANSWER AND AFFIRMATIVE DEFENSES** was filed and served via CCES on these individuals:

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