

DISTRICT COURT, PARK COUNTY, COLORADO
Court Address: 300 4th Street, P.O. Box 190
Fairplay, CO 80440

Phone Number: 719-836-2940

Fax Number: 619-836-2892

Plaintiffs\Counterclaim Defendants:

NorthStar Companies International, LLC
NorthStar Design & Construction, LLC, d/b/a
NorthStar Home Sales, d/b/a
NorthStar Construction,

v.

Defendants\Counterclaim Plaintiffs:

Michael Thomas Meadors and
Karen Dudnikov,

Attorney for Defendants:

Anthony A. Johnson, #4990
RETFERFORD, MULLEN, JOHNSON & BRUCE, LLC
Plaza of the Rockies, South Tower
121 S. Tejon Street, Suite 601
Colorado Springs, CO 80903
Telephone: (719) 475-2014
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▲ COURT USE ONLY ▲

Case Number: 01 CV 120

Div.:

Ctrm.:

ORDER

ENTERED
KLB

COMES NOW the Court, having reviewed the file, reviewed the affidavits of the Defendants/Counterclaimants, and hereby enters judgment in favor of Defendants/Counterclaimants, Michael Thomas Meadors and Karen Dudnikov, and against the Plaintiffs NorthStar Companies International, LLC and NorthStar Design and Construction, LLC, d/b/a NorthStar Home Sales, d/b/a NorthStar Construction as follows:

- A. For violation of the Colorado Consumer Protection Act - \$3,265.00
- B. Treble damages for violation of the Colorado Consumer Protection Act - \$9,795.00
- C. For breach of contract - \$9,205.67
- D. Attorneys Fees - \$ 6,211.48

CERTIFICATE OF SERVICE

I certify that on 10-15-07

I served the foregoing document to:

Atty Johnson
Atty Zandias

by ☒ mailing ☐ faxing ☐ relay

KLB
Deputy Clerk

DONE THIS 8th day of Oct, 2002.

BY THE COURT,

9/28 m/s

DISTRICT COURT JUDGE

| | |
|---|---|
| DISTRICT COURT, PARK COUNTY, COLORADO Court Address: 300 4th Street, P.O. Box 190 Fairplay, CO 80440 Phone Number: 719-836-2940 Fax Number: 619-836-2892 | FILED IN COMBINED COURT APR 29 2004 PARK COUNTY, COLORADO |
| <hr/> Plaintiffs \ Counterclaim Defendants: NorthStar Companies International, LLC NorthStar Design & Construction, LLC, d/b/a NorthStar Home Sales, d/b/a NorthStar Construction, | <hr/> Δ COURT USE ONLY Δ |
| v. Defendants \ Counterclaim Plaintiffs: Michael Thomas Meadors and Karen Dudnikov, | Case Number: 01 CV 120 Div.: Ctrm.: |
| <hr/> Attorney for Defendants: Anthony A. Johnson, #4990 RETHERFORD, MULLEN, JOHNSON & BRUCE, LLC Plaza of the Rockies, South Tower 121 S. Tejon Street, Suite 601 Colorado Springs, CO 80903 Telephone: (719) 475-2014 Facsimile: (719) 630-1267 Email: ajohnson@rmjblaw.com | |
| ORDER | |

COMES NOW the Court, having reviewed the file and the Motion of Judgment Creditor, the responses of Barbara A. Robbins, the Trial Memorandum of the Judgment Creditor, and finds and orders as follows:

FINDINGS OF FACT

1. This case was initiated by Barbara A. Robbins on behalf of NorthStar Design & Construction, LLC.
2. The judgment creditors, Defendants in that action, lodged a Counterclaim seeking damages under various theories, including breach of contract and breach of the Colorado Consumer Protection Act.

3. On October 8, 2002, judgment was entered in favor of the Defendant/Counterclaimants, the judgment creditors herein, and against NorthStar Design & Construction in the amount of \$28,477.15.

4. It is undisputed that Barbara A. Robbins operated NorthStar Design & Construction, LLC as an limited liability company between 1996 and April, 2001, even though the company was not licensed by the State and a certificate establishing NorthStar Design & Construction as a limited liability company was not issued until April, 2001.

5. All of the dealings between the judgment creditors herein and NorthStar Design & Construction occurred prior to the time that entity became a limited liability company.

6. All of those dealings were with Barbara A. Robbins or individuals acting at her direction.

7. The judgment creditors herein have presented this matter to the Court along with a request that the judgment entered against NorthStar Design & Construction, LLC be entered against Barbara A. Robbins individually.

8. Although having filed certain documents and pleadings in response to the judgment creditors' motions, Barbara A. Robbins did not appear at the hearing on this matter.

CONCLUSIONS OF LAW

1. The statute made and provided sets forth the following:

All persons who assume to act as a limited liability company without authority to do so and without good faith belief that they have such authority shall be jointly and severally liable for all debts and liabilities incurred by such persons so acting.

C.R.S. § 7-80-105.

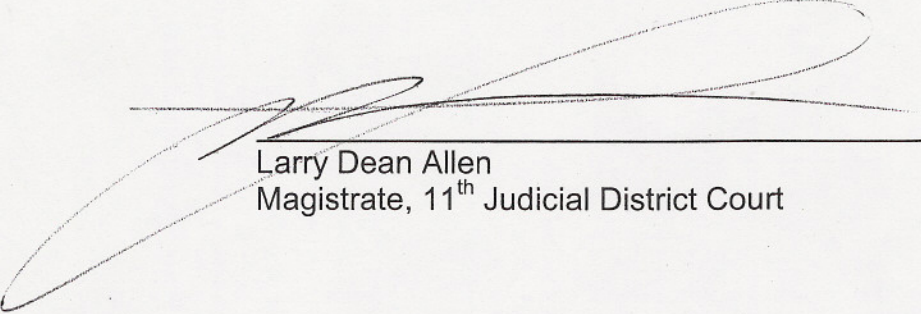
2. Ms. Robbins asserts that in 1996 she submitted an application on behalf of NorthStar Design & Construction and that application was returned to her by the Secretary of State because of errors therein. She asserts that her failure to resubmit was an oversight and, essentially, she should be allowed the protection afforded an LLC as a *defacto* LLC.

3. The principal of *defacto* corporations or limited liability companies has no application in Colorado. *Bowers Building Co. v. Altura Glass Co.*, 694 P.2d 876 (Colo.

App. 1984). The existence of a limited liability company commences when a certificate is issued by the Secretary of State. The Court would further note that this holding is in keeping with the appellate court's analysis in *Hong v. Arbess*, 80 P.3d 863 (Colo. App. 2003).

4. It is, therefore, ordered that the judgment heretofore entered in this case against NorthStar Design and Construction, LLC, in the amount of \$28,477.15 is entered against said Barbara A. Robbins jointly and severally.

So ordered this 6 day of May, 2004.



Larry Dean Allen
Magistrate, 11th Judicial District Court