

22CA0888 Stevens v BrandyChase 06-08-2023

COLORADO COURT OF APPEALS

DATE FILED: June 8, 2023
CASE NUMBER: 2022CA888

Court of Appeals No. 22CA0888
Jefferson County District Court No. 21CV112
Honorable Lily W. Oeffler, Judge

Leslie Robin Stevens, as Trustee of Hunter's Living Trust,

Plaintiff-Appellant,

v.

BrandyChase II Homeowners Association, Inc.; and Antares Property Services
Inc., d/b/a Associa Colorado Association Services,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE SCHUTZ
Harris and Lipinsky, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced June 8, 2023

Spencer Fane LLP, Troy Rackham, Denver, Colorado, for Plaintiff-Appellant

Jachimiak Peterson Kummer, LLC, Joseph R. Kummer, Rebecca J. Zisch,
Lakewood, Colorado, for Defendants-Appellees

¶ 1 Plaintiff-appellant, Leslie Robin Stevens, appeals the district court's entry of summary judgment against her. Stevens also appeals the district court's judgment in favor of defendants-appellees, BrandyChase II Homeowners Association, Inc. (BC-HOA) and Antares Property Services, Inc. d/b/a Associa Colorado Association Services (Associa), which was entered after a two-day trial to the court. We affirm in part, reverse in part, and remand with directions.

I. Factual and Procedural Background

¶ 2 In 2010, Stevens purchased a condominium located in the BrandyChase II Community. BC-HOA is the homeowners association for the community, and Associa is the property manager. Stevens was concerned that BC-HOA and Associa were not properly managing the common area of the community. Stevens also expressed frustration that an election for members of the board of directors had not occurred since 2016.

¶ 3 BC-HOA scheduled an election and corresponding meeting in November 2020. The result of the election would determine the five property owners who would serve as BC-HOA's directors. At the November meeting, the then-current board determined that it did

not have a quorum for the meeting and that the election was invalid. Thereafter, BC-HOA scheduled and held another election in March 2021. Stevens challenged the outcome of both the November and March elections, and she scheduled a special meeting with a corresponding board election to be held in May 2021.

¶ 4 In this litigation, the district court was required to determine the validity of the November, March, and May elections. The district court rejected Stevens's efforts and determined that the November and May elections were invalid but that the March election was valid and resulted in the election of candidates supported by BC-HOA and Associa. Stevens appeals these orders.

A. The November Election

¶ 5 BC-HOA scheduled an annual meeting for 6 p.m. on November 12, 2020. The stated purpose of the meeting was twofold: to approve an annual budget and to announce the results of an election to select five board members. The 2021 budget could not be approved without a quorum, so BC-HOA provided a proxy form by which a property owner could designate their vote on the budget to be cast by another. The board election was to be determined by

written ballot, with the deadline for submitting ballots set for 4 p.m. on November 12.

¶ 6 The vote on the budget was to be conducted at a virtual meeting and the election of directors was to be conducted using a ballot that could be returned by mail or email. BC-HOA elected to use these procedures due to the ongoing COVID-19 pandemic. In advance of the virtual meeting, BC-HOA mailed a packet to property owners that provided them with an agenda, a proxy form, and a ballot for the election.

¶ 7 Before the meeting, Stevens circulated a proxy, modeled after BC-HOA's proxy, which she had modified to include her own email address as the return address for the proxy and to designate herself as the holder of the proxy (modified proxy). Stevens then attempted to tender sixty-three votes for the director election using her modified proxy. Seven of those votes were cast by property owners who used the BC-HOA written ballot and designated Stevens as their proxy on the modified proxy. But for the remaining votes, Stevens (or someone working on her behalf) handwrote a tally of purported property owner votes on the bottom of a single ballot that corresponded to the total modified proxies Stevens had received.

That single ballot was accompanied by the completed modified proxies but by no additional completed ballots.

¶ 8 Like the form of the proxy that BC-HOA had circulated, the modified proxies did not reference the annual meeting. Rather, each proxy referred to the “2020 Annual/2021 Budget Ratification Meeting.” And as reflected in the notice that BC-HOA circulated in advance of the meeting, ballots for the election of directors had to be returned to BC-HOA before the meeting via mail or email.

¶ 9 The board determined that Stevens’s tendered proxies were not valid for multiple reasons, including that the proxy form she circulated did not authorize proxy voting for the election of the directors. The board also concluded that the actual ballots purportedly signed by the homeowners were invalid because they had not been timely tendered to the board. After concluding these ballots were invalid, the board determined it had not achieved a quorum for the election and therefore none of the listed or write-in candidates had been elected.

¶ 10 Four days later, on November 16, 2020, Stevens filed a complaint in small claims court. The complaint was subsequently

transferred to the county court, and thereafter to the district court, which entered the judgments now on appeal.

B. BC-HOA's March Online Election

¶ 11 Meanwhile, BC-HOA decided to hold a special election in March 2021. In an effort to increase participation, BC-HOA decided to conduct an online election with a March 9, 2021, deadline for property owners to electronically cast their votes. BC-HOA enlisted the assistance of Vote HOA Now, a third party that specializes in facilitating HOA elections. BC-HOA took two primary approaches to provide notice of the election and generate voter turnout. First, it emailed a notice to property owners with a known email address. The notice, which referred to a "Board Member election," included a website address allowing those owners to access an online ballot. Second, with respect to the twenty-one owners with no known email address, BC-HOA sent a letter by United States mail on March 1, 2021, requesting the owner's email address. BC-HOA did not send a written ballot with this letter, and the letter did not contain the website address for the online ballot. Neither the email notice nor the mailed letter included a proxy form in the event an owner wanted to designate someone else to vote on their behalf.

¶ 12 Stevens did not vote in the March election, and she submitted no proxies with respect to that vote. She contended, however, that the vote was contrary to the Colorado Common Interest Ownership Act (CCIOA), *see* §§ 38-33.3-101 to 38-33.3-402, C.R.S. 2022, the Colorado Non-Profit Act, *see* §§ 7-121-101 to 7-131-301, C.R.S. 2022, and BC-HOA's Bylaws. Therefore, she argued, the election was invalid.

¶ 13 On March 9 at 5:31 p.m., BC-HOA announced that it had received sufficient votes to establish a quorum for the election, and that the ballots cast resulted in the election of the five candidates listed on the ballot.

C. Stevens's May Special Meeting and Election

¶ 14 Stevens, operating under the belief that the November and March elections were invalid, called a special meeting for property owners to be held via Zoom on May 4, 2021. The purpose of the meeting was to vote on the removal of the existing directors and elect new directors. BC-HOA initially notified Stevens that her efforts to call an election had failed. However, BC-HOA subsequently notified Stevens that she had provided a sufficient number of petitions to hold the special meeting and election.

¶ 15 Stevens testified that she modeled the election on the procedures that BC-HOA had used to conduct the November election. She sent notice of the special meeting and election to the property owners, together with a ballot and proxy form. She designated herself and her email address as the person and place to whom the ballots and proxies were to be returned.

¶ 16 Stevens received twenty-two proxy votes that she placed into a folder in preparation to send them to the current board on the day of the election. Stevens also took a photograph of each proxy and its corresponding ballot, which she then emailed to the board, Associa, and BC-HOA's law firm.

¶ 17 Stevens took the ballots to Natasha Motyka, a real estate agent, whom she asked to count the ballots. Motyka did so, and then made and signed an affidavit attesting to the vote total.

¶ 18 Stevens left those ballots with Motyka and proceeded to collect more ballots by walking the community and making phone calls to generate more participation. Stevens took the additional ballots she collected to a banker identified as Fabian Chavez Guerrero and requested that he count the ballots. He was unable or unwilling to do so, but he enlisted the services of Melissa Sparks, a bank

customer, to sign an affidavit listing the votes received for the board candidates, which Chavez Guerrero then notarized.

¶ 19 Stevens conducted the May 4 special meeting via Zoom, with an option to participate telephonically. She took a screenshot of the Zoom participants that captured forty-three profiles. She later testified that an additional sixteen property owners participated by telephone. Stevens represented that she verified owners by comparing an ownership list with the name that appeared on the screen and a list identifying those who had called in by phone. She also stated that the number of participants was sufficient to constitute a quorum for purposes of the special meeting. After the meeting, Stevens sent copies of all of the ballots to the board.

¶ 20 The cast ballots purported to remove all sitting directors and elect five new directors, including Stevens.

D. Stevens's Lawsuit and the District Court's Rulings

¶ 21 Stevens filed tort and contract claims against BC-HOA, Associa, and the individual BC-HOA board members. In resolving the numerous issues before it, the court first granted summary judgment in favor of all individual defendants on all claims asserted against them, and on Stevens's defamation claim and breach of

fiduciary duty claims asserted against BC-HOA and Associa. The court also granted summary judgment in favor of the organizational defendants, declaring that the votes by proxy for the November election were invalid.

¶ 22 Because there remained significant issues of disputed fact with respect to the validity of the March and May elections, the court denied the parties' motions related thereto. The court subsequently held a trial to the court, after which it determined the March election was valid and the May election was invalid. The court also rejected Stevens's remaining claims.

¶ 23 Stevens argues on appeal that the district court erred by (1) granting summary judgment in favor of the defendants declaring that Stevens's tendered proxy votes for the November election were invalid; (2) concluding that the March election was valid; and (3) concluding that the May election was invalid. We address each contention in turn.

II. Summary Judgment

A. Standard of Review

¶ 24 Summary judgment is appropriate when “there is no genuine issue as to any material fact and . . . the moving party is entitled to

a judgment as a matter of law.” C.R.C.P. 56(c). “The moving party has the burden of establishing the lack of a triable factual issue, and all doubts as to the existence of such an issue must be resolved against the moving party.” *Churchey v. Adolph Coors Co.*, 759 P.2d 1336, 1340 (Colo. 1988). “The nonmoving party is entitled to the benefit of all favorable inferences that may be drawn from the undisputed facts” *Martini v. Smith*, 42 P.3d 629, 632 (Colo. 2002).

¶ 25 We review a district court’s grant of summary judgment de novo. *Shelter Mut. Ins. Co. v. Mid-Century Ins. Co.*, 246 P.3d 651, 657 (Colo. 2011). We apply the same standard as the district court when reviewing a summary judgment order. *City of Fort Collins v. Colo. Oil & Gas Ass’n*, 2016 CO 28, ¶ 9. On review, our task “is to determine whether a genuine issue of material fact existed and whether the district court correctly applied the law” in granting the defendants’ motion. *Id.*

B. Analysis

¶ 26 It is undisputed that Stevens collected numerous proxies for the November 12, 2020, meeting and that BC-HOA refused to accept them. If those proxies legally permitted Stevens to vote at

the November election on behalf of the persons who signed the proxies, then Stevens's candidates would have been elected. But the district court concluded the BC-HOA board properly rejected the proxy votes.

¶ 27 The packet for the November meeting and election included five separate documents: (1) a notice of the annual and budget ratification meeting; (2) a 2021 budget summary report; (3) an agenda; (4) a proxy form; and (5) a written ballot. The notice set forth the purposes of the meeting:

The purpose of the meeting is to approve meeting minutes of the 2019 Annual/2020 Budget Ratification Meeting and to ratify the 2021 Board-approved budget. Through a separate action of written ballot, the members will elect five (5) people to serve on the Board of Directors for staggered terms.

The notice also explained the purpose of the proxy form: "If you cannot attend this meeting, please provide your proxy to someone who can attend. This is very important because we need 53 owners to attend the meeting or send in a proxy just to hold this meeting. Do not leave your proxy blank."

¶ 28 Contrary to Stevens's argument, neither her modified proxy nor the original proxy permitted the designation of a proxy for the

purpose of casting a vote for the election of directors. The title of both proxies read, in pertinent part, “BrandyChase II Homeowners Association, Inc. 2020 Annual/2021 Budget Ratification Meeting.” The title made no reference to the election of directors. Moreover, the express language of the proxy defined and limited its purpose:

I (owner name) _____ hereby authorize the following person (proxy holder) _____ to serve as my proxy at the 2020 Annual/2021 Budget Ratification Meeting for the BrandyChase II Homeowners Association to be held on November 12, 2020[,] and any subsequent meeting called for this purpose.

This language is clear, and it expressly limits the breadth of the proxy to the annual meeting and budget ratification. The proxy says nothing about authorizing the proxy holder to vote on the owner’s behalf for the election of directors.

¶ 29 Given the proxy’s express and limited directive, we reject Stevens’s effort to rely on the other documents that BC-HOA circulated with the proxy to support an implied understanding that the proxy holder would be permitted to vote for directors on the owner’s behalf. *Cf. Lujan v. Life Care Ctrs. of Am.*, 222 P.3d 970, 974 (Colo. 2009) (narrowly construing a health care proxy). Given the sanctity of the voting process, we will not infer an unstated

intent to authorize a proxy holder to vote on an owner's behalf. See, e.g., *Berlin v. Emerald Partners*, 552 A.2d 482, 483 (Del. 1989) (“[I]f the stockholder is represented by a *limited* proxy and does not empower its holder to vote on a particular proposal, then the shares represented by that proxy cannot be considered as part of the voting power present with respect to that proposal.”).

¶ 30 In light of these undisputed facts, the district court did not err by concluding that the modified proxies did not authorize Stevens to vote on behalf of absent owners at the November election. Accordingly, we affirm the district court's summary judgment in favor of the defendants on that issue.

III. Judgment Entered After the Trial Concerning the March and May Elections

¶ 31 After the bench trial, the court entered written findings of fact and conclusions of law by which it determined that both parties failed to strictly comply with BC-HOA's governance policies and the applicable statutes in connection with the March and May elections. Nevertheless, the court determined that BC-HOA substantially complied with those requirements for the March election, but Stevens failed to substantially comply with respect to the May

election. Thus, the district court determined that the March election was valid and the May election was invalid. Stevens appeals both of these determinations, and we review them in turn.

A. Standard of Review and Applicable Law

¶ 32 “When a court enters a judgment following a bench trial, that judgment presents a mixed question of law and fact. We apply a bifurcated standard to such questions, reviewing the evidentiary factual findings for an abuse of discretion and the legal conclusions de novo.” *Sandstead-Corona v. Sandstead*, 2018 CO 26, ¶ 37 (citations omitted).

¶ 33 Neither party contests the district court’s factual findings, so we focus our review on its legal conclusions. We review de novo questions of statutory interpretation. *Bd. of Cnty. Comm’rs v. Colo. Dep’t of Pub. Health & Env’t*, 2021 CO 43, ¶ 17. Our guiding principle is to determine and give effect to the intent of the General Assembly by first looking to the plain language of the statute. *Id.*

¶ 34 CCIOA sets forth specific procedures that homeowners associations must follow in conducting business, including elections. Section 38-33.3-310, C.R.S. 2022, addresses the use of proxies for voting an absent property owner’s interest at meetings

and director elections. It provides, “Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner.” § 38-33.3-310(2)(a). The statute also specifies that “[v]otes for contested positions on the executive board shall be taken by secret ballot.” § 38-33.3-310(1)(b)(I)(A). Section 38-33.3-310(1)(b)(I)(C) provides as follows:

Ballots shall be counted by a neutral third party or by a committee of volunteers. Such volunteers shall be unit owners who are selected or appointed at an open meeting, in a fair manner, by the chair of the board or another person presiding during that portion of the meeting. The volunteers shall not be board members and, in the case of a contested election for a board position, shall not be candidates.

¶ 35 Association elections are also informed by the Colorado Revised Nonprofit Corporation Act. Section 7-127-104(1), C.R.S. 2022, provides the requisite notice for meetings of an association: “A nonprofit corporation shall give to each member entitled to vote at the meeting notice consistent with its bylaws of meetings of members in a fair and reasonable manner.” The statute specifies that “[n]otice is fair and reasonable if: [t]he nonprofit corporation notifies its members of the place, date, and time of each annual,

regular, and special meeting of members no fewer than ten days . . . before the meeting date.” § 7-127-104(3)(a).

¶ 36 Section 7-127-109(1), C.R.S. 2022, permits elections by United States mail without the necessity of a meeting: “Unless otherwise provided by the bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting *if the nonprofit corporation delivers a written ballot to every member entitled to vote on the matter.*” *Id.* (emphasis added). With respect to proxies, the Nonprofit Act provides: “If the name signed on a vote, consent, written ballot, waiver, proxy appointment . . . corresponds to the name of a member, the nonprofit corporation, if acting in good faith, is entitled to accept the vote, consent, written ballot, waiver, [or] proxy” § 7-127-204(1).

B. The March Election

¶ 37 Applying these provisions, the district court found that, in conducting the March election, BC-HOA violated both CCIOA and the Nonprofit Act. Specially, the court found that BC-HOA violated section 38-33.3-310(2)(a) by not permitting proxy voting for the online election. Second, the court found that BC-HOA violated

section 7-127-104(3) and its governing documents by failing to give notice of the election via United States mail at least ten days prior to the election. Third, the court found that BC-HOA violated section 7-127-109 and its governing documents by failing to provide a written ballot for the election to the homeowners entitled to vote. These findings have record support, and we therefore accept them on appeal.

¶ 38 Despite these findings, the district court declined Stevens’s request to invalidate the March election. The court reasoned that the violations were not so substantial that they undermined the integrity of the March election. The court concluded that the law only required substantial compliance with the subject election provisions and that BC-HOA had substantially complied.

¶ 39 We need not decide whether CCIOA or any of its provisions require strict or substantial compliance because we conclude that BC-HOA did not even substantially comply with the applicable statutes. The Colorado Supreme Court has explained that to evaluate substantial compliance, a district court should consider “(1) the extent of the noncompliance; (2) the purpose of the provision and whether that purpose was substantially achieved in

spite of the lack of compliance; and (3) whether there was a good faith effort to comply.” *Griswold v. Ferrigno Warren*, 2020 CO 34, ¶ 12 (citing *Loonan v. Woodley*, 882 P.2d 1380, 1384 (Colo. 1994)).

¶ 40 None of the owners received a written ballot for the March election. *See* § 7-127-109. As BC-HOA points out, they did receive an email notice of the election with a link to the ballot. However, twenty-one of the owners did not receive an email because BC-HOA did not have an email address for them. These owners received a letter by United States mail notifying them of the election. There was no written ballot, however, enclosed with the letter. And the letter was sent less than ten days before the election. Finally, none of the owners was provided or permitted to exercise their right to vote by proxy.

¶ 41 These omissions go to the fundamental exercise of the right to vote. The voting procedures of CCIOA and the Nonprofit Act were intended to facilitate engagement by owners in an association and, in turn, hold directors of that association accountable to the owners. Timely notice of an election and timely delivery of ballots are at the core of facilitating a deliberate, informed, and inclusive voting process. Thus, the degree of noncompliance was substantial.

BC-HOA had the resources and knowledge to comply with these basic statutory requirements — indeed, it had retained an expert in conducting homeowners association elections. While the hiring of an election expert may provide some indicia of BC-HOA’s good faith effort to conduct a proper election, we cannot conclude that this hiring excused BC-HOA’s substantial noncompliance from essential election requirements.

¶ 42 Nor are we persuaded that the COVID pandemic provided an excuse for these omissions. Of course, there are circumstances in which adjustments to typical procedures may be necessary to continue business operations in the throes of a pandemic. But the pandemic concerns in this case could have been adequately addressed through a mail-in election or a hybrid mail/electronic election. Providing homeowners with a written ballot and a proxy would not have meaningfully increased any COVID concerns. Nor would providing timely notice of the election. In short, the pandemic provides no refuge for BC-HOA’s errors.

¶ 43 Nor are we persuaded that the late mailing to excluded voters was sufficient to overcome the problems. The late mailing did not contain a ballot or proxy, and it erroneously presupposed that those

twenty-one homeowners who had no known email address had the means and technical ability to access an online ballot.

¶ 44 Finally, we are unpersuaded by BC-HOA’s argument that its failure to substantially comply with the applicable statutes and rules can be disregarded because twenty-one votes would not have affected the outcome of the March election. Under this theory, a homeowners association could opt for complete noncompliance with every statutory provision or rule so long as the election was won by a wide margin. BC-HOA does not provide any authority to support this interpretation of CCIOA, so we decline to endorse it. *See* § 1-1-103(1), C.R.S. 2022 (The election code “shall be liberally construed so that all eligible electors may be permitted to vote” and to prevent ineligible voters from voting “in order to prevent fraud and corruption in elections.”).

¶ 45 We cannot interpret the operative statutes in a manner that would permit homeowners associations to avoid CCIOA and the Nonprofit Act’s purposeful provisions regarding proxies, required meetings, and voting. To do so would frustrate the central purpose of these statutes. *See People v. Dist. Ct.*, 713 P.2d 918, 921 (Colo. 1986) (“Constructions which defeat the obvious legislative intent

should be avoided.”). We therefore conclude that BC-HOA’s March election did not substantially comply, much less strictly comply, with the substance and purpose of the controlling election statutes. Accordingly, we reverse the district court’s order finding the March election valid.

C. The May Special Meeting and Election

¶ 46 Similar to BC-HOA’s March online election, Stevens failed to comply with CCIOA and the Nonprofit Act when conducting the May election. The district court found, with record support, that it had received no evidence establishing that the individuals Stevens enlisted to count the votes were neutral third parties, which violated section 38-33.3-310(1)(b)(I)(C). The court also found that Stevens, “a candidate on the ballot with an interest in the outcome, collected the ballots and could not prove to the Court that she did so impartially with evidence other than her word.” *See id.* Moreover, the court noted that the ballots were returned without any identifying information, so the votes could not be verified against a homeowners list, in violation of section 38-33.3-310(b)(I)(C).

¶ 47 The district court concluded these omissions rendered the May election invalid, reasoning as follows:

The May 2021 special election, on the other hand, yielded results that the Court cannot verify. A quorum was not established The evidence shows that anyone could have signed into the Zoom meeting under a different name, that individuals could log into the meeting with multiple devices at a time, and that there is no way to know how long each participant was signed into the call. The ballots were collected without any identifying information, meaning the Court cannot verify that each ballot came from a qualified voter. The Court is unable to conclude that the real estate agent and banker were, in fact, neutral third parties in counting the votes. The votes themselves were collected and maintained by the Plaintiff, an interested party in the election.

Based on these findings, the district court determined that Stevens had failed to demonstrate adequate compliance with CCIOA and the Nonprofit Act, and therefore the election was invalid.

¶ 48 Stevens contends the district court erred by concluding that the May election was subject to CCIOA. We disagree. This was an election for the directors of an association that is subject to CCIOA. Under such circumstances, the election must be conducted in accordance with CCIOA and the operative provisions of the Nonprofit Act. Stevens was not free of these requirements simply

because she was acting on her own behalf rather than as an authorized agent of the association.

¶ 49 The problems with the May election were equal to or worse than those associated with the March election. The existence of a quorum could not be verified; the ballots Stevens tried to vote by proxy did not contain identifying information; the votes were purportedly counted by persons whose neutrality could not be verified; and Stevens, a candidate, was intimately involved in the voting process, and the court concluded it could not determine that she was impartial. These violations were substantial and inconsistent with a good faith effort to comply with the statutory requirements, thereby undermining the integrity of the election. For these reasons, we conclude that the district court did not err by determining that the May election was invalid. We therefore affirm this portion of the judgment.

IV. Disposition

¶ 50 For the reasons stated, we affirm the district court's entry of judgment in favor of BC-HOA and Associa declaring the November 2020 and May 2021 elections invalid. We reverse the district

court's judgment finding the March 2021 election valid, and we remand the case to the district court.

JUDGE HARRIS and JUDGE LIPINSKY concur.

Court of Appeals

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PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

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