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| DISTRICT COURT, ARAPAHOE COUNTY, COLORADO Arapahoe County Justice Center 7325 South Potomac Street Centennial, CO 80112 | ↑ COURT USE ONLY ↑ |
| <p>In the Matter of: THE PATRICK D. BOWLEN TRUST</p> <p>Petitioners: Amie Bowlen Klemmer and Beth Bowlen Wallace, v.</p> <p>Respondents: Josiah W. Ellis, Richard P. Slivka, and Mary J. Kelly</p> <p>Intervenor: Joan Annabel Bowlen</p> <p>Interested Person: Alexandra Carey</p> | <p>Case No.: 2019PR30197 (consolidated with 2019PR30796 and 2019PR30843)</p> <p>Div.: 204</p> |
| <p>ORDER RE: PETITIONERS’ UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE AND WITHDRAWAL OF OBJECTIONS WITH PREJUDICE</p> | |

THIS MATTER comes before the Court on Petitioners’ Unopposed Motion for Voluntary Dismissal with Prejudice and Withdrawal of Objections with Prejudice (“Dismissal Motion”) filed June 29, 2021. Noting no timely objections made to the Dismissal Motion, and being fully advised in the matter herein, the Court does hereby find, and order as follows:

On September 13, 2019, Petitioners filed a Petition for Declaratory Judgment for Finding of Lack of Capacity and Undue Influence Based on Probable Cause and for Determination of Invalidity of Trust in Case No. 2019PR030197, styled *In the Matter of the Patrick D. Bowlen Trust, Amie Bowlen Klemmer and Beth Bowlen Wallace, Petitioners, v. Josiah W. Ellis, Richard P. Slivka, and Mary J. Kelly, Defendants*, Arapahoe County District Court. In the Dismissal Motion, Petitioners request dismissal of all claims made in this Petition, with prejudice. Respondents and Intervenor do not oppose this relief.

On August 7, 2019, Mr. Slivka and Ms. Kelly, as Mr. Bowlen’s nominated co-personal representatives, filed a Petition for Formal Probate of Will and Formal Appointment of Co-Personal Representatives in Case No. 2019PR30796. Petitioners filed an Objection to Hearing without Appearance (the “Objection”) on August 20 and then filed an Amended Objection to a Hearing without Appearance (the “Amended Objection”) on September 12, 2019. On September 20, 2019, Mr. Slivka and Ms. Kelly filed a Forthwith Petition for Formal Appointment of Special Administrators with Limited Authority. Petitioners filed an objection (the “Second Objection”) to this Forthwith Petition on October 1, 2019. The Objection, Amended Objection and Second Objection remain pending. On May 26, 2021, Petitioners and Respondents filed a Stipulated Motion for Appointment of Limited Special Administrator which the Court granted on June 11, 2021, appointing Ms. Kelly as Limited Special Administrator. In the Dismissal Motion, Petitioners request dismissal of the Objection, Amended Objection, and Second Objection, with prejudice. Respondents and Intervenor do not oppose this relief.

For good cause shown, the Dismissal Motion is **GRANTED**.

The parties have agreed, and the Court FINDS that:

- a. The 2009 Estate Planning Documents,¹ as amended, and the 2010 Delegation of Authority are valid, enforceable, and reflect Patrick D. Bowlen’s intent and will. Petitioners will no longer contend that the 2009 Estate Planning Documents, as amended, and the 2010 Delegation of Authority were the result of undue influence;

¹ The 2009 Estate Planning Documents include the Patrick D. Bowlen Trust, as amended (the “PDB Trust”), a Durable General Power of Attorney, a Medical Durable Power of Attorney and the Will of Patrick D. Bowlen (the “Will”).

- b. Mr. Ellis, Mr. Slivka, and Ms. Kelly, as the duly appointed trustees under the PDB Trust, have the full and complete authority to administer the PDB Trust in accordance with the terms and provisions of the PDB Trust, as amended;
- c. Mr. Slivka and Ms. Kelly, as the nominated Co-Personal Representatives under Mr. Bowlen's Will, should be appointed by the Court as Co-Personal Representatives;
- d. Mr. Slivka and Ms. Kelly can and should administer Mr. Bowlen's estate in accordance with the terms of his Will; and
- e. In light of the substantial public interest in the Denver Broncos organization, it is in the best interests of the PDB Trust, the trusts created thereunder, and the beneficiaries of such trusts that the final resolution of these Consolidated Actions be made public.

Therefore, it is **ORDERED** that:

- (1) Case No. 2019PR30197, including all of Petitioners' claims asserted in that case, is dismissed with prejudice.
- (2) Petitioners' Objection to Hearing without Appearance, Amended Objection to a Hearing without Appearance and their objection to the Forthwith Petition for Appointment of Special Administrators with Limited Authority in Case No. 2019PR30796 are dismissed with prejudice. The Court therefore grants the Petition for Formal Probate of Will and Formal Appointment of Co-Personal Representatives filed by Ms. Kelly and Mr. Slivka in Case No. 2019PR30796. Mr. Slivka and Ms. Kelly are appointed as co-personal representatives, and the *Order Admitting Will to Formal Probate and Formal Appointment of Co-Personal Representatives* (filed on August 7, 2019) shall issue. The appointment of

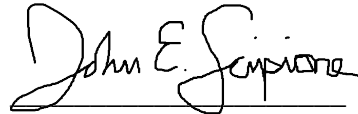
Ms. Kelly as co-personal representative moots her prior appointment as Special Limited Administrator, which is terminated.

(3) This Order shall be publicly filed.

(4) Each party shall bear their own fees and costs related to the above actions.

SO ORDERED this 13th day of July 2021.

BY THE COURT:

A handwritten signature in black ink that reads "John E. Scipione". The signature is written in a cursive style and is positioned above a horizontal line.

John E. Scipione
District Court Judge