

<p>DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO</p> <p>P.O. Box 4249 Boulder, CO 80306</p>	<p>DATE FILED December 11, 2024 4:09 PM</p>
<p>IN THE MATTER OF THE APPLICATION OF FLATIRONS BANK FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE OF BOULDER COUNTY, STATE OF COLORADO, TO SELL CERTAIN REAL ESTATE UNDER A POWER OF SALE CONTAINED IN A DEED OF TRUST GRANTED BY FRONT STREET VENTURES, LLC</p>	<p>▲ FOR COURT USE ONLY ▲</p> <p>Case No.: <u>2024CV31014</u></p> <p>Division: <u>3</u></p>
<p><i>Attorney:</i> Lisa K. Shimel, No. 13466</p> <p><i>Address:</i> OTTESON SHAPIRO LLP 7979 E. Tufts Avenue, Suite 1600 Denver, Colorado 80237 Phone: (720) 488-0220 Fax : (720) 488-7711 Email: lshimel@os.law</p>	
<p align="center">NOTICE OF RESPONSE DEADLINE TO APPLICANT'S VERIFIED MOTION FOR ORDER AUTHORIZING A FORECLOSURE SALE UNDER C.R.C.P. 120</p> <p align="center">JANUARY 8, 2025</p>	

TAKE NOTICE THAT YOU MAY BE AFFECTED BY THE FORECLOSURE OF A DEED OF TRUST ON THE REAL PROPERTY DESCRIBED BELOW.

1. Flatirons Bank (the “**Applicant**”) has filed a verified motion with this Court claiming to be the holder of an evidence of debt pursuant to C.R.S. § 38-38-100.3, more particularly described as that certain Promissory Note in the original principal sum of \$2,550,000.00 dated October 8, 2021, payable to the order of Applicant and executed by 44th Street Ventures LLC (“**Borrower**”) as amended by Change in Terms Agreements dated October 28, 2022, February 17, 2023, June 5, 2023, October 16, 2023, and February 7, 2024 (collectively, the “**Note**”).

2. The Note is secured by that certain Deed of Trust, executed by Front Street Ventures, LLC, dated October 8, 2021 and recorded October 11, 2021 at Reception No. 03919843, in the records of the Clerk and Recorder, Boulder County, Colorado (“**DOT**”).

3. The motion claims that the Applicant is entitled to foreclose the lien of the DOT and to have the property described therein sold by the Public Trustee pursuant to statute because

the covenants of the DOT have been violated and invocation of the power of sale exist. The facts giving rise to the default include, but are not expressly limited to, the following:

Failure to pay the Debt at the maturity thereof and failure to comply with other obligations secured by the lien of the Trust Deed.

4. The motion requests a court order authorizing the Public Trustee of Boulder County, State of Colorado to sell the following property which is encumbered by the DOT:

LOTS 1 AND 2, BLOCK 4, TOWN OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO

Commonly known as: 637 Front St., Louisville, CO 80027-1892.

The Real Property described is ALL of the real property encumbered by the DOT.

5. Any interested person who disputes, on grounds within the scope of the hearing provided for in C.R.C.P. 120(d), the Applicant's right to an order authorizing a foreclosure sale may file and serve a response to the motion, as provided in C.R.C.P. 120(c). The response must describe the facts the respondent relies on in objecting to the issuance of an order authorizing a foreclosure sale and may include copies of documents which support the respondent's position.

6. **The response shall be filed with the Clerk of this Court at DISTRICT COURT FOR BOULDER COUNTY, located at P.O. Box 4249 Boulder, CO 80306 OR 1777 6th Street Boulder, CO 80302 and served on Lisa K. Shimel, Attorney for Applicant, at Otteson Shapiro LLP, 7979 E. Tufts Avenue, Suite 1600, Denver, Colorado 80237, fax: (720) 488-7711, not later than JANUARY 8, 2025. The response shall include contact information for the respondent, including name, mailing address, telephone number, and, if applicable, an e-mail address. Service of the response on the Applicant shall be made in accordance with C.R.C.P. 5(b).**

7. If a response is filed stating grounds for opposition to the motion within the scope of C.R.C.P. 120 as provided for in C.R.C.P. 120(d), the Court shall set the matter for hearing at a later date. The clerk shall clear available dates with the parties and counsel, if practical, and shall give notice to counsel and any self-represented parties who have appeared in the matter in accordance with the rules applicable to e-filing, no less than 14 days prior to the new hearing date.

8. **IF NO RESPONSE IS FILED BY JANUARY 8, 2025, AND IF THE COURT IS SATISFIED THAT VENUE IS PROPER AND THE MOVING PARTY IS ENTITLED TO AN ORDER AUTHORIZING A FORECLOSURE SALE, THE COURT SHALL FORTHWITH ENTER AN ORDER AUTHORIZING A FORECLOSURE SALE.**

9. If this case is not filed in the county where your property or a substantial part of your property is located, you have the right to ask the Court to move the case to that county. If you file a response and the court sets a hearing date, your request to move the case must be filed with the Court at least seven (7) days before the date of the hearing unless the request was included in your response.

10. This Notice and Applicant's verified motion are being filed contemporaneously with the service of this Notice. The Court's Case No./Civil Action No. may be obtained by contacting the Court Clerk or the Applicant's attorneys.

11. A copy of C.R.C.P. 120 is attached to this Notice as Exhibit 1.

12. IF YOU BELIEVE THAT THE LENDER OR SERVICER OF THIS MORTGAGE HAS VIOLATED THE REQUIREMENTS FOR A SINGLE POINT OF CONTACT IN § 38-38-103.1, C.R.S., OR THE PROHIBITION ON DUAL TRACKING IN § 38-38-103.2, C.R.S., YOU MAY FILE A COMPLAINT WITH THE COLORADO ATTORNEY GENERAL, THE FEDERAL CONSUMER PROTECTION FINANCIAL BUREAU, OR BOTH, AT THE ADDRESSES BELOW:

Office of the Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203
Telephone: (720) 508-6000
www.coloradoattorneygeneral.gov

Consumer Financial Protection Bureau
P. O. Box 27170
Washington, DC 20038
Telephone: (855) 411-2372
www.consumerfinance.gov

THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Dated on this 11th day of December, 2024.

*Filed electronically and the original signature is on file at
Otteson Shapiro LLP*

By: /s/ Lisa Shimel
Lisa K. Shimel, No. 13466
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COUNSEL FOR APPLICANT

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