

**DISTRICT COURT, ARAPAHOE
COUNTY, COLORADO**

7325 S. Potomac Street
Centennial, Colorado 80112

STATE OF COLORADO, ex rel.
JOHN W. SUTHERS, ATTORNEY
GENERAL,
Plaintiff,

v.

COLORADO HUMANE SOCIETY &
S.P.C.A., INC.; MARY C. WARREN,
an individual; ROBERT WARREN,
an individual; and STEPHENIE L.
GARDNER, an individual;
Defendants.

▲ COURT USE ONLY ▲

Waverton Group, LLC as custodian
Richard A. Block, Managing Member
4101 East Louisiana Avenue
Suite 300
Denver, Colorado 80246
Office: 303-781-9900
Fax: 303-781-4311
Email: rblock@xpn.com

Case Number: 2008-CV-2659

Division: 202

CLAIM OF CREDITOR

Comes now

Capital mkt inc.

(the "Claimant" or the "Claimants" if more than one), whose coordinates are
as follows:

address [do not use Post Office Box]:

1000 Knox Ct Denver CO 80204

telephone number:

303-820-2749 3/525-0067

fax number:

303 820 0530

email address:

Jwillgaj@capitalmkt.com

being first duly sworn, deposes and says:

Jgy

1. Colorado Humane Society & S.P.C.A., Inc., a Colorado nonprofit corporation (the "Company") was, on December 16, 2008, and still is, indebted or liable to this Claimant.

2. The total amount the Company owes to Claimant on this date, including Principal, Interest, and Additional Charges is \$ 654⁴², (the "Claim")

3. The consideration, basis, or ground for this Claim is as follows: the Company obtained \$ 624.42 dollars [please specify, e.g. goods, services, credit, money, etc.] by payroll check [please specify how obtained, e.g. agreement, promissory note, etc.] and that the Company has refused or failed to pay the reasonable value thereof.

4. The Claim consists of the following Principal and Interest calculated to the date of this Claim:

Principal (on December 16, 2008)	\$ <u>624⁴²</u>
Interest (to December 16, 2008)	\$ _____
Interest Rate (to the date of default)	_____ %
Total amount of Principal and Interest	\$ _____
Penalties	\$ <u>30⁰⁰</u>
Total of Claim	\$ <u>654⁴²</u>

5. Claimant Claims priority or preference from the assets in the hands of the custodian _____ [please specify authority for priority or preference, e.g. wages, taxes, etc.].

6. The Claim consists of \$ 30⁰⁰ in additional charges ("Additional Charges") for Bank Fees [please specify, e.g. reasonable attorneys' fees, penalties, etc.]. The basis for claiming Additional Charges is The bank charged 30⁰⁰ for returned check.

7. True and correct copies of the documents supporting this Claim, including without limitation, subcontracts, invoices, and statements of account, are attached hereto.

8. This claim is filed as an unsecured Claim a secured Claim [*please strike one*]. Claimant Claims as its security the following:

Assets Encumbered _____
Security Instruments _____
County _____
State _____
Reception Number _____
Recorded Lien Statement _____
If Mechanic's Lien, Date of
First Work _____
If Mechanic's Lien, Date of
Last Work _____

9. True and correct duplicates of each and every instrument securing this Claim, including, without limitation UCC Financing Statements and Recorded Lien Statements, are attached hereto.

10. Claimant has filed a legal action against the Company as follows:

[*please specify court and case number*] and has has not [*please strike one*] received a judgment against the Company.

11. Claimant has credited any and all payments made by the Company under this Claim and this Claim is not subject to any set-off, counterclaim, or right of recoupment in favor of the Company or in favor of the custodian as against the Claim.

Claim of Creditor
Page 4.

12. Capital mkt / Ji S Yi ^{Manager} [please print name of Claimant] being first duly sworn, states and affirms that Claimant has executed the foregoing Claim of Creditor in the space provided below, and that the information contained therein is true and correct to the best of Claimant's knowledge.

[Signature]
[Signature of Claimant]

State of Colorado)
County of Jefferson) ss.

Subscribed and sworn to before me by Ji S. Yi, the Claimant, on the 27th day of January, 2009. Witness my hand and official seal.

Witness my hand and official seal.

My commission expires: _____



(Seal)

Erika Sperry
Notary Public

An original of this Claim must be submitted to the custodian, please do not submit this Claim to the Court—Mail directly to:

Waverton Group, LLC, custodian,
4101 East Louisiana Avenue
Suite 300
Denver, Colorado 80246

101006048
12/23/2008
6217855743

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

RETURN REASON-S
REFER TO MAKER

12/19/2008
000004800277610

VERIFY DOCUMENT AUTHENTICITY. COLORED AREAS MAY CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM.

COLORADO HUMANE SOCIETY & SPCA
2760 S PLUM RIVER DRIVE
ENGLEWOOD, CO 80110

Check # 24903
Check Date: 12/16/2008
23-0007
1020

**RETURN REASON-S
REFER TO MAKER**

HUNDRED TWENTY FOUR DOLLARS *****AND *****42 CENTS**

Pay To The Order Of: **30 0175 8HF**
BROOKS J LUCHENBILL
1023 KNOX CT
DENVER, CO 80204

Pay This Amount: **\$624.42**

Mary Warren
EXECUTIVE DIRECTOR

WELLS FARGO BANK COLORADO/NA.
DENVER, CO

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THE ORIGINAL DOCUMENT IS AVAILABLE. WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.

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↓ Do not endorse or write below this line. ↓

KNOW YOUR ENDORSE? REQUIRE IDENTIFICATION

12006 [Signature]

1023 PAY TO THE ORDER OF
COMMUNITY BANK OF COLORADO
Jana [Signature]

FOR DEPOSIT ONLY
CAPITOL MARKET, INC
CHECK CASHING
29532999

▼ DO NOT WRITE / SIGN / STAMP BELOW THIS TYPE ▼

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