

<b>DISTRICT COURT, WELD COUNTY, COLORADO</b> 901 9 <sup>th</sup> Avenue, P.O. Box 2038, Greeley, Colorado 80632 (970) 351-7311	DATE FILED August 5, 2025 9:37 PM
Petitioner:  High Pointe, LLC, a Colorado Limited Liability Company and  B&B Second Mortgage, L.L.C., a Colorado Limited Liability Company  B & B Ventures, LLC a Colorado Limited Liability Company  v.  Respondent:  Terry Hamilton and  Crude Assets LLC	<p style="text-align: center;">⬆ COURT USE ONLY ⬆</p>
J. Brad March, Atty. Reg. No. 13355 March, Olive & Pharris, LLC 1312 S College Ave, Fort Collins, CO 80524 Phone No.: (970) 482-4322 E-Mail: bmarch@bmarchlaw.com	Case No. 2025CV030581 Division/Courtroom 10
<p style="text-align: center;"><b>AMENDED EX PARTE ORDER TO SHOW CAUSE ENTERED PURSUANT TO C.R.S. § 38-35-204</b></p>	

The Court, having reviewed the Amended Petition of High Pointe LLC, a Colorado Limited Liability Company, B&B Second Mortgage, L.L.C., B & B Ventures, LLC a Colorado Limited Liability Company, the affidavit of Robert Ray and Title 38, Article 35, Part 2, makes the following Ex Parte Orders:

(a) Terry D. Hamilton, individually and on behalf of Crude Assets LLC, shall appear as respondents before the court in Courtroom 10, 901 9th Ave, Greeley, CO 80631 at August 28, 2025 at 3:00 pm. to show why that document titled NOTICE OF RECISSION AND FRAUD UPON PUBLIC RECORDS SUPPORTED BY

AFFIDAVIT OF TERRY D. HAMILTON SEE LEGAL DESCRIPTION AT PAGES 11-12, filed in the records of the Clerk and Recorder of Weld County, Colorado on June 3, 2025, at reception number 5033093 should not be declared invalid and why such other relief provided for by C.R.S. § 38-35-204 this should not be granted;

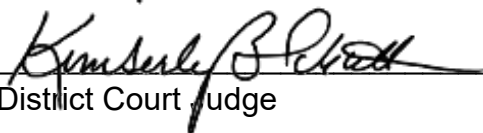
(b) If the Respondent fails to appear at the time and place specified, the spurious lien or spurious document will be declared invalid and released; and

(c) The Court shall award costs, including reasonable attorney fees, to the prevailing party.

The Court shall further consider Petitioners request that the Court enter orders directing the Weld County clerk and recorder reject for recording or filed by Terry D. Hamilton or Crude Assets LLC and affiliated companies related to the Property or related to High Point L.L.C., a Colorado Limited Liability Company, B&B Second Mortgage, L.L.C. and B&B Ventures, LLC and enter orders under threat of contempt that Terry D. Hamilton or Crude Assets LLC or affiliates shall not file further spurious liens or documents and will consider such other and further relief as the Court may deem just and proper.

August 5, 2025

Done by the Court this July \_\_\_\_\_, 2025.

  
\_\_\_\_\_  
District Court Judge

<b>DISTRICT COURT, WELD COUNTY, COLORADO</b> 901 9 <sup>th</sup> Avenue, P.O. Box 2038, Greeley, Colorado 80632 (970) 351-7311	<p>DATE FILED July 23, 2025 4:03 PM</p> <p>⬆ COURT USE ONLY ⬆</p>
Plaintiffs / Petitioners: <b>High Pointe, LLC, a Colorado Limited Liability Company and</b> <b>B&amp;B Second Mortgage, L.L.C., a Colorado Limited Liability Company</b> <b>B&amp;B Ventures, LLC, a Colorado limited liability company</b> v. Defendants / Respondents: <b>Terry Hamilton and Crude Assets LLC</b>	
J. Brad March, Atty. Reg. No. 13355 March & Olive, LLC 1312 S College Ave, Fort Collins, CO 80524 Phone No.: (970) 482-4322 E-Mail: bmarch@bmarchlaw.com	<p><b>Case No. 2025CV03058 I</b></p> <p><b>Division/Courtroom</b></p>
<p align="center"><b>AMENDED PETITION FOR ORDER TO SHOW CAUSE TO DECLARE SPURIOUS DOCUMENT INVALID PURSUANT TO C.R.S. § 38-35-204</b></p>	

Petitioners, High Pointe LLC, a Colorado Limited Liability Company, B&B Second Mortgage, L.L.C., and B&B Ventures, LLC, a Colorado limited liability company through their attorneys March and Olive, LLC, by J. Brad March, and for their Amended Petition hereby request orders pursuant to C.R.S. § 38-35-202 and C.R.S. § 38-35- 204, related to spurious documents, including an order to show cause directed to Defendants Terry D. Hamilton

individually and on behalf of Crude Assets LLC (together "Hamilton"). Petitioner states as follows:

1. Venue in this matter is proper in Weld County as spurious document filings were in the records of the Clerk and Recorder of Weld County, Colorado.
2. C.R.S. § 38-35-201 (3) defines a "Spurious Document" as any document that is forged or groundless, contains a material misstatement or false claim, or is otherwise patently invalid.
3. C.R.S. § 38-35-202 (1) provides that "Any state or local official or employee, including the clerk and recorder of any county or city and county and the Colorado Secretary of State, may accept or reject for recording or filing any document that the state or local official or employee reasonably believes in good faith may be a spurious lien or spurious document."
4. That document attached hereto as Exhibit A, titled, NOTICE OF RECISSION AND FRAUD UPON PUBLIC RECORDS SUPPORTED BY AFFIDAVIT OF TERRY D. HAMILTON SEE LEGAL DESCRIPTION AT PAGES 11-12, was filed in the records of the Clerk and Recorder of Weld County, Colorado on June 3, 2025, at reception number 5033093 (the "Spurious Document").
5. The Spurious Document purports to impact the property (the "Property") described at pages 11 and 12 of the Spurious Document, which real property, is owned by High Pointe LLC, a Colorado Limited Liability Company, with mineral interests owned by B&B Second Mortgage, L.L.C. (together the "Property").

6. Among other assertions, the Spurious Document wrongfully asserts ownership of the Property by Hamilton and asserts that conveyances by owners of the Property were fraudulent.
7. Mr. Hamilton's issues have been litigated and relitigated in this Court and the Federal Court for over nearly twenty-five (25) years, including in the most recently completed U.S. District Court Civil Action 14-CV 02672, Conry v. Estate of Eugene Barker et. al (the "Federal Case").
8. A list, filed in the Federal Case of 92 cases involving the parties or issues related to the parties or this Property is attached at Exhibit B.
9. In the Federal Case, Federal District Court Judge Arguello, made detailed findings in a 54 page Order, entered on June 13, 2024, a copy of Arguello Order is attached as Exhibit C.
10. In the Arguello Order the Court analyzed the history of the litigation dating back to 2001, including in Weld County case numbers 01CV473, 05CV1774 , 09CV625, together discussed at Ex. B, pg. 6 - 12, §1, and 12CV 15 discussed at Ex. B, pg. 13 - 18, §2.
11. This Court in Case 2001 CV 473, consolidated with 2005 CV 1774, quieted title to the Property in High Point L.L.C. and B&B Second Mortgage, L.L.C, finding that Terry Hamilton had no interest in the Property by order entered March 3, 2011. See ¶13, Doc 8, Page 0086, Exhibit D. In that order Judge Maus provided that all claims that could have been asserted by Hamilton in cases 01CV473, 05CV1774 and 09CV625 were

dismissed with prejudice. See ¶14, Ex. C, March 3, 2011 Order and ¶13, November 29, 2011, Order at Exhibit E. The Court further awarded attorney fees and costs against Mr. Hamilton based on rule 11 violations. The Court's Final Order and Judgment was entered November 29, 2011, specifically adopting the Court's March 3, 2011, Judgment. See Exhibit D.

12. This Court in Case 2012 CV 15 entered orders on December 20, 2013, that specifically applied to and were binding on Terry Hamilton finding that the parties' transaction did not involve a loan to Terry Hamilton and that Terry Hamilton had no valid claim to royalties. See Exhibit F, Document 31 @ page 2 and 3 final paragraph.

13. The Federal Court in conjunction with a Petition for Declaratory Judgment filed in the Federal Case by Terry Hamilton, at footnote 15 (Exhibit B, page 15) provided:

*To the extent Terry Hamilton's Petition for Declaratory Judgment (Doc. # 585) continues to assert that this transaction involved a loan from one or more of the Barker Defendants to him, it would appear to be an attempt to relitigate the same claims settled in the 12CV15 case. As such, his argument is foreclosed by the doctrine of collateral estoppel, or issue preclusion.*

14. In the Federal Case, Judge Arguello in her order of April 3, 2025, at Exhibit F recognized:

*Finally, T. Hamilton requests that the Court reinstate his Rule 57 Petition for Declaratory Judgment (Doc. # 585). In that Petition, T. Hamilton argues that he is the "indisputable legal owner in possession of the subject matter property consisting of 460 acres of farmland (surface and mineral estates) located at the Northwest corner of U.S. Highway 34 and State Highway 257, Greeley, Weld County, Colorado 80631. (Doc. # 585 at 1.) However, as discussed in detail in this Court's June 13, 2024 Order (see Doc. # 593 at 5-18), the ownership of this property was fully litigated via four cases filed in Weld County, which are all final - Weld County District Court Case Nos. 01CV473, 05CV1774, 09CV625, and 12CV15. It is apparent that T. Hamilton merely*

*wishes to litigate matters that were finally resolved by another court years ago and which he lost on appeal.*

15. The Spurious Document represents a further egregious effort to bring up Terry Hamilton's arguments that have repeatedly been rejected and put to rest by both the Federal and State Courts over far too many years.

16. As required by C.R.S. § 38-35-204 (1), attached hereto as Exhibit H is the affidavit of Robert Ray, who was counsel of record for High Pointe LLC, a Colorado Limited Liability Company and B&B Second Mortgage, L.L.C. in the referenced cases.

17. Plaintiffs/Petitioners have been advised by Heritage Title Company that underwriters for the Company will not write title insurance without exception to the filing represented by the spurious document absent a Court Order or Decree setting the doc aside, most likely as a spurious instrument under the statute. See Exhibit I.

**WHEREFORE**, Petitioner requests the following relief pursuant to C.R.S. §38-35-202 and 203. Petitioner request that the Court enter orders, including amended ex parte orders in the accompanying form granting relief as follows:

1. In accord with C.R.S. § 38-35-201 (1), directing that the Weld County Clerk and Recorder reject for recording, filings by Terry D. Hamilton or Crude Assets LLC related to the Property or related to High Point L.L.C., a Colorado Limited Liability Company, B&B Second Mortgage, L.L.C and B&B Ventures, LLC;

2. In accord with C.R.S. § 38-35-204 (1) the court issue an amended ex parte order to show cause why the Spurious Document in the form attached should not be declared invalid;
3. Enter orders, under threat of contempt that Terry D. Hamilton or Crude Assets LLC or affiliates, shall not file further spurious liens or documents;
4. Retain jurisdiction to address further spurious liens or documents that may be filed in the future.
5. Award costs, including reasonable attorney fees, to High Pointe LLC, a Colorado Limited Liability Company, B&B Second Mortgage, L.L.C. and B&B Ventures, LLC.
6. Afford such other and further relief as the Court may deem just and proper.

Respectfully filed this 23 day of July, 2025.

  
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J. Brad March

**Exhibits accompanying Amended Petition for Order to Show Cause to Declare Spurious Document Invalid Pursuant to C.R.S. § 38-35-204:**

Exhibit A – Spurious Document

Exhibit B – Case list of filed cases involving these parties or the Property.

Exhibit C - Federal Court Order, case entered on June 13, 2024.

Exhibit D – Weld District Court order entered March 3, 2011, Case 2001 CV 473.

Exhibit E - Weld District Court order entered, November 29, 2011, Case 2001 CV 473.

Exhibit F – Federal Court Order of dismissal, April 3, 2025.

Exhibit G – Federal Court Order of dismissal, April 3, 2025.

Exhibit H – Affidavit of Robert Ray as required by C.R.S. § 38-35-204 (1).

Exhibit I – Email string Heritage Title re spurious document.