

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. Tejon, P.O. Box 2980 Colorado Springs, CO 80901-2980 Phone: (719) 448-7650	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">Case Number:  2008CV2923</p> <p style="text-align: center;">Division: 5</p>
<p><b>Plaintiffs:</b> CHARLES WARNE, et al.</p> <p><b>Defendants / Third Party Plaintiffs:</b> WOODMEN HILLS COVENANT MANAGEMENT BOARD, et al.</p> <p><b>and</b></p> <p><b>Third Party Defendants:</b> TRAVIS R. HELTON and KAREN E. HELTON</p>	
<p><b>Attorneys for Defendants:</b></p> <p>SUSEMIHL, McDERMOTT &amp; COWAN, P.C.          Jason W. Downie, Reg # 27256          Geoffrey L. Lindquist, Reg # 38290          660 Southpointe Court, Suite 210          Colorado Springs, CO 80906          Phone Number: (719) 579-6500          Fax Number: (719) 579-9339          E-mail: jdownie@smmclaw.com</p>	
<b>DEFENDANTS' NOTICE OF FILING OF APPEAL AND NOTICE OF FILING OF APPEAL COST BOND</b>	

DEFENDANTS, by and through their counsel, Susemihl, McDermott & Cowan, P.C., by Geoffrey L. Lindquist, hereby provide notice that a Notice of Appeal has been filed today in the Colorado Court of Appeals. An advisory copy of the Notice of Appeal is attached as Exhibit A. Further, Defendants provide notice of the deposit of an appeal cost bond in the amount of \$250.00 with the court registry of the trial court pursuant to C.A.R. 7.

Respectfully submitted this 6<sup>th</sup> day of July, 2009.

**SUSEMIHL, MCDERMOTT & COWAN, P.C.**

*Original signature on file at offices of  
Susemihl, McDermott & Cowan, P.C.*

By:     /s/ Geoffrey L. Lindquist      
Geoffrey L. Lindquist, #38290

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of July, 2009, a copy of the foregoing **DEFENDANTS' NOTICE OF FILING OF APPEAL AND NOTICE OF FILING OF APPEAL COST BOND** was served via Lexis/Nexis File & Serve to the following:

M. Jacqueline Gaithe, PC  
M. Jacqueline Gaithe  
111 South Tejon Street, Suite 202  
Colorado Springs, CO 80903

*Original signature on file at the offices of  
Susemihl, McDermott & Cowan, P.C.*

                    /s/                      
Geoffrey L. Lindquist