

DISTRICT COURT, GRAND COUNTY, COLORADO P.O. Box 192, 307 Moffat Avenue Hot Sulphur Springs, Colorado 80451 <hr/> Plaintiff: TOWN OF WINTER PARK, a Colorado home rule municipal corporation. v. Defendants: CORNERSTONE WINTER PARK HOLDINGS, LLC; and GRAND PARK DEVELOPMENT, LLC.	DATE FILED: December 30, 2013 4:55 PM CASE NUMBER: 2013CV30045 ▲ COURT USE ONLY ▲ <hr/> Case Number: 13CV30045 Division: 1
ORDER OF JUDGMENT AND DISMISSAL	

THE COURT, having reviewed the Joint Motion for Entry of Order of Judgment and Dismissal, and being fully advised in the premises, hereby GRANTS the Motion and enters the following order:

1. Judgment is entered in favor of Plaintiff on Plaintiff's First Claim for Relief, as to the following issue only:

Pursuant to the Annexation Agreement and the First Amendment at issue in this case, any obligation of the Town of Winter Park to fund the Road Extension or the Underpass is subject to the annual appropriation of funds to satisfy such obligation. The Winter Park Town Council retains the sole discretion to determine whether to appropriate such funds. The Town of Winter Park did not appropriate funds necessary to fund the Road Extension or the Underpass for 2013 or 2014, and therefore, the Town of Winter Park is under no obligation to fund the Road Extension or the Underpass in 2013 or 2014.

2. The remaining issues raised in Plaintiff's First Claim for Relief are hereby dismissed without prejudice.

3. Defendants' sole Counterclaim is dismissed without prejudice.

4. The Annexation Agreement and the First Amendment are hereby modified as follows:

Should Defendants wish to seek funding for the Road Extension or the Underpass for future fiscal years under the Annexation Agreement and First Amendment, Defendants shall file a written request with the Winter Park Town Clerk between September 1 and September 15 preceding each fiscal year. Such written request shall state with specificity the funding being requested. The Winter Park Town Council shall consider such request

in its process for approving the Town's annual budget and associated appropriations, subject to Section 1 of the Order and Judgment of Dismissal entered in Case #13CV30045, Grand County District Court. If no timely written request is made, Plaintiff shall have no obligation to consider funding the Road Extension or the Underpass for the corresponding fiscal year.

5. Except as specifically modified in paragraph 4 of this Order, the Annexation Agreement and First Amendment shall remain effective as written.

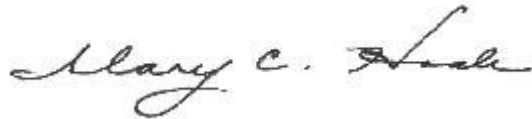
6. Each party shall be responsible for its own attorney fees associated with this case.

7. The Court deems all pending motions moot.

8. The Court vacates the three day Trial to Court set on January 27, 2014, at 8:30 a.m.

Dated this 30th day of December, 2013.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Mary C. Smith", is written over a horizontal line.

District Court