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March 25, 2024

Sent via USPS and E-mail

Commerce City Community Development Department

7887 E. 60th Ave.

Commerce City, CO 80022

jhahn@cc3gov.com

Re: Commerce City CASE# S-838-22-23 and D-568-23

To Whom It May Concern,

Please be advised that this firm represents John Yelenick with regards to the real property further described below located in Adams County, which may be impacted by the development plans of: Commerce City CASE# S-838-22-23 and D-568-23.

First, please recognize that the parcel of land previously owned by an entity referred to as Reisbeck Subdivision, LLC was formally described as decreed by the Adams County District Court (and reviewed by the Colorado Court of Appeals) in its Amended Judgment dated January 29, 2015 (the "Decree"). The Decree established the legal description of the Reisbeck Subdivision, LLC property (the "Property"). The Decree is attached as **Exhibit A**.

A portion of Property was sold to Quik Trip Corporation. More specifically, the bulk of the Property was purchased by and conveyed to QuikTrip Corporation on or about October 3, 2020 by that certain special warranty deed recorded in the records of the Adams County Clerk and Recorder on November 3, 2020 at reception 2020000113468 ("QuikTrip Deed"). The QuikTrip Deed is based on the purchase and sale contract between Reisbeck Subdivision, LLC, a portion of which is attached hereto for reference. **Exhibit B**. Critically, the QuikTrip Deed contains a legal description that **excludes** a portion of the Property (as described in the Decree).

With regard to the remainder parcel following the purchase of a portion of the Property by QuikTrip Corporation, please recognize that certain bargain and sale deed recorded in the records of the Adams County Clerk and Recorder on May 10, 2022 at reception No. 2022000041905 ("Reisbeck Deed"). Accordingly, Mr. Yelenick acquired all interests previously held by Reisbeck Subdivision, LLC not conveyed to QuikTrip Corporation. This deed is attached as **Exhibit C**.

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March 25, 2024

Page 2 of 2

Mr. Yelenick arranged for a review by a Colorado licensed surveyor to confirm the land to which he took title by virtue of the Reisbeck Deed. Wilson & Company prepared an exhibit depicting that portion of the Property to which Mr. Yelenick took title under the Reisbeck Deed ("Remainder Parcel"). **Exhibit D.** This surveyor review and analysis process included a review of the Decree which Wilson & Company referenced specifically by depiction of the Remainder Parcel as decreed in the Decree (reference to the Colorado Court of Appeals case No. 2014CA188). The Remainder Parcel is presently owned by Mr. Yelenick.

For whatever reason, the facts herein stated have been overlooked or ignored to date. Inexplicably, the CanAm Filing No. 2 plat submitted in connection with an effort to replat the Property appears to ignore or inadvertently omit the Decree (as reviewed by the Colorado Court of Appeals and issued post appeal) and the Remainder Parcel. This oversight or omission should be addressed.

Going forward, please ensure that Mr. Yelenick's rights as title holder to the Remainder Parcel are respected. The foregoing should make Mr. Yelenick's property rights abundantly clear. If there are still questions about Mr. Yelenick's property rights, such questions must be raised and addressed before further action or entitlement may take place with regard to the Property.

Please reach out to this office with any questions or concerns.

Sincerely yours,
Frascona, Joiner, Goodman and Greenstein, P.C.



Jordan C. May, Esq.

Cc:
Client

Exhibits A-D

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 28, 2015 CASE NUMBER: 2012CV1255
Adams County 2012CV1255	
Plaintiffs-Appellants: Reisbeck, LLC, properly known as Reisbeck Subdivision, LLC and Robert A Jersin, Involuntary Party Plaintiff, v. Defendants-Appellees: Arthur Reed Levis, All Unknown Persons claiming any interest in the subject property, and All Unknown Persons claiming an interest in the subject property as heirs of the said Arthur Reed Levis.	Court of Appeals Case Number: 2014CA188
MANDATE	

This proceeding was presented to this Court on the record on appeal. In accordance with its announced opinion, the Court of Appeals hereby ORDERS:

ORDER REVERSED AND CASE REMANDED WITH DIRECTIONS

CHRISTOPHER T. RYAN
CLERK OF THE COURT OF APPEALS

DATE: JANUARY 28, 2015

Redacted:

lawyers, Laura Menninger and Jeffrey Pagliuca

“Under the Constitution’s separation of powers, neither Congress nor the Executive Branch may intrude on the judicial power. That power includes the power to definitively and finally resolve cases and disputes,” the lawyers added.

Feb. 20, 2026

District Court, Adams County, Colorado 1100 Judicial Center Drive Brighton, CO 80601	
Plaintiff: REISBECK SUBDIVISION, L.L.C. , a Colorado Limited Liability Company and Involuntary Party ROBERT A. JERSIN Plaintiff vs. Defendants: ARTHUR REED LEVIS , an individual, ALL UNKNOWN PERSONS claiming an interest in the subject property as heirs, administrators or assigns of the said Arthur Reed Levis and ALL UNKNOWN PERSONS claiming any interest in the subject property.	▲ COURT USE ONLY ▲
David W. Pebr Zak & Pebr, P.C. Attorney for Plaintiff 8501 Turmpike Drive, Suite 110 Westminster, CO 80031 Phone: (303) 427-1516 Fax: (303) 428-7412 e-mail dwp@zplaw.net Atty Reg. # 7223	Case Number: 2012 CV 1255 Division: A
AMENDED JUDGMENT	

THIS MATTER comes on this ___ day of _____, 2013, upon Plaintiff's *Motion To Amend Judgment* and the Court, being now fully informed in the premises, finds that Plaintiff's motion is well founded pursuant to Rule 60(a) C.R.C.P. and therefore grants the same. The judgment entered in this matter on April 12, 2013, is therefore amended to read as follows:

THE COURT DOTH FIND:

1. This is an action brought under *Rule 105 C.R.C.P.* seeking adjudication of the rights of all parties in and to certain real property in Adams County, Colorado, described as:

DISTRICT COURT, ADAMS COUNTY, COLORADO Court Address: 1100 Judicial Center Drive, Brighton, CO, 80601	DATE FILED: January 29, 2015 9:47 AM CASE NUMBER: 2012CV1255 <p style="text-align: center;">△ COURT USE ONLY △</p>
Plaintiff(s) REISBECK LLC v. Defendant(s) ARTHUR REED LEVIS et al.	Case Number: 2012CV1255 Division: A Courtroom:
Order to Amend Judgment	

The motion/proposed order attached hereto: GRANTED.

The Court grants the attached proposed order in light of the Mandate from the Court of Appeals.

The Court further orders that the Caption of this case shall be amended to reflect the Plaintiff's proper name of Reisbeck Subdivision, LLC.

Issue Date: 1/29/2015



TED C TOW III
 District Court Judge

District Court, Adams County, Colorado 1100 Judicial Center Drive Brighton, CO 80601	
Plaintiff: REISBECK SUBDIVISION, LLC, a Colorado Limited Liability Company and Involuntary Party Plaintiff ROBERT A. JERSIN vs. Defendants: ARTHUR REED LEVIS, an individual, ALL UNKNOWN PERSONS claiming an interest in the subject property as heirs, administrators or assigns of the said Arthur Reed Levis, and ALL UNKNOWN PERSONS claiming any interest in the subject property.	▲ COURT USE ONLY ▲
David W. Pehr Zak & Pehr, P.C. Attorney for Plaintiff 8501 Turnpike Drive, Suite 110 Westminster, CO 80031 Phone: (303) 427-1516 Fax: (303) 428-7412 e-mail dwp@zplaw.net Atty Reg. # 7223	Case Number: 2012 CV 1255 Division: A
AMENDED JUDGMENT	

THIS MATTER comes on this ___ day of _____, 2013, upon Plaintiff's *Motion To Amend Judgment* and the Court, being now fully informed in the premises, finds that Plaintiff's motion is well founded pursuant to Rule 60(a) C.R.C.P. and therefore grants the same. The judgment entered in this matter on April 12, 2013, is therefore amended to read as follows:

THE COURT DOTH FIND:

1. This is an action brought under *Rule 105 C.R.C.P.* seeking adjudication of the rights of all parties in and to certain real property in Adams County, Colorado, described as:

Reisbeck Subdivision, a subdivision of a part of the North half of the Northeast quarter of Section 10, Township 2 South, Range 67 West of the Sixth Principal Meridian, County of Adams, State of Colorado more particularly described as beginning at the northwest corner of the North half of the Northeast quarter of said Section 10; thence S 00° 06' W along the West line of the said North half of the Northeast quarter a distance of 1313.84 feet to the Southwest corner of the said North half of the Northeast quarter; thence N 89° 45' E along the South line of the said North half of the Northeast quarter a distance of 865.65 feet, more or less, to a point on the westerly right of way line of U. S. Highway number 85; thence along said westerly right of way line by the following courses and distances: N 31° 06' E 1414.17 feet; N 03° 21' W 109.54 feet, more or less, to a point on the North line of the said North half of the Northeast quarter; thence S 89° 38' W along the said North line a distance of 1587.45 feet, more or less, to the point of beginning.

2. Venue for this action properly lies in the District Court in and for the County of Adams and State of Colorado.

3. Pursuant to Plaintiff's Motion for Entry of Default, the court has heretofore ordered entry of default against defendants and each of them.

4. The summons and adequate proof of proper service thereof upon all defendants by publication has been filed with the court.

5. None of the defendants are minors, incapacitated persons, officers of the State of Colorado or agencies of the State of Colorado.

6. The military status of defendants *Unknown Persons claiming an interest in the subject property as heirs, administrators or assigns of the said Arthur Reed Levis and All Unknown Persons claiming any interest in the subject property* is unknown and cannot be determined with reasonable certainty.

7. The rights of any persons described in paragraph 6 above who may be in the military service of the United States have been protected by the appointment of an attorney on their behalf in accordance with the *Service Members Civil Relief Act, 50 USC 520* and in accordance with *Rule 121, Section 1-14(3), C.R.C.P.*

8. Involuntary party plaintiff Robert A. Jersin was personally served with process in this action and has filed no responsive pleading, thereby admitting the allegations set forth in the complaint wherein no relief is claimed against him.

9. Pursuant to the allegations of the complaint, the said Robert A. Jersin holds an undivided 15 percent interest in and to the property which is the subject matter of this action.

10. Plaintiff owns an undivided 85 percent interest in and to the said property.

11. Plaintiff claims no monetary damages, interest, costs or attorney fees and therefore no affidavit in support thereof is required by *Rule 121, Sections 1-14(1)(d) and (e), C.R.C.P.*

12. Plaintiff is now entitled to the entry of a default judgment in favor of Plaintiff and against all defendants herein named.

NOW THEREFORE THE COURT ENTERS JUDGMENT by default for Plaintiff **Reisbeck Subdivision, LLC**, a Colorado Limited Liability Company and involuntary party plaintiff **Robert A. Jersin** and against defendants **Arthur Reed Levis, All Unknown Persons** claiming an interest in the subject property as heirs, administrators or assigns of the said Arthur Reed Levis and **All Unknown Persons** claiming any interest in the subject property, for the relief requested in the complaint and, specifically,

THE COURT FINDS, ORDERS ADJUDGES AND DECREES that Plaintiff **Reisbeck Subdivision, LLC**, a Colorado Limited Liability Company holds an undivided 85 percent interest in and to the property described in paragraph 1 above and Involuntary Party Plaintiff **Robert A. Jersin** holds an undivided 15 percent interest in and to the property described in paragraph 1 above, both of which interests are free and clear of any right, title, interest or claim in or by any of the defendants named herein, including all defendants joined here as unknown persons.

Done in open court this _____ day of _____, 2013.

by _____
_____, District Court Judge

Approved as to form:

/S/ Patrick D. Dowdle
Pehr

Patrick D. Dowdle - 6557
Attorney for Military Defendants

/S/ David W.

David W. Pehr - 7223
Attorney for Plaintiff

First, please recognize that the parcel of land previously owned by an entity referred to as Reisbeck Subdivision, LLC, was formally described as decreed by the Adams County District Court (and reviewed by the Colorado Court of Appeals) in its Amended Judgment dated January 29, 2015 (the "Decree"). The Decree established the legal description of the Reisbeck Subdivision, LLC property (the "Property").

December 23, 1997 ORDER for Inclusion of Land in the District

Civil Action No. 5750

Donald. W. Marshall Jr., District Court Judge

January 29, 2015 ORDER to Amend Judgement

Civil Action No. 2012CV1255

Ted C. Tow III, District Court Judge

April 22, 2019 SETTLEMENT by Mediation

Civil Action No. 2018CV30889

Reisbeck Subdivision, LLC, Plaintiff v. John J. Yelenick, an individual, Defendant

For *Plaintiff*: Thomas J. Wolf, Esq. #12577, James R. Silvestro, Esq. #43982 % Ireland, Stapleton Pryor & Pascoe, P.C. 717 17th Street #2800, Denver, CO 80218; Mary T. Yelenick, Esq. (Co-Manager); Suzanne Jersin, Esq. (Co-Manager)

For *Defendant*: Ken L. Levinson, Esq. % Balaban, Levinson Costigan & Wasilik, P.C. 1745 Lafayette St. Denver, CO 80218

Honorable Nancy E. Rice, Mediator – *Judicial Arbiter Group*

September 17, 2019 ORDER to Sell

Civil Action No. 2018CV30889

Reisbeck Subdivision, LLC, Plaintiff v. John J. Yelenick an individual, Defendant

For Plaintiff: Thomas J. Wolf, Esq. #12577, James R. Silvestro, Esq. #43982 % Ireland, Stapleton Pryor & Pascoe, P.C. 717 17th Street #2800, Denver, CO 80218; Mary T. Yelenick, Esq. (Co-Manager); Suzanne Jersin, Esq. (Co-Manager)

Sharon D. Holbrook, District Court Judge

A portion of Property was sold to QuikTrip Corporation. More specifically, the bulk of the Property was purchased by and conveyed to QuikTrip Corporation on or about October 3, 2020 by that certain special warranty deed recorded in the records of the Adams County Clerk and Recorder on November 3, 2020 at reception 2020000113468 ("QuikTrip Deed"). The QuikTrip Deed is based on the purchase and sale contract between Reisbeck Subdivision, LLC. And QuikTrip.

For Seller: Reisbeck Subdivision LLC. % Thomas J. Wolf, Esq. #12577, James R. Silvestro, Esq. #43982 % Ireland, Stapleton Pryor & Pascoe, P.C. 717 17th Street #2800, Denver, CO 80218; Mary T. Yelenick, Esq. (Co-Manager); Suzanne Jersin, Esq. (Co-Manager)

For Buyer: QuikTrip Corporation, an Oklahoma corporation, % David L. Antognoli % Goldenberg, Heller & Antognoli, P.C.

First American Title Insurance Company, 1125 17th street, Suite 500, Denver, CO 80202

May 11, 2021 DEED to John J. Yelenick recorded 2021000057877 in Adams County, CO

Civil Action No. 2018CV30889

Reisbeck Subdivision, LLC, Plaintiff v. John J. Yelenick an individual, Defendant

For Defendant: Jordan C. May, Esq. #38734 % Frasca, Joiner, Goodman and Greenstein, P.C., 4750 Table Mesa Drive, Boulder, CO 80305

For Plaintiff: Thomas J. Wolf, Esq. #12577, James R. Silvestro, Esq. #43982 % Ireland, Stapleton Pryor & Pascoe, P.C. 717 17th Street #2800, Denver, CO 80218; Mary T. Yelenick, Esq. (Co-Manager); Suzanne Jersin, Esq. (Co-Manager)

May 13, 2021 ORDER: Stipulated Notice of Dismissal... With Prejudice.

Civil Action No. 2018CV30889

For *Plaintiff*: Thomas J. Wolf, Esq. #12577, James R. Silvestro, Esq. #43982 % Ireland, Stapleton Pryor & Pascoe, P.C. 717 17th Street #2800, Denver, CO 80218; Mary T. Yelenick, Esq. (Co-Manager); Suzanne Jersin, Esq. (Co-Manager)

For *Defendant*: Jordan C. May, Esq. #38734 % Frasca, Joiner, Goodman and Greenstein, P.C., 4750 Table Mesa Drive, Boulder, CO 80305

Kyle Seedorf, District Court Judge

February 17, 2025 ORDER: Entry of Clerk's Default

Civil Action No. 2024CV31648

For Plaintiff: Jordan C. May, Esq. #38734 % Frasca, Joiner, Goodman and Greenstein, P.C., 4750 Table Mesa Drive, Boulder, CO 80305

Arturo G. Hernandez, District Court Judge

LAND DESCRIPTION
REMAINDER

A TRACT OF LAND IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, LOCATED IN REISBECK SUBDIVISION, IN THE CITY OF COMMERCE CITY, ADAMS COUNTY, STATE OF COLORADO; BEING ALL OF THAT PART OF EAST 112TH AVENUE RIGHT OF WAY LYING SOUTH OF THE NORTH LINE OF SAID SECTION 10 AND ALL OF THAT PART OF BELLE CREEK BLVD. RIGHT OF WAY LYING EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, DEDICATED BY SAID PLAT UNDER RECEPTION NO. 794796, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, THENCE N89°18'05"E ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 1,589.16 FEET TO A POINT ON THE WEST LINE OF U.S. HIGHWAY 85;

THENCE S03°37'29"E, ALONG SAID WEST LINE, A DISTANCE OF 40.05 FEET TO THE SOUTH LINE OF EAST 112TH AVENUE;

THENCE S89°18'05"W ALONG SAID SOUTH LINE 1,561.48 FEET TO A POINT ON THE EAST LINE OF BELLE CREEK BLVD;

THENCE S00°18'08"E ALONG THE EAST LINE OF BELLE CREEK BLVD., A DISTANCE OF 1273.54 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER;

THENCE S89°32'00"W ALONG SAID SOUTH LINE A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHEAST QUARTER;

THENCE N00°18'08"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1313.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 101,818 SQUARE FEET OR 2.337 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING N00°18'08"W, AS MONUMENTED ON THE SOUTH BY A 3.25" ALUMINUM CAP STAMPED PLS 28286 2004, AND ON THE NORTH BY A 3.25" ALUMINUM CAP STAMPED ADAMS COUNTY 1990.

LAND DESCRIPTION STATEMENT:

I, MICHAEL J. LINDQUIST, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

MICHAEL J. LINDQUIST, COLORADO PLS 38666
WILSON & COMPANY INC., ENGINEERS & ARCHITECTS
990 S BROADWAY, SUITE 220
DENVER, CO 80209
MJLINDQUIST@WILSONCO.COM
PH 303-501-1221



Michael Lindquist
Digitally signed by Michael Lindquist
Reason: I am the author of this document
Date: 2024.03.15 14:36:59-06'00'

