

<b>District Court Mesa County, Colorado</b> <b>125 North Spruce, Grand Junction, CO 81501</b>	
<b>IN re:</b> <input checked="" type="checkbox"/> <b>The MARRIAGE of:</b> <input type="checkbox"/> <b>Parental Responsibilities Concerning</b>	
<b>Petitioner: BRADLEY J. BROPHY</b>  <b>and</b>  <b>Respondent/Co-Petitioner: DONNA J. BROPHY</b>	
<b>COURT USE ONLY</b>	
Bradley C. Hibberd, P.C. 1525 Poplar Dr., Grand Junction, CO 81505 Phone Number: (970)243-8865 Email: <a href="mailto:bradleyhibberd@brcsnco.net">bradleyhibberd@brcsnco.net</a> FAX Number:(970)424-5007 Atty.Reg #:31308	Case Number: 07DR1064  Division: 3 Courtroom
<b>NOTICE OF HEARING</b>	

TO: Donna Brophy or her Attorney of Record

PLEASE BE ADVISED that a hearing has been set as follows:

DATE: **JUNE 4, 2009**  
 TIME: **8:30am**  
 HEARING: **SHOW CAUSE HEARING**  
 LENGTH OF HEARING: **1 hour**  
 JUDGE/MAG: **Magistrate Stephanie Rubinstein**  
 125 N. Spruce Street  
 Grand Junction, CO 81501

**TO THE RESPONDENT:** You are hereby notified that you have the right to file and serve a verified response setting forth the facts supporting the validity of your claim of ownership and attaching copies of all documents that support the validity of claim of ownership. Such verified response must be sent to the undersigned attorney at the address shown herein, no later than June 1, 2009 at 8:30 AM. The Notice to Show Cause is being served to you simultaneously with this Notice.

Respectfully submitted on May 27, 2009;

BRADLEY C. HIBBERD, PC



Bradley C. Hibberd, #31308  
 1525 Poplar Avenue  
 Grand Junction, CO 81505  
 Attorney for Petitioner

**FILE COPY**

<b>District Court Mesa County, Colorado</b> <b>125 North Spruce, Grand Junction, CO 81501</b>	<b>2009 MAY -6 PH 3: 32</b>
<b>PETITIONER: BRADLEY J. BROPHY</b>  <b>and</b>  <b>RESPONDENT: DONNA J. BROPHY</b>	<b>COURT USE ONLY</b>
<b>Bradley C. Hibberd, P.C.</b> <b>1525 Poplar Dr., Grand Junction, CO 81505</b> <b>Phone Number: (970)243-8865 Email: <a href="mailto:bradleychibberd@brcma.com">bradleychibberd@brcma.com</a></b> <b>FAX Number:(970)372-0647 Atty.Reg #:31308</b>	<b>Case Number:07DR1064</b>  <b>Division Courtroom</b>

**PETITION FOR DECLARATION OF INVALIDITY OF LIEN PURSUANT TO RULE  
105.1 C.R.C.P**

COMES NOW, Bradley J. Brophy, by and through his attorney, Bradley C. Hibberd P.C., and respectfully submits his Petition For Declaration of an Invalid Lien pursuant to C.R.C.P. 105.1. As grounds, Petitioner states:

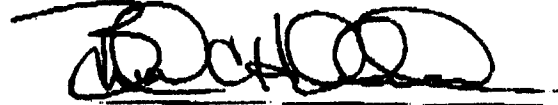
1. On April 30, 2009, the Respondent filed a Property Lien against the property located at 3916 Hickman Road, Palisade CO. 81526, in Mesa County Colorado, attached hereto as Plaintiff's Exhibit "1" and incorporated by reference as if fully set forth herein.
2. An Amended Decree entered on March 6, 2009, awarded the Respondent Sixty-One Thousand Twenty dollars (\$61,020.00) for her portion of the marital value of the home located at the above address and is to be paid ninety (90) days from the date of the Order/Decree. Judgement was not entered against the real property.
3. The Decree also awarded the Respondent Seven Hundred Nineteen dollar(\$719.00) a month for her share of the PERA.
4. As the attached Property Lien indicates, the Respondent attempts to incorporate the Seven Hundred and Nineteen dollar (\$719.00) PERA award into the "Lien."
5. Respondent also indicates that an eleven percent interest award should be added monthly.
6. The Petitioner is attempting to refinance the real property and this spurious lien will cloud his ability to comply with the provisions of the decree.
7. Under C.R.C.P. 105.1, the Petitioner is entitled to a hearing not less than 10 and not more than 20 days after service of the Order to Show Cause why the lien or document should not be declared invalid and why such other relief provided for under this Rule

should not be granted.

WHEREFORE, Petitioner prays that this Court holds a hearing 10 days after the Order to Show Cause is issued and declare the Property Lien invalid, award attorney fees and costs to Petitioner pursuant to C.R.C.P. 105.1(3), and for such further relief as the Court deems proper.

Respectfully Submitted on May 5, 2009

BRADLEY C. HIBBERD, PC

A handwritten signature in black ink, appearing to read 'Bradley C. Hibberd', written over a horizontal line.

Bradley C. Hibberd, #31308

**April 30, 2009**

**PROPERTY LIEN  
Filed  
Mesa Clerk and Recorder  
PO Box 200000-5007  
Grand Junction CO 81502**

**OWNER OF PUBLIC RECORDS  
Bradley and Donna J Brophy  
County Mesa  
3916 Hickman Rd  
Palisade CO 81526**

**Assessor's Parcel # 2937-034-00-022  
Neighborhood Name: Hickman Fruit Track  
Census Tract 0017.02  
Manufacture Home on Property Serial # (s)/ VIN GDBO1DO7969291  
HUD Certification Label #(s) IDA 15319, IDA 153621  
Manufacture's Name Guerdon Homes Trade/Model BS-9489A Date of  
Manufacture 02/26/1996  
Specific Zoning Classification AFT  
Zoning Description Ag and Forestry in Transition to SFR**

**LIEN HOLDER**

**Donna J Brophy  
2023 South Old Mail Rd  
Crossville, TN 38572  
Home Number (931)456.1210**

**I Donna J Brophy hereby file a lien against Property in it entirety located at 3916 Hickman Rd, Palisade CO 81526 Mesa County Colorado Parcel 2937-034-00-022 in the amount of \$61,593.00 and an additional \$719.00 each month occurring on March 06/2009 interest will be added to late payments that meet the guidelines for interest rate**



2  
\$ 61,593.60

2  
61,593.00

11 percent added each month to unpaid balances effect June 1, 2009 added to the amount of \$61,520.00 within State of Colorado guidelines. The addition amount for pension fund awarded to Donna Brophy the first day of each month \$719.00 will go into effect January 08/2009 with interest added to late monthly payments that will be added to the above amount \$61,520.00 with interest added. In the event that Mr. Bradley J Brophy does not pay Ms. Donna J. Brophy the full amount that is Order in Decree Mr. Bradley J Brophy will be forced to sell property 3916 Hickman Road property in it's entirety. Mr. Bradley Brophy will be required to pay all legal fees created by Ms. Donna J Brophy

**DECREE OF DISSOLUTION OF MARRIAGE, FINDINGS AND PERMANENT ORDERS.**

**Filed Document**

**CO Mesa County District Court 21<sup>st</sup> JD**

**Filing Date: Mar 06/2009 4:07PM MST**

**Filing ID 24103668**

**Case number 2007 DR 1064**

**Division: 10**

**Courtroom: Judge Brian J Flynn**

**<http://districtcourtmesacountycolorado.com> Brophy Divorce website**

**Review Clerk: Ann Brigham**

**lien filed against  
Bradley J Brophy  
3916 Hickman Rd  
Pallade, CO 81526  
Born 08/13/1955  
Holyoke, Colorado  
SS#\*\*\*-\*\*-3773**

**property Assessors Parcel # 2937-034-00-022 Neighborhood name  
Hickman Fruit Track including Modular Serial number VIN  
GDB01DO7969291**

**CERTIFICATE OF SERVICE**

**I Donna Brophy certify that on April 30, 2009 that the original and one copy of this document were filed with Mesa County Clerk and Recorder, PO Box 200000-5007 Grand Junction Colorado 81502 And placed it in the United States mail, postage pre-paid, and addressed to the following.**

**Bradley J Brophy  
3916 Hickman Rd  
Palisade CO 81526  
970.464.9441  
970.260.2250**

**Lien Holder  
Donna Brophy  
2023 South Old Mail Rd  
Crossville, TN 38572  
931.456.1210**

*Donna Brophy*

*Signed before me by Donna Brophy  
this 30th day of April, 2009.*

*Lisa G. Fuller Expires: 04/25/2011*



**FILE COPY**

ORIGINAL FILED IN  
MESA CTY COMPTON COURT

District Court Mesa County, Colorado  
125 North Spruce, Grand Junction, CO 81501

2009 MAY -6 PM 3: 32

**PETITIONER: BRADLEY J. BROPHY**  
  
and  
  
**RESPONDENT: DONNA J. BROPHY**

**COURT USE ONLY**

Bradley C. Hibberd, P.C.  
1525 Poplar Dr., Grand Junction, CO 81505  
Phone Number: (970)243-8865 Email: [bradleyhibberd@ibresman.net](mailto:bradleyhibberd@ibresman.net)  
FAX Number:(970)372-0647 Atty.Reg #:31308

Case Number:07DR1064  
Division Courtroom

**AFFIDAVIT IN SUPPORT OF PETITION FOR DECLARATION OF INVALIDITY OF LIEN  
PURSUANT TO RULE 105.1 C.R.C.P**

STATE OF COLORADO )  
 )ss  
COUNTY OF MESA )

I, Bradley J. Brophy being first duly sworn hereby state as follows:

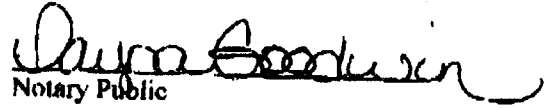
1. I am the Pctitioner herein.
2. On May 4, 2009 I received a copy of the Respondents Exhibit I in the mail.
3. Pursuant to the Decree of Dissolution entered on March 6, 2009, the Respondent was awarded Sixty-One Thousand Twenty dollars (\$61,020.00) for her portion of the marital value of the home which is to be paid ninety (90) days from the date of the Order/Decree. Judgement was not entered against the real property.
4. The Decree also awarded the Respondent Seven Hundred Nineteen dollar(\$719.00) a month for her share of the PERA.
5. As the attached Property Lien indicates, the Respondent attempts to incorporate the Seven Hundred and Nineteen dollar (\$719.00) PERA award into the "Lien."
6. Respondent also indicates that an eleven percent interest award should be added monthly.
7. I am attempting to refinance the real property and this spurious lien will hinder my ability to comply with the provisions of the decree.

  
BRADLEY J. BROPHY

Subscribed and sworn to before me this 14<sup>th</sup> day of May, 2009, by Bradley J. Brophy.

WITNESS my hand and official seal.

My Commission Expires: 9-19-2010

  
Notary Public

