

**EIGHTH JUDICIAL DISTRICT COURT,
LARIMER COUNTY,
STATE OF COLORADO**

Court Address:
Larimer County Justice Center
201 Laporte Avenue
Fort Collins, Colorado 80521
Telephone: 970-494-3500

▲ COURT USE ONLY ▲

Contestor/Plaintiff: Larry Sarner,

v.

Contestee/Defendant: City of Loveland;

Indispensable Party: Angela Myers, Clerk and
Recorder of Larimer County;

Party without attorney:

Larry Sarner, *pro se*
711 West Ninth Street
Loveland, Colorado 80521
Telephone: 970-667-7313
larry.sarner@gmail.com

Case Number:

16 CV 230

Courtroom: **5C**

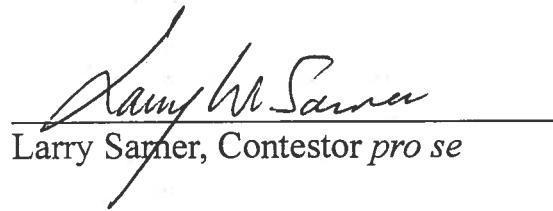
**CONTESTOR'S REPLY TO CONTESTEE'S RESPONSE TO
MOTION TO WAIVE BOND REQUIREMENT, AND
ASKING LEAVE TO ABANDON OR WITHDRAW SAID MOTION**

Comes now the Contestor, Larry Sarner, *pro se*, to reply to Contestee's response to my Motion to Waive Bond Requirement, made on August 29, 2016, and to ask leave of the Court to abandon or withdraw said Motion. In support thereof, I state the following:

1. On August 29, 2016, I filed a Motion to Waive Bond Requirement that I thought would serve as a substitute for submitting a bond, with sureties, to secure payment of an award for costs, including attorneys fees, in case of Contestor's failure to maintain the contest, since it was then my good faith belief that the bond was rendered unnecessary by the filing of the original petition that rendered moot any question of the Contestor's failure to maintain the contest.
2. The Contestee's present Response was filed on August 30, 2016, and nearly all of it went to the statutory requirement for such a bond and the impossibility of the Court waiving its filing. Contestee otherwise responded very little (two paragraphs and a footnote) to the substance of the Motion to Waive.
3. Upon reading the Contestee's present Response, and also upon reading Contestee's Motion to Dismiss for Lack of Subject Matter Jurisdiction, I have been persuaded that the bond at issue is a statutorily imposed jurisdictional prerequisite and cannot be waived by the Court. The lack of such a bond is a fatal flaw in my participation in this proceeding, but only if it is not cured.
4. Simultaneously with this Reply, I am submitting a bond and moving this court to deem it sufficient. Those actions together cure the deficiency which gave rise to the bulk of the Contestee's Response. As a result, I am asking the Court to allow me to voluntarily abandon or withdraw my Motion to Waive Bond Requirement.
5. The Remainder of the Contestee's Response that was not on the deficiency can be made responsive to my Motion to Deem Bond Sufficient, if desired.

Now, therefore, the Contestor respectfully requests the Court that, upon examination of my simultaneous filings of bond submission and a Motion to Deem the Bond Sufficient, he has leave to abandon or withdraw his Motion to Waive Bond Requirement, and that he has done so this day.

Respectfully submitted this 1st day of September, 2016.



Larry Sanner, Contestor *pro se*

Certificate of Delivery

I hereby certify that I have delivered a true and correct copy of the foregoing, by the means indicated, on September 1, 2016, to the following:

(by electronic mail and First Class Mail)	(by hand)
Thomas W. Snyder, #33106	Alicia R. Calderon, #32296
Thomas A. Isler, #48472	Assistant City Attorney
Kutak Rock LLP	Civic Center
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<u>thomas.isler@kutakrock.com</u>	

(by hand)
Angela Myers
Larimer County Clerk and Recorder
200 W. Oak St.
Fort Collins, Colo. 80521

