

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-00495-PAB-MJW

REGISTRY SYSTEMS INTERNATIONAL, LTD.,

Plaintiff,

v.

VINCENT HAMM,
KAREN HAMM,
AIM HIGH!, INC.,
KAIM CHIGH, LLC, and
1 DOMAIN SOURCE, LTD.,

Defendants and Third Party Plaintiffs,

v.

EDWARD J. SWEENEY,
CHARLES A SWEENEY, and
CAPITAL NETWORKS, PTY., LTD., A/K/A PACNAMES, LTD.,

Third Party Defendants.

ORDER

This matter comes before the Court on Kaim Chigh, LLC's unopposed motion for release of a lis pendens [Docket No. 383]. Related to plaintiff's claim in this action against Kaim Chigh, LLC, plaintiff filed a lis pendens on the property known as Lot 3, Arvada Resubdivision of Block 4, County of Jefferson, State of Colorado, 7315 Grant Place, Arvada, 80002. On March 25, 2010, the Court entered partial judgment pursuant to Federal Rule of Civil Procedure 54(b) in favor of Kaim Chigh, LLC on all of

plaintiff's claims which implicate the property [Docket No. 328]. Plaintiff has not appealed this judgment.

Colorado Revised Statutes § 38-35-110(2)(a) describes the expiration of a lis pendens as follows:

Unless a timely notice of appeal is filed while a notice of lis pendens is in effect or unless the notice of lis pendens has expired and ceased to be notice as provided in subsection (6) of this section, a recorded notice of lis pendens shall remain in effect until the earliest of the following:

- (I) The action is dismissed without an order of the court;
- (II) Forty-five days elapses following the entry of an appealable order determining that certain real property specifically described in such order, or a specifically described interest therein, will not be affected by a judgment on the issues then pending, but the notice of lis pendens shall remain in effect as to all other real property described in such notice; or
- (III) Forty-five days elapses following the entry of final judgment in the trial court as to all parties and as to some or all of the real property described in the notice of lis pendens, or a specifically described interest therein, but the notice of lis pendens shall remain in effect as to all other property described in such notice.

“For the purposes of subparagraphs (II) and (III) of paragraph (a) of this subsection (2), the forty-five-day period shall commence on the first day allowed for the filing of an appeal.” Colo. Rev. Stat. § 38-35-110(2)(b) (2006). Therefore, the forty-five day period under § 38-35-110(2)(a)(III) began to run on March 25, 2010 and ended on May 9, 2010. Because plaintiff did not appeal the Court’s March 25, 2010 during this forty-five day period, the lis pendens is no longer in effect. Therefore, it is

ORDERED that on Kaim Chigh, LLC’s unopposed motion for release of lis pendens [Docket No. 383] is **GRANTED**. The Notice of Lis Pendens recorded on

March 19, 2008, at Reception No. 2008025727 of the records of the Clerk and Recorder of Jefferson County, Colorado, against the real property commonly known as Lot 3, Arvada Resubdivision of Block 4, County of Jefferson, State of Colorado, 7315 Grant Place, Arvada, 80002, is hereby RELEASED.

DATED July 28, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge