

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-02112-RPM

RICHARD (Chance) LEOFF,

Plaintiff,

v.

S AND J LAND COMPANY,
a Colorado Limited Liability Company, and
ALPINE BANK, a Colorado Banking Corporation,

Defendants.

ORDER DENYING MOTION TO APPROVE SALE DESPITE LIS PENDENS

On October 1, 2009, the defendant S and J Land Company, LLC, filed a motion for approval of a proposed sale of the real property which is the asset of what is now an acknowledged partnership. The plaintiff filed a response on October 22, 2009, and the defendant filed a reply on November 6, 2009. On those pleadings and without regard to the plaintiff's "sur-reply," which is stricken, it is apparent that the proposed sale is a transaction which would benefit Steven Finger, a principal in S and J Land Company and XYZ Subdivision Land Company and may be prejudicial to the interests of the plaintiff. It is

ORDERED that the motion to approve sale is denied and the motion to strike sur-reply is granted.

Dated: November 20th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge