

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE CHRISTINE M. ARGUELLO**

Courtroom Deputy: Valeri P. Barnes
Court Reporter: Darlene Martinez

Date: December 1, 2009

Civil Action No. 09-cv-01451-CMA-MJW

Parties:

FEDERAL DEPOSIT INSURANCE
CORPORATION as Receiver for New Frontier
Bank,

Plaintiff,

v.

AQUATIC AND WETLAND COMPANY, INC., a
Colorado corporation,
BRADLEY T. WINDELL, Individually,
JOHN T. WINDELL, Individually,
HEIDI G. WINDELL, Individually,
GREGORY B. WINDELL, Individually and
BRADLEY T. WINDELL TRUST AND HEIDI G.
HYNES-WINDELL TRUST DATED April 18,
2003, a Colorado Trust,

Defendant.

Counsel:

Marie Drake

Michael Uwate

COURTROOM MINUTES

HEARING: Motion

2:31 p.m. Court in session.

Also present: Peter Sabey for Acquired Capital.

ORDER: Acquired Capital I, L.P.'s Unopposed Motion to Partially Substitute Plaintiff

and Sever Claims **(16)** is **granted** as follows:

Acquired Capital I, L.P. is substituted as plaintiff for the FDIC on Promissory Note # 2, encompassed by Plaintiff's Fifth, Sixth, Seventh and Eighth Claims. Plaintiff's Fifth, Sixth, Seventh and Eighth Claims are severed.

ORDER: The new case of Plaintiff Acquired Capital I, L.P, and Defendants Aquatic and Wetland Company, Inc., a Colorado Corporation; Bradley T. Windell, Individually; John T. Windell, Individually; Heidi G. Windell, Individually; Gregory B. Windell, Individually; and Bradley T. Windell Trust and Heidi G. Hynes-Windell Trust Dated April 18, 2003, a Colorado Trust concerning Promissory Note # 2, encompassed by Plaintiff's Fifth, Sixth, Seventh and Eighth Claims, is **remanded** to the Weld County District Court.

2:38 p.m. Court in recess/hearing concluded.

Total in-court time: 00:07