

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-02547-CMA-KLM

BOND SAFEGUARD INSURANCE COMPANY,

Plaintiff,

v.

JIMMY CAMP DEVELOPMENT, INC.,
a/k/a JIMMY CAMP DEV., INC., a/k/a known as JIMMY CAMP, LLC,
ALLEN D. VAN WHYHE,
CARY L. CARPENTER, and
GEORGE KRAMER,

Defendants.

ORDER REGARDING GARNISHMENT

This matter is before the Court on Plaintiff's Motion for Court Order on Garnishment Answer (Doc. # 38). Upon review, the Court finds as follows:

Default judgment was entered in favor of Plaintiff and jointly and severally against Defendants Jimmy Camp Development, Inc., Allen D. Van Whyhe, and Cary L. Carpenter in the amount of \$333,355.15 on January 25, 2012 (Doc. # 27). On May 22, 2012, the Clerk's Office issued a Writ of Garnishment to Cumberland Green Metropolitan District (the "District"), in the amount of \$333,455.31 (Doc. # 34). On June 5, 2012, the District answered the Writ, and represented that the District owes Defendant Jimmy Camp Development, Inc. (the judgment debtor) \$1,200,000 (Doc. # 36). The District further indicated that it does not claim any setoff against the owed debt. *Id.* at 2. Thus, Plaintiff filed the Motion at hand, requesting that the Court enter

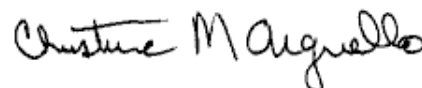
judgment in favor of Defendant Jimmy Camp Development, Inc. and against the garnishee District in the amount of \$333,493.52 (which includes interest), and order that the District pay such amount into the Court registry for disbursement.¹ See Doc. # 38.

Pursuant to Fed. R. Civ. P. 69 and Colo. R. Civ. P. 103 §4(f)(1),² it is hereby ORDERED that the Motion (Doc. # 38) is GRANTED. The Clerk's Office is directed to enter judgment in favor of Defendant Jimmy Camp Development, Inc. and against garnishee Cumberland Green Metropolitan District for the use of Plaintiff Bond Safeguard Insurance Company in the amount of \$333,493.52. It is

FURTHER ORDERED that garnishee Cumberland Green Metropolitan District shall pay the amount of the judgment, \$333,493.52, into the Court registry pursuant to D.C.COLO.LCivR 67.2A. Any request for disbursement must be submitted pursuant to D.C.COLO.LCivR 67.2D.

DATED: June 19, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

¹ The Motion was served on the District. (Doc. # 38 at 4.)

² Pursuant to Fed. R. Civ. P. 69, Colorado law governs the enforcement of a money judgment by writ. Pursuant to Colo. R. Civ. P. 103 § 4(f)(1),

If the answer to a writ of garnishment shows the garnishee is indebted to such judgment debtor, the clerk shall enter judgment in favor of such judgment debtor and against the garnishee for the use of the judgment creditor for the amount of the indebtedness shown in such answer and order such amount paid into the registry of the court. In no event shall any judgment against the garnishee be more than the total amount due and owing on the judgment.