*Law Offices of*

Susemihl, McDermott & Cowan, P.C.

660 Southpointe Court
Suite 210
Colorado Springs, Colorado 80906

719.579.6500
719.579.9339 fax
www.smmclaw.com

Peter M. Susemihl
psusemihl@smmclaw.com

Received
APR 15 2010
Dept. of Local Affairs

April 15, 2010

Division of Local Government
State of Colorado
1313 Sherman Street, Room 521
Denver, CO 80203

**RE: Cross Creek Metropolitan District-2010 Election**

Ladies and Gentlemen:

Enclosed please find a copy of the Notice of Cancellation and Certified Statement of Results along with a copy of the Proof of Publication.

Sincerely,

**SUSEMIHL, MCDERMOTT & COWAN, P.C.**

Peter M. Susemihl
cc: El Paso County Clerk and Recorder

# NOTICE OF CANCELLATION
# AND
# CERTIFIED STATEMENT OF RESULTS

1-5-208(1.5), C.R.S.

CROSS CREEK METROPOLITAN DISTRICT

EL PASO COUNTY, COLORADO

**WHEREAS**, the Designated Election Official of the District has been duly authorized by the Board of Directors to cancel and declare candidates elected at the close of business on the sixth-third day before the election, Tuesday, March 2, 2010, **AND WHEREAS**, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Now **THEREFORE**, pursuant to 1-5-208(1.5), C.R.S. the Designated Election Official **HEREBY** cancels the regular election to be conducted on **4th day of May, 2010**.

**NOTICE IS HEREBY GIVEN, THE ELECTION IS CANCELED BY FORMAL RESOLUTION AND THE FOLLOWING CANDIDATES ARE DECLARED ELECTED FOR THE FOLLOWING TERMS OF OFFICE:**

| (name) | (address) | (2 or 4 year term) |
|---|---|---|
| Donald F. Smith | 108 West, Old Broadmoor Road, Colorado Springs, CO 80906 | 4 |
| Karl M. Pfamatter | 8195 Cassabella Ct., Fountain, CO 80817 | 2 |
| Robert A. Mayville | 5415 Clanco Ln., Colorado Springs, CO 80911 | 2 |
| Patrick N. Skinner | 1430 Laurette Drive, Colorado Springs, CO 80909 | 4 |
| | | |
| | | |

(Signature on File)
(Signature of the Designated Election Official)

Peter M. Susemihl
(DEO's Printed Name)

March 4, 2010
(Date)

Contact Person for the District: Gary Barber

Telephone Number of the District: 719-598-0230

Address of the District: 412 S. Tejon, Suite 250, Colorado Springs, CO 80903

District Facsimile Number: 719-392-1444 District Email: bargerg@aol.com

(Signature on File)
(Signature of member of the board of the directors of district)

March 4, 2010
(Date)

**PROCEDURAL INSTRUCTIONS: Publish (CRS 1-1-104(34) Publication defined) and post Notice of Cancellation to inform the electors of the district. Post this document at all polling places, if applicable, and in the office of the Designated Election Official, as well as at the appropriate offices of the County Clerk and Recorder. File a copy of this notice with the Division of Local Government @ 1313 Sherman St., Rm., 521, Denver CO 80203 within 30 days after the date of when the election would have been held. Attach a copy of the actual published notice from the newspaper. The board or DEO shall notify all candidates that the election was cancelled and that they were elected by acclamation. The original notice is to be kept on file with the special district.**

## Proof of Publication

**THE TRANSCRIPT**
**Colorado Springs, Colorado**

STATE OF COLORADO,} ss.
COUNTY OF EL PASO}

I, Lon Matejczyk, Publisher, or the undersigned Authorized Agent of the Publisher, do solemnly swear that I am the Publisher, or Authorized Agent of the Publisher of The Transcript; that the same is a triweekly newspaper printed, in whole or in part and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a triweekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said triweekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

**19, MARCH, A.D., 2010.**

And that the last publication of said notice was in the issue of said newspaper dated:

**19, MARCH, A.D., 2010.**

In witness whereof I have hereunto set my hand this 19th day of March, A.D., 2010.

**Publisher/Authorized Agent**

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 19th day of March, A.D., 2010.

**Notary Public**

**My Commission Expires 12-03-13**

KATHRYN E. BERNHEIM NOTARY PUBLIC STATE OF COLORADO

**NOTICE OF CANCELLATION,**
**AND**
**CERTIFIED STATEMENT OF RESULTS**
**1-5-208(1.5), C.R.S.**
**CROSS CREEK METROPOLITAN DISTRICT**
**EL PASO COUNTY, COLORADO**

**WHEREAS**, the Designated Election Official of the District has been duly authorized by the Board of Directors to cancel and declare candidates elected at the close of business on the sixth-third day before the election, Tuesday, March 2, 2010, **AND WHEREAS**, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Now **THEREFORE**, pursuant to 1-5-208(1.5), C.R.S. the Designated Election Official **HEREBY** cancels the regular election to be conducted on 4th day of May, 2010.

**NOTICE IS HEREBY GIVEN, THE ELECTION IS CANCELED BY FORMAL RESOLUTION AND THE FOLLOWING CANDIDATES ARE DECLARED ELECTED FOR THE FOLLOWING TERMS OF OFFICE:**

Donald F. Smith 4-Year Term
108 West, Old Broadmoor Road
Colorado Springs, CO 80906
Karl M. Pfamatter 2-Year Term
8195 Cassabella Ct.
Fountain, CO 80817
Robert A. Mayville 2-Year Term
5415 Clonco Ln.
Colorado Springs, CO 80911
Patrick N. Skinner 4-Year Term
1430 Laurette Drive
Colorado Springs, CO 80909

Dated: March 4, 2010
*Signature on File*
/s/ Peter M. Susemihl
Designated Election Official
Gary Barber
Contact Person for the District
412 S. Tejon, Suite 250
Colorado Springs, CO 80903
Address of the District
719-598-0230
Telephone Number of the District
719-392-1444
District Facsimile Number
bargerg@aol.com
District Email
Signature of member of the board of the directors of district on File

Publication Date: March 19, 2010
Published in The Transcript
DT19158