



DISTRICT COURT, BOULDER COUNTY, COLORADO  
1777 SIXTH STREET, P.O.BOX 4249  
BOULDER, COLORADO 80306-4249

Case No.: No. 09cv2396

IN THE MATTER OF THE APPLICATION OF )  
U.S. BANK NATIONAL ASSOCIATION FOR AN )  
ORDER AUTHORIZING THE PUBLIC TRUSTEE )  
OF THE COUNTY OF BOULDER, STATE OF )  
COLORADO, TO SELL CERTAIN REAL ESTATE )  
UNDER A POWER OF SALE CONTAINED IN A )  
DEED OF TRUST )

Attorneys for Applicant:  
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**RALPH M. MARTIN'S MOTION TO RECONSIDER**

2009 JUL 28 AM 9:44  
2011 JUDICIAL DISTRICT

1  
2  
3 Dated this 27<sup>th</sup> day of July, 2009  
4  
5

6 Comes Now, Ralph M. Martin, *pro se* to respectfully ask The Court to  
7 reconsider the Rule 120 Order Granting foreclosure rights to the Public  
8 Trustee, said Order done without a Hearing.

9 - 1. It is possible that the Court did not open the computer files to view  
10 Exhibits 3 and 4 and 5 herein, wherein US Bank prepared both the Deed of  
11 Trust and Note in Martin's personal name only and NOT in Martin's capacity as  
12 "TRUSTEE."

13  
14 - 2. Since Martin individually did not have Title to pass on March 23,  
15 2005, Martin could not and did not pass on an encumbrance of Title, even if  
16 he consented to do so! See GMAC Mortgage Corp. v PWI Group, Colo. Ct. app.  
17 Nov.16, 2006, NO. 05CA0982, attached as Exhibit 2.

18  
19 - 3. Since Oct 2001 Colorado has authorized a trust to acquire, convey,  
20 encumber etc. any interest in real or personal property in the name of the  
21 trust. See Exhibit 1 (C.R.S. 38-30-108.5).

22  
23 - 4. US Bank's Deed Of Trust Exhibit "A" is also drawn in error, Exhibit 6  
24 herein, wherein US Bank created their "Exhibit A" in total disregard to the  
25 Public Trustee's record of ownership of 340 Cottonwood Court to The Rick

1 Martin Living Trust, Exhibit 3 herein, thereby creating a Wild Deed (Exhibit  
2 5 herein).

3  
4 - 5. Already before this Court is the title history showing no change of  
5 title from The Rick Martin Living Trust since 11/20/2002, Exhibit 7 herein.

6  
7 - 6. A current O&E Report shows Ownership of 340 Cottonwood Court of "Rick  
8 Martin Living Trust," Exhibit 8 herein.

9  
10 - 7. US Bank had already properly executed a real estate lien on "The Rick  
11 Martin Living Trust", Martin's law firm building, on April 24, 2003, Exhibit  
12 9 herein, wherein Martin signed as "TRUSTEE".

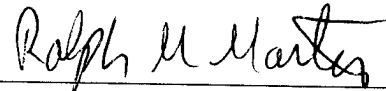
13  
14 - 8. Per C.R.S. 13-80-101 US Bank cannot sue for alleged breach of  
15 warranty since more than three years has passed since March 23, 2005.  
16 Therefore no Court even in a separate action can cure the Wild Deed attached  
17 as Exhibit 5 herein.

18  
19 - 9. The Public Trustee is hereby noticed that he cannot pass clear title  
20 to 340 Cottonwood Court and should *sua sponte* cancel the auction sale to  
21 avoid being sued, and needlessly expending public monies.

22  
23 - 10. Exhibit 6 indisputably shows that the Public Trustee recorded a  
24 spurious deed which US Bank had created and labeled Exhibit "A" Legal  
25 Description.

1  
2 WHEREFORE, no fact is in dispute, Martin individually could not and  
3 did not encumber 340 Cottonwood Court on March 23, 2005. Therefore, This  
4 Court in order to follow Goodwin v. District Court, 779 P.2d 837 (Colo. 1989)  
5 and black letter C.R.S. 38-30-108.5, as well as GMAC supra, is respectfully  
6 requested to reverse and deny US Bank's Rule 120 MOTION,  
7

8 Respectfully Submitted

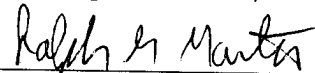
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10 \_\_\_\_\_  
Ralph M. Martin, pro se

11  
12 CC: Richard G Gebhardt  
13 Boulder county Public Trustee  
14 1790 38th St., #100  
15 Boulder, CO 80301

16 CERTIFICATE OF MAILING

17 I certify a copy of the foregoing was  
18 mailed first class on July 27, 2009 to  
19 Torben M. Welch, Messner & Reeves,  
20 LLC, 1430 Wynkoop St. #300, Denver, CO  
21 80202.

22 

23 \_\_\_\_\_  
24 Ralph M. Martin, pro se  
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