

<p>DISTRICT COURT, BOULDER COUNTY, COLORADO</p> <p>1777 Sixth Street P.O. Box 4249 Boulder, CO 80306</p>	<p>EFILED Document CO Boulder County District Court 20th JD Filing Date: Aug 19 2009 2:37PM MDT Filing ID: 26676906 Review Clerk: N/A</p>
<p>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 <i>Defendants.</i></p>	<p>Aug 17 2009</p> <p>DOCKETED JUDGE</p>
<p><i>Attorney for Applicant</i> Amy L. O'Donnell, Esq. Torben M. Welch, Esq. Clayton W. Barnett, Esq. MESSNER & REEVES, LLC 1430 Wynkoop Street, Suite 300 Denver, Colorado 80202 Phone: (303) 623-1800 Fax: (303) 623-0552 aodonnell@messner-reeves.com twelch@messner.com cbarnett@messner-reeves.com</p>	<p>▲ COURT USE ONLY ▲</p> <p><i>The motion for Reconsideration is denied.</i></p> <p><i>[Signature]</i> 8/19/09</p> <p>Case Number: 09 CV 2396 Div.:</p>
<p>US BANK'S RESPONSE TO RICK MARTIN'S MOTION FOR RECONSIDERATION</p>	

US Bank by and through its counsel, Messner & Reeves, LLC, submits the following Response to Rick Martin's Motion for Reconsideration:

I. INTRODUCTION

Defendant, Rick Martin ("Martin") is the sole trustee of the Rick Martin Trust (the "Martin Trust"). As the Trustee, Mr. Martin is authorized to purchase assets, such as real estate, in the name of the Trust and to borrow money in the name of the trust both for trust purposes and for the benefit of the grantor – Rick Martin. In this case, Martin – the sole-named trustee of the Martin Trust, borrowed \$250,000 from US Bank, as memorialized in a US Bank Equiline Agreement (the "Note") which was secured by a Deed of Trust (the "Deed of Trust"). The Deed

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