

<p>DISTRICT COURT, DOUGLAS COUNTY, COLORADO</p> <p>Douglas County Justice Center, 4000 Justice Way, Suite 2009 Castle Rock, Colorado 80109 Telephone: (303) 663-7200</p>	<p>EFILED Document CO Douglas County District Court 18th JD Filing Date: Nov 18 2009 3:14PM MST Filing ID: 28113973 Review Clerk: N/A</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CASTLE PINES HOMES ASSOCIATION, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>PAUL W. and NANCY M. KING; NANCY M. KING TRUST; and PAUL W. KING TRUST,</p> <p>Defendants,</p> <p>and</p> <p>The STATE OF COLORADO, DEPARTMENT OF NATURAL RESOURCES, WILDLIFE COMMISSION and DIVISION OF WILDLIFE,</p> <p>Defendant-Intervenor.</p>	
	<p>Case No.: 2008CV2948</p> <p>Div. 3</p>
<p>SECOND ORDER REGARDING CONDITIONS AND RESTRICTIONS ON HUNTING KING PROPERTY</p>	

The Court's October 2, 2009 Order in this case denied Plaintiff Castle Pines Homes Association, Inc. (CPHA) a permanent injunction which would have prohibited all hunting with firearms on the King Property. On page 12 of the Order, the Court imposed conditions and restrictions on hunting on the Property, and those requirements are incorporated and made specific by this Order. Except as specifically provided herein, this Order is not intended in any way to supersede or replace any existing laws and regulations concerning firearms, hunting and/or the permissible locations for such hunting, including but not limited to, restrictions related to roadways and paths. All such laws, regulations and restrictions

remain in full force and effect. In addition, this Order is not intended to relieve either the Kings, potential hunters, or the State of Colorado of any liability for any incidents which may occur as a result of hunting on the Property.

1. (a). Shooting Area/No Shooting Area. Hunting with firearms may occur on the King Property inside of the no-shoot buffer zones on the southern, western, and northern areas of the Property, as defined on the attached map (Exhibit A), which is incorporated into this Order. Such map is identified with a legend that shows the Property boundary of 88 acres and a no-shoot zone of 32 acres. Except as otherwise provided in this Order, no shots of any kind may be taken in the designated no-shoot buffer zone. However, such zones may be used for access to hunting areas.

The hunting area and no-shoot zone shall be marked in such a manner that the boundary is clearly visible at all times to hunters, with a method of marking in the discretion of the DOW but with not less than 20 markings. The DOW shall confer with the Kings and CPHA on the method of marking and shall visit the Property prior to the resumption of hunting to confirm that the appropriate markings have been installed. The DOW shall document this confirmation and describe such markings in writing to the Kings, with a copy of such documentation provided by DOW to CPHA prior to the resumption of hunting on the Property.

(b). Hunting Practices/Patterns. Hunting with firearms on the Property shall occur according to the safe hunting principles taught in hunter education courses in Colorado, including firearms safety, identification of target and use of appropriate backstops. Due to the nature of the terrain and the importance of containing shots fired on the Property, hunting shall generally be limited to shots being taken in an upslope northerly direction and shall maximize the use of terrain as a backstop. If it is necessary to shoot in a direction other than a northerly direction, hunters shall continue to use reasonable care in the use of appropriate backstops. Hunters shall become familiar with the Property, its boundaries and the nature of surrounding properties, through use of the attached map and communication with the Hunt Coordinator regarding recommended hunting areas and the no-shoot buffer zones on the Property.

Hunters shall only take shots which they are reasonably certain will kill the animal. If a wounded animal moves into the no-shoot buffer zone, a hunter may shoot to dispatch such animal if it is not running and is either on the ground or standing, and if the shot may still be taken with an appropriate backstop and in accordance with safe hunting practices. If a wounded animal is in the no-shoot buffer zone on the Property is still fleeing and cannot be dispatched as described above, the hunter shall promptly contact a designated DOW officer for assistance and shall otherwise comply with applicable law regarding such situation; provided, however, that if the animal leaves the King Property and enters property within

CPHA's boundaries, the hunter shall immediately notify CPHA Emergency Services (#303-688-6447) to advise them of the wounded animal. The hunter shall cooperate in any subsequent effort by CPHA to locate the wounded animal within its boundaries, but in no event shall a hunter be allowed to shoot a weapon on CPHA property or go on to CPHA property without permission.

2. (a). Hunt Coordinators. The Kings shall ensure that all hunting with firearms on the King Property be conducted under the direct and continuous supervision of a properly designated and experienced Hunt Coordinator. Each Hunt Coordinator can supervise up to two hunters at a time. The Hunt Coordinator shall meet prior to the hunt with each hunter to review the items stated in the hunting plan described in paragraph 1 of this Order, such plan shall be followed during the hunt, and during such hunt the Hunt Coordinator shall directly and continuously supervise the hunter(s). A Hunt Coordinator may hunt the Property alone, without supervision by another Hunt Coordinator. The Hunt Coordinator shall comply with all applicable laws and regulations. The Hunt Coordinator shall know how to use a GPS device and shall carry such a device while accompanying hunters to ensure that the hunters remain in the hunt area while hunting.

(b). The DOW shall perform a criminal background and hunting record check on each prospective Hunt Coordinator. Persons with a felony conviction or domestic violence conviction or otherwise prohibited by law to possess a firearm shall not be eligible to serve as a Hunt Coordinator. In addition, prior to serving as a Hunt Coordinator on the King Property, each prospective Hunt Coordinator (who has been screened by DOW pursuant to paragraph 2(b)) shall meet with DOW representative(s) to review and receive instruction regarding the hunting plan described in paragraph 1 of this Order and the topics stated below. Such instruction shall reinforce the standards taught in hunter education courses, safe shot selection on the Property, basic ballistics and trajectory information, shooting positions, elk vital zone training, the goals of the management effort for deer and elk in Game Management Unit 51 and how hunting on this Property contributes to that effort, map reading skills and use of GPS devices, especially as they pertain to hunting on the Property, and the importance of complying with the hunting plan to help ensure continued hunting opportunities on the Property.

Following such instruction and records check, the DOW shall confirm in writing to the Kings that such instruction has taken place, the results of the DOW criminal background check of the individual, and whether the individual is approved as a Hunt Coordinator for the Property, and provide a copy of such document to CPHA. The Kings shall provide the DOW with a current list of all Hunt Coordinators at least annually, on or before September 1 of each year.

For the 2009-2010 hunting seasons, the Kings shall provide such lists to the DOW at least three business days prior to the first hunt.

3. Hunters. The maximum number of hunters at any given time will be four (not including two required Hunt Coordinators). The Kings shall regularly maintain the names, addresses and hunting license numbers for all hunters who hunt on the Property, the number and type of animals taken on the Property, and whether any animals were taken in the no-shoot zone or were wounded and fled the Property, and shall provide those lists to the DOW at the conclusion of each hunting season, whether a private landowner season or other hunting season, and also make them available to DOW for inspection upon request.

4. Insurance. The Kings agree to obtain insurance to provide coverage of no less than \$100,000 for personal injury or property damage caused to a third party (including CPHA residents, visitors and employees, and Metro District visitors and employees) as a result of hunting on the King Property. Prior to any hunting occurring on the King property, the Kings will provide written evidence of such insurance coverage to DOW.

5. Compliance. The DOW shall monitor and ensure compliance with paragraphs 1 through 4 of this Order on a regular, but not less than monthly, basis during the relevant hunting season. Such monitoring may include an in-person meeting with the Kings or other form of communication, all of which shall be documented by the DOW. The DOW shall provide copies of such documents to CPHA at the Association office within a reasonable time after receipt of such documents. The documentation provided by the Kings to DOW and records of communications are all public records available to CPHA upon request.

In addition, if it is determined that the Kings, the DOW, any hunter or any Hunt Coordinator has violated the terms of this Order, the Court shall make any further order as the Court shall determine to be necessary and just, including but not limited to an order prohibiting hunting of any kind on the King Property.

THIS IS THE ORDER OF THE COURT, Dated this 18 day of November, 2009.



Richard B. Caschette
District Court Judge

