

of this Court duly entered and submitted to the taxpaying electors of said proposed District;

THAT said organizational election for the proposed District was held pursuant to a Mail Ballot Election Plan approved by the Colorado Secretary of State and was done in conformity with the El Paso County Clerk and Recorder's Division of Elections Office all of which matters have been filed with this Court;

THAT said election was held and conducted as an organizational election pursuant to and in the manner as provided by the Mail Ballot Plan and the election laws of the State of Colorado;

THAT Kevin I. Butcher was appointed as the Designated Election Official and in turn appointed Peter M. Susemihl and C. David McDermott as Judges of said election;

THAT notice of said election was given and published as required by the laws of the State of Colorado and that notices were given in conformity with the Letter of Agreement between the proposed Fountain Mutual Metropolitan District and the El Paso County Clerk and Recorder;

THAT the Judges of said election have duly submitted to this Court and filed therein the Returns of said election;

THAT at said election a total of eight (8) ballots were cast with all eight (8) ballots in favor of the organization of said proposed Fountain Mutual Metropolitan District and that there were no spoiled or defective ballots and that there were two (2) unused ballots;

THAT at said election the number of votes cast for Directors of said District for a term to serve until the first regular election to be held in 2000 were as follows: Garald L. Barber, eight (8) votes and Kevin I. Butcher, eight (8) votes with no negative votes and no write-in candidates;

THAT at said election the number of votes cast for Directors to serve until the second regular election to be held in 2002 were as follows: Roger DeKloe, eight (8) votes; Bruce W. May, eight (8) votes; and Jerry Novak, eight (8) votes with no negative votes and no write-in candidates;

THAT certain other ballot questions, being numbered ballot issues 3, 4, 5, and 6 as set forth in the official ballot on file with the Court, were also approved unanimously each with eight (8) affirmative votes.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the said Fountain Mutual Metropolitan District be, and the same is, hereby ordered and declared duly organized under the laws of the State of Colorado.

2. That the corporate name of said District is and shall hereafter be known as Fountain Mutual Metropolitan District.

3. That the said Fountain Mutual Metropolitan District shall have and exercise through its proper officers all of the power and authority confirmed upon it by statute and all amendments thereto.

4. That the following are, pursuant to vote of said election and by order of this Court, duly designated as the first Board of Directors of said Fountain Mutual Metropolitan District for the terms set opposite each of their respective names, to wit: Garald L. Barber and Kevin I. Butcher to serve a term until the first regular election to be held in 2000; Roger DeKloe, Bruce W. May, and Jerry Novak to serve a term until the second regular election to be held in 2002 and that Certificates of Election shall be issued and signed by this Court to be delivered to the initial Board of Directors.

5. That said District be and the same hereby is declared, created and established as a governmental subdivision of the State of Colorado and is a body corporate with all of the powers of a public or quasi-municipal corporation; that the said Board of Directors herein named shall have, and they are hereby vested with, all of the powers, duties and obligations as Directors of the said Fountain Mutual Metropolitan District as conferred and provided by the Statutes of the State of Colorado and all amendments thereto as made by law hereinafter be provided.

6. That the boundaries of said Fountain Mutual Metropolitan District and the territory to be included therein is as described on the attached legal descriptions.

7. That the Certificate of said Judges of Election heretofore filed herein being the same hereby is in all respects approved and confirmed.

8. That copies of the Findings and Decree of the Court incorporating this District shall be filed in the manner as provided by the Statutes of the State of Colorado.

9. That the sum of One Hundred Dollars (\$100.00) has previously been accepted by the Court in lieu of a bond for the purpose of paying all expenses connected with the proceedings in case the organization of said District would not be effected; and insofar as the formation of this District has been effected, the Clerk of the Court is authorized to return the sum of one Hundred Dollars (\$100.00) to the Fountain Mutual Metropolitan District c/o Susemihl, McDermott, Miller & Cowan, P.C.

Done in open Court the day and year first above written.

BY THE COURT:

Timothy Simmons, District Court Judge

J. Patrick Kelly El Paso Cty, CO
11/03/1999 08:38 099169603
Doc \$0.00 Page
Rec \$100.00 3 of 20

