

City and County of Denver, Denver, Colorado District Court Court Address: 1437 Bannock Street, Denver, CO 80202	
<b>Plaintiffs: WHITNEY SMITH AND CARLOS SMITH, individuals</b>  v.  <b>Defendants: PINE TREE CUSTOM HOMES, LLC, a Colorado limited liability company, and SANTIAGO JOHN JONES, an individual.</b>	Δ COURT USE ONLY Δ
Andrew Contiguglia, #26901 Lia Fazzone, #27832 Attorneys for Defendant Contiguglia/Fazzone, P.C. 400 South Colorado Boulevard, Suite 830 Denver, CO 80206 (303) 780-7333 E-Mail: <a href="mailto:ajc@ajcpc.com">ajc@ajcpc.com</a>	<b>Case No. 2009 CV</b>  <b>Division: Courtroom</b>
<b>DEFENDANTS PINE TREE HOMES, LLC AND SANTIAGO JOHN JONES'S  C.R.C.P. RULE 26 (a) (1) DISCLOSURES</b>	

COMES NOW, Defendants Pine Tree Custom Homes, LLC and Santiago John Jones, by and through Andrew J. Contiguglia of Contiguglia/Fazzone, P.C., and hereby submits their C.R.C.P. Rule 26(a)(1) Disclosures as follows:

**INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

The following individuals and/or entities may have discoverable information regarding the claims and defenses asserted in the dispute:

1. John Jones, 3032 S. King Street, Denver, CO 80236, (303) 885-7662.
2. Cheryl A. Jones, 3032 S. King Street, Denver, CO 80236, (303) 885-7662.
3. Marc Jones, 3032 S. King Street, Denver, CO 80236, (720) 532-3649.
4. Rick Shumway, 491 S. Kalispell Way, #107, Aurora, CO 80017, (720) 579-7187.
5. Augie Lopez, 2709 S. Pierce Street, Lakewood, CO 80227, (720) 629-7492.
6. Francisco Huizar, (303) 587-4874.
7. Representative, POR MOR Foundation, 2901 S. Santa Fe, Englewood, CO 80110, (303) 789-1551.

8. Chris Ahrens, Home Windows and Doors, (303) 435-3537.
9. Steve, Bedrock Excavating Corp., 5365 Hospitality Place, Parker, CO 80134. (720) 641-4971.
10. Joseph Ruede, White Roofing, Inc., 1408 W. Quincy Ave., Englewood, CO 80110, (303) 761-2255.
11. Claudio, Saucedo Drains & Waterproofing, 8175 West 20<sup>th</sup> Avenue, Lakewood, CO 80214, (303) 427-8870; (720) 353-7480).
12. James, Rio Grande Co., 3990 Havana Street, Denver, CO 80239, (303) 375-0913.
13. Representative, Pro Build aka Home Lumber Component Division, 8037 Midway Drive, Littleton, CO 80125, (303) 791-3715.
14. Roger, Smitty's Plumbing and Heating, 935 Depew Street, Lakewood, CO 80214, (303) 239-0361, (720) 320-2955.
15. Bryan, Road Runner HVAC, Heating and Air Conditioning, 46525 Indian Brush Ct, Parker, CO 80138, (303) 434-7349.
16. Keith, Capital Crane Service, Inc., P.O. Box 16217, Golden, CO 80402, (720) 641-7048 (mobile), (303) 463-9693 (office).
17. Jason, All American Stair Company, 3860 Revere Street, Suite B, Denver, CO 80239, (303) 373-0992; (303) 210-4532.
18. Doug, Colorado Drafting Supply, Inc., 4395 E. Mississippi Avenue, Denver, CO 80246, (303) 757-8521.
19. Representative, Hollingsworth Associates, Inc., 2875 West Oxford Avenue, Suite #7, Sheriden, CO 80110, (303) 781-5188.
20. Representative, DCY's Concrete Pumping Services, etc, LLC, 10570 Eudora Way, Thornton, CO 80233, (303) 410-7350.
21. Danilo Ortiz, 7869 Linda Circle, Unit #125, Denver, CO 80221, (720) 587-7527.
22. Rich, Waste Connections of Colorado, 5500 Franklin Street, Denver, CO 80216, (303) 288-2100; (720) 382-7872.
23. Paul Ramirez, PAR Security, P.O. Box 181130, Denver, CO 80218, (303) 949-8899.

24. Jorge Quinones, Jorge Quinones Concrete, 1262 Sperry Street, Denver, CO 80219, (303) 944-5523.
25. Representative, Raynor Door Authority, 5160 Havana Street, Unit G, Denver, CO 80239, (303) 371-1900.
26. Representative, Denver Water Department, 1600 W. 12<sup>th</sup>, Denver, CO 80204, (303) 628-6000.
27. City and County of Denver Manager of Finance, 201 W. Colfax Avenue, Denver, CO 80202, (720) 865-2500.
28. Nathan, Pinnacle Seamless Gutters, 3077 Golden, Denver, CO 80227. (303) 947-9893.
29. Abel Sura Pereyra, No contact information available at time of filing.
30. Mike Peterson, A World of Tile, 4875 E. Evans Ave., Denver, CO 80222, (303) 573-2008.
31. Watson Donga, Watson's Welding, (303) 801-8863.
32. Representative, Ferguson Enterprises, Inc., 17666 E. 26<sup>th</sup> Drive, Aurora, CO 80011, (303) 739-8000.
33. Sherri Ivy, City and County of Denver, Department of Public Works, Construction Engineering Section, 2000 W. 3<sup>rd</sup> Ave., 2<sup>nd</sup> Floor, Denver, CO 80223, (303) 446-3469.
34. Representative, Falcon Surveying, 9940 W. 25<sup>th</sup> Ave. Lakewood, CO, 80215, (303) 202-1560.
35. Karl Enger, North Star Trim, 5461 S. Tabor Street, Littleton, CO 80127, (303) 888-9768.
36. Andy Criswell, (303) 921-0543.
37. Representative, Alameda Wholesale Nursery, 1950 W. Dartmouth Avenue, Englewood, CO 80110, (303) 761-6131.
38. Nino, Efershan Electrical, 1379 S. Tennyson Street, Denver, CO, (303) 884-2049.
39. Justin, Above and Beyond Painting, 1751 E. 136<sup>th</sup> Ave., Brighton, CO, 80602, (720) 810-3049.
40. Carlos, Carpet Install, 1391 S. Dale Ct., Denver, CO 80219, (303) 618-1123.

41. Augustine, Take Me for Granite, 735 S. Jason Street, Denver, CO, 80223, (303) 722-4200.
42. Sharon Clay, Xcel Energy, Gas and Meter Install, 1123 W. 3<sup>rd</sup> Avenue, Denver, CO 80223, (303)571-3159.
43. Raul, Raul's Plastering, 3288 W. Custer Place, Denver, CO 80219, (303) 669-9689.
44. Jim, Godden Sudick Architects, 6025 S. Quebec Street, Suite 375, Centennial, CO. 80111, (303) 455-4437.
45. Tonya, Colorado Excavation and Demolition, 6300 W. 49<sup>th</sup> Drive, Wheat Ridge, 80033; (303) 456-6056.
46. Dennis, DCF Engineering, 8000 E. Prentice Ave., Suite B-8, Greenwood Village, CO 80111, (303) 564-0515.

**DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS,**  
**RELATIVE TO THE DISPUTED FACTS**

***I. Checks from Smiths to Pine Tree Custom Homes, LLC***

1. Check Number 106 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$158.73, dated October 23, 2007. (Subject Line: Plans Copies).
2. Check Number 107 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,700.00, dated October 23, 2007. (Subject Line: General Liability).
3. Check Number 108 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$600.00, dated October 23, 2007. (Subject Line: Tree Removal).
4. Check Number 109 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$8,600.00, dated October 31, 2007. (Subject Line: Soldier Piers).
5. Check Number 110 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$13,144.38, dated November 9, 2007. (Subject Line: Windows-AMSCO).
6. Check Number 113 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$17,500.00, dated November 16, 2007. (Subject Line: Excavating-Bedrock).

7. Check Number 116 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$17,250.00, dated December 7, 2007. (Subject Line: Roof-Tile and Inst).
8. Check Number 117 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,620.00, dated December 7, 2007. (Subject Line: Water Proofing, Damp Proofing).
9. Check Number 118 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,892.88, dated December 7, 2007. (Subject Line: Steel Beams).
10. Check Number 119 from Carlos and Whitney Smith to Cheryl Jones, in the amount of \$36,279.84, dated December 17, 2007. (Subject Line: Lumber Pack).
11. Check Number 121 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$10,787.01, dated December 17, 2007. (Subject Line: Trusses).
12. Check Number 122 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,500.00, dated December 17, 2007. (Subject Line: Underground Plumbing).
13. Check Number 126 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$10,315.80, dated January 30, 2008. (Subject Line: Rough HVAC).
14. Check Number 127 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$240.00, dated January 30, 2008. (Subject Line: Crane-1<sup>st</sup> Floor).
15. Check Number 128 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$622.08, dated January 30, 2008. (Subject Line: Stairs).
16. Check Number 129 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$194.63, dated January 30, 2008. (Subject Line: Basement Post).
17. Check Number 130 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$86.45, dated January 30, 2007. (Subject Line: Plastic Tarp).
18. Check Number 131 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$95.67, dated January 30, 2008. (Subject Line: Copies).
19. Check Number 133 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$67.50, dated January 30, 2008. (Subject Line: Drain Inspection).
20. Check Number 134 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$61.39, dated January 30, 2008. (Subject Line: Shims for Basement).
21. Check Number 135 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,608.83, dated January 30, 2008. (Subject Line: Steel Beams).

22. Check Number 136 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$597.25, dated January 30, 2008. (Subject Line: Concrete Pumping).
23. Check Number 137 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$240.00, dated January 30, 2008. (Subject Line: Trusses-Crane).
24. Check Number 139 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$197.50, dated January 30, 2008. (Subject Line: Window Screws).
25. Check Number 139 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$197.50, dated January 30, 2008. (Subject Line: Window Screws).
26. Check Number 140 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$4,600.00, dated January 30, 2008. (Subject Line: Install Facia and Soffit).
27. Check Number 146 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$467.49, dated February 8, 2008. (Subject Line: Dumpster).
28. Check Number 156 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$799.48, dated March 11, 2008. (Subject Line: Dumpster).
29. Check Number 180 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$337.97, dated April 18, 2008. (Subject Line: Dumpster).
30. Check Number 198 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$775.94, dated May 28, 2008. (Subject Line: Trash).
31. Check Number 230 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$332.39, dated July 30, 2008. (Subject Line: Final Trash Bill).
32. Check Number 147 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1676.70, dated February 16, 2008. (Subject Line: Security-Part I).
33. Check Number 225 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$195.30, dated July 23, 2008. (Subject Line: Security).
34. Check Number 187 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$120.00, dated May 8, 2008. (Subject Line: Alarm Monitoring).
35. Check Number 150 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$2,417.00, dated March 11, 2008. (Subject Line: Garage Concrete).
36. Check Number 152 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,060.00, dated March 11, 2008. (Subject Line: Garage Door).

37. Check Number 157 from Carlos and Whitney Smith to Marc Jones, in the amount of \$350.00, dated March 11, 2008. (Subject Line: Cleaning).
38. Check Number 159 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$626.00, dated March 27, 2008. (Subject Line: Water Meter).
39. Check Number 160 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$8,000.00, dated March 27, 2008. (Subject Line: Water Meter Road Work).
40. Check Number 161 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$53.32, dated March 27, 2008. (Subject Line: Garage Stairs).
41. Check Number 163 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$2,640.00, dated March 27, 2008. (Subject Line: Gutters).
42. Check Number 181 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$125.00, dated April 18, 2008. (Subject Line: Move Basement Dirt).
43. Check Number 192 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,111.74, dated May 28, 2008. (Subject Line: Heated Floor).
44. Check Number 202 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,125.00, dated June 14, 2008. (Subject Line: Fence/Rod Iron).
45. Check Number 208 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$4,780.41, dated July 1, 2008. (Subject Line: Toilets and Master Tub).
46. Check Number 221 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$302.00, dated July 17, 2008. (Subject Line: Permit/Inspections/Sherri Ivy).
47. Check Number 179 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$322.00, dated April 18, 2008. (Subject Line: Water Permit for Sidewalk).
48. Check Number 141 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$500.00, dated February 9, 2008. (Subject Line: House Staking Survey).
49. Check Number 185 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$12,000.00, dated May 8, 2008. (Subject Line: Partial Payment Trim Labor).
50. Check Number 201 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$7,432.20, dated June 14, 2008. (Subject Line: Trim Final).

51. Check Number 205 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,400.00, dated June 22, 2008. (Subject Line: 4 Metal Grates).
52. Check Number 218 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,146.26, dated July 17, 2008. (Subject Line: Plumbing Trim).
53. Check Number 194 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,100.00, dated May 28, 2008. (Subject Line: Wrought Iron).
54. Check Number 199 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,000.00, dated June 7, 2008. (Subject Line: Final Wrought Iron).
55. Check Number 165 from Carlos and Whitney Smith to Marc Jones, in the amount of \$442.00, dated March 27, 2008. (Subject Line: Gas for Generator).
56. Check Number 235 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$988.00, dated July 30, 2008. (Subject Line: Cleaning).
57. Check Number 217 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,185.00, dated July 17, 2008. (Subject Line: Shaver & Mirror).
58. Check Number 162 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$5,190.23, dated March 27, 2008. (Subject Line: Fireplaces).
59. Check Number 154 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$290.00, dated March 11, 2008. (Subject Line: Welding of Beams).
60. Check Number 214 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$88.44, dated July 17, 2008. (Subject Line: Tree).
61. Check Number 227 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$1,150.00, dated July 23, 2008. (Subject Line: Extend Water Meter/Infrared).
62. Check Number 115 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$7,818.00, dated December 7, 2007. (Subject Line: Basement and Garage Floor).
63. Check Number 212 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$6,378.50, dated July 10, 2008. (Subject Line: Concrete-Final Payment).
64. Check Number 143 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$14,100.00, dated February 9, 2008. (Subject Line: Rough Plumbing).
65. Check Number 182 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,384.00, dated April 18, 2008. (Subject Line: Tubs & 2 Water heaters).



66. Check Number 228 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$4,898.00, dated July 23, 2008. (Subject Line: Plumbing Final).

67. Check Number 114 from Carlos and Whitney Smith to Pine Tree Custom Homes, LLC, in the amount of \$3,371.35, dated December 7, 2007. (Subject Line: Gas Laterals).

## ***II. Checks from Pine Tree Custom Homes, LLC to Subcontractors***

68. Check Number 1400 from Pine Tree Custom Homes, LLC, to Augie Lopez, in the amount of \$4,700.00, dated October 24, 2007. (Subject Line: Insurance).

69. Check Number 1399 from Pine Tree Custom Homes, LLC, to Francisco Huizar, in the amount of \$600.00, dated October 03, 2007. (Subject Line: 1326 S. Fillmore).

70. Chase Bank Check Number 143315761 from Pine Tree Custom Homes, LLC, to Por Mor FOUNDATION, in the amount of \$8,600.00, dated December 26, 2007.

71. Check Number 1607 from Pine Tree Custom Homes, LLC, to Home Lumber, in the amount of \$13,144.38, dated February 28, 2008. (Subject Line: (Windows) 1326 S. Fillmore).

72. Check Number 1581 from Pine Tree Custom Homes, LLC, to Bedrock, in the amount of \$17,500.00, dated February 6, 2008. (Subject Line: Pd. In Full).

73. Check Number 1891 from Pine Tree Custom Homes, LLC, to White Roofing, in the amount of \$6,884.00, dated July 1, 2008. (Subject Line: Invoice #21978A).

74. Check Number 1893 from Pine Tree Custom Homes, LLC, to White Roofing, in the amount of \$10,326.00, dated July 2, 2008. (Subject Line: Paid in Full #21978, 100% complete).

75. Check Number 1672 from Pine Tree Custom Homes, LLC, to Pine Tree Custom Homes, in the amount of \$1,620.00, dated April 2008. (Subject Line: 1326 S. Fillmore).

76. Chase Bank Check Number 143315762 from Pine Tree Custom Homes, LLC, to Rio Grande Co., in the amount of \$3,892.88, dated December 26, 2007.

77. Check Number 1606 from Pine Tree Custom Homes, LLC, to Pine Tree Custom Homes, in the amount of \$36,279.84, dated February 28, 2008. (Subject Line: 1326 S. Fillmore).

78. Check Number 1503 from Pine Tree Custom Homes, LLC, to Home Lumber, in the amount of \$10,787.01, dated December 18, 2008. (Subject Line: 1326 S. Fillmore).

79. Check Number 1612 from Pine Tree Custom Homes, LLC, to Smitty's Plumbing, in the amount of \$3,500.00, dated December 17, 2008. (Subject Line: 1326 S. Fillmore).
80. Check Number 1844 from Pine Tree Custom Homes, LLC, to Roadrunner, in the amount of \$10,315.80, dated June 12, 2008. (Subject Line: 1326 S. Fillmore).
81. Check Number 1565 from Pine Tree Custom Homes, LLC, to Capital Crane, in the amount of \$120.00, dated December 20, 2007. (Subject Line: 1326 S. Fillmore).
82. Check Number 1481 from Pine Tree Custom Homes, LLC, to Capital Crane, in the amount of \$120.00, dated November 30, 2007. (Subject Line: 1326 S. Fillmore).
83. Check Number 1619 from Pine Tree Custom Homes, LLC, to All American Stairs, in the amount of \$622.08, dated November 30, 2007. (Subject Line: 1326 S. Fillmore).
84. Check Number 1641 from Pine Tree Custom Homes, LLC, to Rio Grande, in the amount of \$194.63, dated March 11, 2008. (Subject Line: #8588705-00).
85. Check Number 1470 from Pine Tree Custom Homes, LLC, to Colorado Drafting, in the amount of \$95.67, dated October 21, 2007. (Subject Line: 1326 S. Fillmore).
86. Check Number 1943 from Pine Tree Custom Homes, LLC, to Hollingsworth Associates, in the amount of \$67.50, dated January 30, 2008. (Subject Line: 1326 S. Fillmore).
87. Check Number 1640 from Pine Tree Custom Homes, LLC, to Rio Grande, in the amount of \$61.39, dated March 11, 2008. (Subject Line: #8588253-00).
88. Check Number 1639 from Pine Tree Custom Homes, LLC, to Rio Grande, in the amount of \$1,608.83 dated March 11, 2008. (Subject Line: #8588406-00).
89. Check Number 1552 from Pine Tree Custom Homes, LLC, to DCY's Concrete Pumping, in the amount of \$597.25 dated January 2, 2008. (Subject Line: Pump for Basement).
90. Check Number 1550 from Pine Tree Custom Homes, LLC, to Capital Crane, in the amount of \$240.00, dated December 31, 2007. (Subject Line: 1326 S. Fillmore, Roof Trusses).
91. Check Number 1575 from Pine Tree Custom Homes, LLC, to Alas Danilo Ortez, in the amount of \$4,600.00, dated January 26, 2008. (Subject Line:[None]).
92. Check Number 1705 from Pine Tree Custom Homes, LLC, to Waste Connections, in the amount of \$799.48, dated March 27, 2008. (Subject Line:#53111021676014).

93. Check Number 1856 from Pine Tree Custom Homes, LLC, to Waste Connections, in the amount of \$1,113.91, dated June 1, 2008. (Subject Line: #5311-1021676-614, 1326 S. Fillmore).
94. Check Number 1907 from Pine Tree Custom Homes, LLC, to PAR Security, in the amount of \$2,383.60, dated July 22, 2008. (Subject Line: Final, 1326 S. Fillmore).
95. Check Number 1623 from Pine Tree Custom Homes, LLC, to Jorge Quinones, in the amount of \$2,412.00, dated March 5, 2008. (Subject Line: #242330).
96. Chase Bank Check Number 9079401011 from Pine Tree Custom Homes, LLC, to Raynor Door Authority, in the amount of \$1,090.00, dated December 23, 2008.
97. Check Number 1692 from Pine Tree Custom Homes, LLC, to Denver Water, in the amount of \$626.00, dated March 24, 2008. (Subject Line: 1326 Fillmore).
98. Check Number 1706 from Pine Tree Custom Homes, LLC, to Bedrock Excavation, in the amount of \$8,000.00, dated March 28, 2008. (Subject Line: Water Line).
99. Check Number 1851 from Pine Tree Custom Homes, LLC, to All American Stair Company, in the amount of \$53.32, dated June 16, 2008. (Subject Line: #6573).
100. Check Number 1644 from Pine Tree Custom Homes, LLC, to Pinnacle Seamless, in the amount of \$2,555.00, dated March 11, 2008. (Subject Line: 1326 S. Fillmore).
101. Check Number 1501 from Pine Tree Custom Homes, LLC, to Abel Sura Pereyra, in the amount of \$125.00, dated December 14, 2007. (Subject Line: 1326 S. Fillmore).
102. Check Number 1808 from Pine Tree Custom Homes, LLC, to A World of Tile, in the amount of \$1,111.74, dated May 27, 2008. (Subject Line: 1326 S. Fillmore).
103. Check Number 1849 from Pine Tree Custom Homes, LLC, to Watson Donga, in the amount of \$3,125.00, dated June 14, 2008. (Subject Line: [None]).
104. Check Number 1896 from Pine Tree Custom Homes, LLC, to Smitty's Plumbing, in the amount of \$4,780.41, dated July 2, 2008. (Subject Line: Fixtures Fillmore).
105. Check Number 1746 from Pine Tree Custom Homes, LLC, to Manager of Finance, in the amount of \$302.00, dated July 15, 2008. (Subject Line: 1326 S. Fillmore).
106. Check Number 1671 from Pine Tree Custom Homes, LLC, to Manager of Finance, in the amount of \$130.00, dated April 9, 2008. (Subject Line: 1326 S. Fillmore).
107. Check Number 1970 from Pine Tree Custom Homes, LLC, to North Star Trim, in the amount of \$10,827.20, dated October 11, 2008. (Subject Line: Final Payment 1326 S. Fillmore).

108. Check Number 3866 from Cheryl A. or Santiago J. Jones, to North Star Trim, in the amount of \$4,000.00, dated September 5, 2008. (Subject Line: 1326 S. Fillmore).
109. Check Number 1748 from Pine Tree Custom Homes, LLC, to Watson Donga, in the amount of \$590.00, dated July 17, 2008. (Subject Line: Window Grates).
110. Check Number 1768 from Pine Tree Custom Homes, LLC, to Watson Donga, in the amount of \$1,000.00, dated May 9, 2008. (Subject Line: Window Grates).
111. Check Number 3899 from Cheryl A. or Santiago J. Jones, to Road Runner HVAC, in the amount of \$1,146.20 dated November 26, 2008. (Subject Line: 1326 S. Fillmore).
112. Check Number 1815 from Pine Tree Custom Homes, LLC, to Watson Donga, in the amount of \$1,100.00, dated May 28, 2008. (Subject Line: 1326 S. Fillmore).
113. Check Number 1768 from Pine Tree Custom Homes, LLC, to Cash, in the amount of \$1,200.00, dated July 14, 2008. (Subject Line: [None]).
114. Check Number 1906 from Pine Tree Custom Homes, LLC, to Andy Criswell, in the amount of \$875.00, dated July 22, 2008. (Subject Line: Final Payment 1326 S. Fillmore).
115. Check Number 1046 from Pine Tree Custom Homes, LLC, to Andy Criswell, in the amount of \$310.00, dated January 2, 2008. (Subject Line: 1326 S. Fillmore).
116. Check Number 1856 from Pine Tree Custom Homes, LLC, to Waste Connections, in the amount of \$1,113.00, dated June 1, 2006. (Subject Line: 1326 S. Fillmore).
117. Check Number 1705 from Pine Tree Custom Homes, LLC, to Waste Connections, in the amount of \$799.48, dated March 27, 2008. (Subject Line: #5311102676014).
118. Chase Bank Check Number 9079401071 from Pine Tree Custom Homes, LLC, to Rio Grande Co., in the amount of \$6,890.64, dated January 12, 2009.
119. Check Number 1646 from Pine Tree Custom Homes, LLC, to Watson Donga, in the amount of \$300.00, dated March 12, 2008. (Subject Line: [None]).
120. Check Number 1736 from Pine Tree Custom Homes, LLC, to Alameda Wholesale Nursery, in the amount of \$88.44, dated July 11, 2008. (Subject Line: 1326 S. Fillmore).
121. Check Number 1904 from Pine Tree Custom Homes, LLC, to Bedrock Excavation, in the amount of \$1,150.00, dated July 19, 2008. (Subject Line: 1326 S. Fillmore).
122. Check Number 1583 from Pine Tree Custom Homes, LLC, to Jorge Quinones, in the amount of \$6,840.00, dated February 8, 2008. (Subject Line: 1326 S. Fillmore).

123. Check Number 1733 from Pine Tree Custom Homes, LLC, to Jorge Quinones, in the amount of \$6,314.50, dated July 10, 2008. (Subject Line: Final Bill).

124. Wells Fargo Bank Check #00611806, to Smitty's plumbing, in the amount of \$12,382.00, dated March 10, 2009.

125. Check Number 1733 from Pine Tree Custom Homes, LLC, to Smitty's Plumbing, in the amount of \$10,000.00, dated June 2, 2008. (Subject Line: 1326 S. Fillmore).

126. Check Number 1720 from Pine Tree Custom Homes, LLC, to Xcel Energy, in the amount of \$3,371.35, dated July 3, 2008. (Subject Line: 1326 S. Fillmore).

### ***III. Invoices***

1. Invoice from Por Mor Foundations, Billed to Pine Tree Custom Homes, dated October 29, 2007, in the amount of \$8,600.00.

2. Invoice from Home Lumber and Supply, for Smith Residence, dated November 5, 2007.

3. Invoice from Bedrock Excavating Corp, Billed to Pine Tree Custom Homes, dated November 15, 2007, in the amount of \$17,500.00.

4. Invoice from White Roofing, Inc., Billed to Pine Tree Custom Homes, dated December 3, 2007, in the amount of \$17,210.

5. Invoice from White Roofing, Inc., Billed to Pine Tree Custom Homes, dated June 6, 2008.

6. Invoice from Saucedo Drains & Waterproofing, dated December 4, 2007, in the amount of \$1,620.00.

7. Invoice from Rio Grande Co., dated November 28, 2007, in the amount of \$3,892.88.

8. Invoice from Pro-Build South-Blakeland Lumber, dated November 29, 2007, in the amount of \$36,279.84.

9. Invoice from Home Lumber Component Division, dated November 27, 2007, in the amount of \$10,787.01.

10. Invoice from Smitty's Plumbing and Heating, dated December 23, 2007, in the amount of \$3500.

11. Invoice from Road Runner HVAC, dated January 24, 2008, in the amount of 10,315.80.
12. Invoice from Capital Crane Service, Inc., dated December 20, 2007, in the amount of \$240.00.
13. Invoice from All American Stair Company, dated January 18, 2008, in the amount of \$622.08.
14. Invoice from Rio Grande, dated December 31, 2007, in the amount of \$194.63.
15. Invoice from Home Depot, for a poly sheet, dated December 27, 2007, in the amount of \$86.45.
16. Invoice from Colorado Drafting Supply, Inc., dated November 21, 2007, in the amount of \$95.67.
17. Invoice from Hollingsworth Associates, Inc., dated November 30, 2007, in the amount of \$67.50.
18. Invoice from Rio Grande Co., dated December 17, 2007, in the amount of \$61.39.
19. Invoice from Rio Grande Co., dated December 21, 2007, in the amount of \$1,608.83
20. Invoice from DCY's Concrete Pumping Services, etc, LLC, dated January 2, 2008, in the amount of \$597.25.
21. Invoice from Capital Crane Service, Inc., dated December 31, 2007, in the amount of \$240.00.
22. Invoice #1526 from Home Depot, for Silicone and gold screws, dated January 25, 2008, in the amount of \$122.53.
23. Invoice #1505 from Home Depot, dated January 26, 2008, in the amount of \$68.21.
24. Invoice from Danilo Ortiz, dated January 26, 2007, in the amount of \$4,600.00.
25. Invoice from Par Security & Surveillance, dated March 19, 2008, in the amount of \$1,953.00.
26. Invoice from Par Security & Surveillance, dated February 4, 2008, in the amount of \$1,676.60.

27. Invoice from Par Security & Surveillance, dated April 19, 2008, in the amount of \$120.00.
28. Invoice from Jorge Quinones, dated February 25, 2008, in the amount of \$2,412.00
29. Invoice from Raynor Door Authority, dated February 28, 2008, in the amount of \$1,060.00.
30. Invoice from Denver Water Department, dated March 24, 2008, in the amount of \$626.00.
31. Invoice from Bedrock Excavation, dated March 12, 2008, in the amount of \$8,000.00.
32. Invoice from Pinnacle Seamless Gutters, dated March 7, 2007, in the amount of \$2,640.00.
33. Invoice from Ferguson Enterprises, Inc., to Smitty's Plumbing and Heating, dated July 3, 2008, in the amount of \$4,780.41.
34. Transportation Engineering Division of Public Works, Revocable Street Occupancy Permit #2008-R06783, in the amount of \$302.00
35. Construction Permit #040122, City and County of Denver, Department of Public Works, Construction Engineering Section.
36. Invoice from Falcon Surveying, Inc., dated November 1, 2007, in the amount of \$500.00.
37. Invoice from North Star Trim, dated July 22, 2008, in the amount of \$14,827.20.
38. Invoice from Road Runner HVAC, dated July 2, 2008, in the amount of 1,146.20.
39. Invoice for Watson Donga, Wrought Iron, in the amount of \$2,100.00.
40. Invoice for Generator use in the amount of \$442.00.
41. Invoice from White Roofing, Inc., dated March 7, 2008, in the amount of \$10,326.
42. Invoice from Bedrock Excavating Corp., dated July 18, 2008, in the amount of \$1,150.00.
43. Invoice from Jorge Quinones, dated January 15, 2008, in the amount of \$6,840.00.

44. Proposal from Jorge Quinones, dated December 3, 2007, in the amount of \$7,818.00.
45. Invoice from Jorge Quinones, dated June 24, 2008, in the amount of \$6,474.50.
46. Invoice from Smitty's Plumbing & Heating, dated March 16, 2008, in the amount of \$17,484.00.
47. Invoice from Smitty's Plumbing & Heating, dated July 13, 2008, in the amount of \$4,898.00.
48. Invoice from Xcel Energy, dated November 30, 2007, in the amount of \$3,371.35.

#### ***IV. Miscellaneous Documents***

1. E-mail from Whitney Smith to John Jones, dated November 13, 2007, requesting tile quotes.
2. Memo to John Jones from Waste Connections of Colorado, dated March 13, 2009.
3. Letter from Rich Wheeler of Waste Connections of Colorado, to Pine Tree Custom Homes, dated September 10, 2008.
4. Notice of Intent to File Lien, by A. Tim Hawkrige of Raynor Door Authority of Denver, in the amount of \$1,060.00, dated July 21, 2008, delivered to Pine Tree Custom Homes.
5. Release of Lien, by Raynor Door Authority of Denver, dated December 24, 2008.
6. Denver Water Application for Water Supply License, Property: 1326 S. Fillmore.
7. Email and memo dated March 13, 2009, from Rich W. at Waste Connections reflecting account as paid in full and attaching audit reflecting same.
8. Letter from Rich Wheeler of Waste Connections, dated September 10, 2008, indicating that payment in full has been received.
9. Notice of intent to File Lien, by Rio Grande against 1326 S. Fillmore, dated July 15, 2008.
10. Statement of Lien, by Rio Grande against 1326 S. Fillmore, dated July 15, 2008.
11. Release of Lien, by David B. Law, Attorney for Rio Grande Co., dated January 12, 2009.



12. Contract Agreement between Santiago John Jones and Raul Rodriguez of Raul's Plastering, dated October 26, 2007, exchanging Jones's 2005 Dodge Truck for stucco work at 1326 S. Fillmore Street, valued at \$23,600.00.

13. Lien Waiver and Release, dated April 29, 2008, for \$23,600.00 by Raul's Plastering.

14. Lien Waiver and Release, dated March 10, 2008, for \$17,500.00 by Bedrock Excavation.

15. Lien Waiver and Release, dated April 7, 2008, for \$8,000.00 by Bedrock Excavation.

16. Lien Waiver and Release, dated July 20, 2008, for \$1,150.00 by Bedrock Excavation.

### **DAMAGES**

Subject to ongoing discovery, Defendants' damages are no less than \$9,000.00 and consist of unpaid monies from Plaintiffs for money paid by Defendants to satisfy subcontractor invoices, plus attorney fees of approx \$5,000 to date.

### **INSURANCE**

Not applicable.

Dated: October 6, 2009.

Respectfully submitted,

CONTIGUGLIA/FAZZONE, P.C.

//s// Andrew J. Contiguglia

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Andrew J. Contiguglia, #26901  
Lia A. Fazzone, #27832  
Attorneys for Defendants

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing Disclosures of Defendants Pine Tree Custom Homes, LLC and Santiago John Jones was sent on March 23, 2009, via Lexis/Nexus File and Serve to the following:

Ima Whiner, Esq.  
Law Firm, L.L.C.  
666 6<sup>th</sup> Street, Suite 3000  
Denver, CO 80202

//s// Andrew J. Contiguglia

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