

1 DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

2 Case No. 89DR477, Division R-1

3

4 TRANSCRIPT OF TAPE-RECORDED PROCEEDINGS

5

6 In re the Marriage of:

7 SANDRA WILFRED,

8 Petitioner,

9 and

10 HARMON WILFRED,

11 Respondent.

12

13 This matter came on for hearing on continued  
14 temporary orders on July 7, 1989, before VIRGINIA WARE,  
15 District Court Referee.

16 This is a transcript of the proceedings recorded  
17 in this case on that date.

18 APPEARANCES: ELAINE EDINBURG, Attorney at Law,  
19 appearing on behalf of the Petitioner herein.  
20 ROBERT HINDS, Attorney at Law,  
21 appearing on behalf of the Respondent herein.  
22 SUSAN DYCUS, Attorney at Law,  
23 appearing as Guardian ad Litem for the minor  
24 child.

25



1 understanding that Mr. Wilfred and his attorney, based upon  
2 Mr. Wilfred's filing bankruptcy -- personal bankruptcy --  
3 agree to be bound by the terms of the temporary orders I have  
4 just handed you and that there will not be any need for a  
5 continuation of today's hearing or the hearing on July 14th.

6 That's my understanding.

7 MR. HINDS: Your Honor, if I may approach the  
8 bench, I would tender for the Court the record -- the order of  
9 stay relating to the personal bankruptcy filing of the  
10 Respondent. And what I will be doing is requesting relief  
11 from stay for the purpose of continuing on the supervised  
12 visitation issues.

13 Once that relief is granted, I would have to reset  
14 the matter regarding the supervised visitation. We ought to  
15 probably try to keep the 14th date and try to get the relief  
16 from stay granted before that time. It's difficult I  
17 understand (inaudible) counsel advised it would take about  
18 three weeks typically for a relief of stay, but Dr. Gutterman  
19 (phonetic) is not available and out of town on that date, and  
20 so we wouldn't have the ability to present our case even if we  
21 got the relief from stay, so as soon as I can achieve that, I  
22 would like to set the matter down as pertains to the question  
23 of the child and the father and mother.

24 THE REFEREE: All right, counsel, let me read this  
25 because what I don't want to get anybody in the position if --

1 if you're going to be -- if you don't mean to be in a position  
2 of modifying temporary orders and that heavier burden of  
3 proof, counsel. That's -- that's my question.

4 I -- we enter temporary orders, then everybody come  
5 back before me, you're gonna be on a modification. And I'm  
6 not sure that that's what is envisioned. If that is what is  
7 envisioned, fine.

8 MS. EDINBURG: Your Honor, excuse me for  
9 interrupting, but --

10 THE REFEREE: Please --

11 MS. EDINBURG: -- I understood that Mr. Hinds  
12 wanted to vacate the temporary orders hearings that we have  
13 set this morning and next week and that these temporary orders  
14 remain in full force and effect as the Court's temporary  
15 orders. That's my understanding.

16 THE REFEREE: That's your understanding.

17 MS. EDINBURG: That's what -- because we are  
18 prepared to go forward with the supervised visitation issue.  
19 I don't think the bankruptcy court has jurisdiction over  
20 supervised visitation of the minor child. I -- that's not a  
21 financial issue. That does not -- that's not an issue that  
22 could ever be litigated in a bankruptcy court. We're prepared  
23 -- prepared to go -- proceed with Mr. Harmon's -- Wilfred's  
24 request that that supervision be lifted. We have a witness  
25 here who's essential to that and -- and if that is gonna come

1 back before the Court, then let's just go today.

2 THE REFEREE: Well, I mean, you know, that's --  
3 that's what --

4 MR. HINDS: (inaudible) --

5 THE REFEREE: -- that's what I want clarified.

6 MR. HINDS: Can I ask, I -- I want to apologize.  
7 I was just asking, based on the Court's comments, how my  
8 client felt, and I apologize to you, I did not hear your  
9 recitation that you just concluded. Would you just --

10 THE REFEREE: Well, why don't you --

11 MR. HINDS: -- (inaudible) --

12 THE REFEREE: -- let her do it again.

13 MR. HINDS: Thank you.

14 MS. EDINBURG: Your Honor, I understood from what  
15 Mr. Hinds and I discussed prior to the commencement of this  
16 hearing, Mr. Hinds said they would sign these orders as the  
17 Court's temporary orders and they would withdraw their request  
18 for the hearing today and next Friday to proceed with the  
19 reversal of the supervision of visitation of the minor child  
20 and it's our understanding that there is not going to be any  
21 more need for temporary orders and supervision is going to  
22 stay in a place until such time as the Court modifies it as  
23 you have appropriately pointed out on a motion to modify  
24 temporary orders.

25 If Mr. Hinds is going to bankruptcy court to get a

1 relief from stay on whether this Court can hear the issues of  
2 supervised visitation or not, I don't understand that the  
3 bankruptcy court has any jurisdiction over visitation issues  
4 and let's just proceed today with the witness that I have  
5 regarding supervised visitation. That's my understanding.

6 MR. HINDS: Your Honor, I would con--  
7 constructively suggest that the Court allow us to withdraw the  
8 pleadings just signed by the parties subject that -- that --  
9 and that it be stricken because apparently we have some  
10 difference, the difference being the belief, apparently, that  
11 by signing that we're -- we're agreeing to ongoing continued  
12 supervision.

13 We really felt by signing that we were agreeing that  
14 until the Court reviewed it as a matter de novo, without any  
15 particular standard that we're now having to show some extra  
16 proof, that we were simply gonna continue with the guardian ad  
17 litem's work and the Court would review supervision. If what  
18 it is meant to be is --

19 THE REFEREE: (inaudible)

20 MR. HINDS: -- some binding thing, then I would  
21 respectively ask the Court not approve that --

22 THE REFEREE: Counsel --

23 MR. HINDS: -- and then I'll make my motions.

24 Pardon me?

25 THE REFEREE: Approach the bench, please.

1           . The agreement that you signed, folks, includes  
2 deferring modification of supervised visitation until the  
3 hearing scheduled for July 7th and --

4           MS. EDINBURG: I know that.

5           THE REFEREE: -- the 14th. You know, I -- I --  
6 I'm not try-- heaven knows I'm not trying to throw any monkey  
7 wrenches into agreements. You all know that I (inaudible)  
8 agreements to the best of my ability.

9           On the other hand, I want to make sure I understand  
10 what's going on.

11          MS. EDINBURG: Well, Your Honor, I drafted that --  
12 those temporary orders after the June 16th (sic) --

13          THE REFEREE: Right.

14          MS. EDINBURG: -- hearing as I was instructed to  
15 do. I sent them to Mr. Hinds and Ms. Long and Ms. Dycus for  
16 their approval. There's one minor error on the first page.  
17 Everyone this morning --

18          THE REFEREE: That's been --

19          MS. EDINBURG: Corrected.

20          THE REFEREE: So that's been changed.

21          MS. EDINBURG: Right.

22          THE REFEREE: Right.

23          MS. EDINBURG: Everyone this morning has signed  
24 those and those are the orders that are in effect up to date.

25          THE REFEREE: Right.

1 MS. EDINBURG: And those need to be approved by the  
2 Court. And what Mr. Hinds is now telling me, and -- and Ms.  
3 Dycus can correct me if I'm wrong, but that they wanted to  
4 withdraw their request for the hearing today, July 7th, and  
5 next week, which is July 14th, which means that these orders  
6 stay in effect as the temporary orders.

7 THE REFEREE: Uh huh.

8 MS. EDINBURG: Is that what --

9 THE REFEREE: Unless they are modified.

10 MS. EDINBURG: Right.

11 THE REFEREE: That was my question.

12 MR. HINDS: May I see that for a moment, please?

13 THE REFEREE: You may.

14 I -- I agree with Ms. Edinburg. I have a real  
15 tough time figuring out how the bankruptcy court has any  
16 jurisdiction whatsoever with regards to visitation. Now,  
17 admittedly, we cannot go forward on these financial issues --

18 MS. EDINBURG: Right.

19 THE REFEREE: -- at this time, but I have real  
20 problems with the bankruptcy court having any jurisdiction  
21 over visitation.

22 MR. HINDS: Your Honor, we'll -- may look at  
23 paragraph 5 with the Court and with counsel. It says all of  
24 the matters, including modification of support and visitation,  
25 shall be deferred until the hearing scheduled for July 7th. I



1 would interpret that that that would not mean because we have  
2 a bankruptcy proceeding, that the fact that the hearing is  
3 stricken, it couldn't be reset. I mean, if -- if what she's  
4 saying, because we are saying --

5 THE REFEREE: If -- if you are agreeing, I just  
6 want to make sure that I understand what you're agreeing to  
7 here today and if -- I -- you know -- if -- if -- if you're  
8 signing these temporary orders and agreeing that today's  
9 hearing, next week's hearing can be reset, that's fine. I  
10 have no objection to that. I just want to make sure that  
11 everybody understands that those matters are being preserved  
12 and that we are not at -- in a modification standard.

13 MR. HINDS: Okay. Well, that's what I wanted to  
14 clarify.

15 THE REFEREE: That's what I wanted to clarify.

16 MR. HINDS: (inaudible)

17 MS. EDINBURG: And that's not my understanding.

18 MR. HINDS: All right. And I respect--

19 MS. EDINBURG: (inaudible) my under--

20 THE REFEREE: (inaudible)

21 MR. HINDS: --fully ask and I would withdraw my  
22 approval and my client's approval of that portion, and I  
23 think it therefore cancels the whole thing and we will  
24 proceed as the Court would direct us today, and whatever way,  
25 I will make an argument relative to whether the Court can

1 proceed, but I would ask, respectively, if -- if she's saying  
2 that by not going forward we've waived our right to contest  
3 the supervision, I think that's absurd (inaudible) --

4 THE REFEREE: That's not what that order says.

5 MS. EDINBURG: No.

6 MR. HINDS: Well --

7 THE REFEREE: That's not what that (inaudible) --

8 MS. EDINBURG: They could come back and file for  
9 a modification of the temporary orders.

10 THE REFEREE: Uh huh.

11 MS. DYCUS: I --

12 MR. HINDS: (inaudible)

13 MS. DYCUS: I think it's pretty clear that  
14 Petitioner is taking the position that (inaudible) would be  
15 the temporary orders subject to modification under the  
16 modification standards -- standard and Respondent is saying  
17 no, this would simply be an interim --

18 MR. HINDS: That's true.

19 MS. DYCUS: -- order of Court.

20 MR. HINDS: And was always intended --

21 MS. DYCUS: So --

22 MR. HINDS: -- when we -- we entered into that  
23 understanding in the midst of our case, it was always intended  
24 to be an interim order so you could hear all the facts. It  
25 wasn't intended --

1 THE REFEREE: I am not --

2 MR. HINDS: -- (inaudible)

3 THE REFEREE: -- I mean, you know, I've only heard  
4 a portion of one side --

5 MR. HINDS: That's right.

6 THE REFEREE: -- and I believe there's more.

7 MS. DYCUS: The Petitioner has said she wants to  
8 proceed with the case, so --

9 MR. HINDS: I would ask, may I have that back and  
10 so --

11 MS. EDINBURG: No, that's the order.

12 MR. HINDS: -- we can have (inaudible) --

13 THE REFEREE: Well, no, this is the order.

14 MS. EDINBURG: That's the order.

15 THE REFEREE: This is the order.

16 MS. DYCUS: But it means only what it says.

17 MR. HINDS: (inaudible)

18 THE REFEREE: Well, it's an interim order --

19 MR. HINDS: Okay.

20 THE REFEREE: -- it's not temporary orders, but  
21 it was an --

22 MR. HINDS: Right.

23 MS. EDINBURG: Okay.

24 THE REFEREE: -- interim order.

25 MR. HINDS: Okay. If you would entitle interim

1 orders, okay? Then I would like to make my comment.

2 THE REFEREE: All right. The Court has adopted  
3 as interim orders the orders entered on, I believe it was June  
4 16th, if I'm correct, as interim orders. And now we are ready  
5 to proceed. Mr. Hinds, you had argument.

6 MR. HINDS: Yes, Your Honor. First, I would, for  
7 the record, indicate the -- the following: To my knowledge,  
8 and I believe counsel for Petitioner will admit and  
9 acknowledge that she has been in receipt of actual service of  
10 the notice of automatic stay in bankruptcy case number  
11 89B08E27J.

12 Further, at the commencement of these proceedings I  
13 advised the Court by tendering a copy of said automatic stay  
14 that in fact a personal bankruptcy has been filed. It was the  
15 position of the bankrupt relative to the continuation of the  
16 proceedings of any kind, that until the bankruptcy court  
17 relinquishes its jurisdiction and operates to give relief from  
18 stay, that this Court may not proceed and the attorneys who  
19 are representing the respective clients are prohibited by the  
20 state from proceeding.

21 It would be my further position, though I recognize  
22 and I think the Court is correct, that the bankruptcy court  
23 will, in all likelihood, relinquish its jurisdiction as it  
24 relates to matters of -- of custody and as it relates to  
25 matters of visitation, however, the stay does not delineate

1 except for custody, except for visitation.

2           The procedure, as I understand it, and I believe I'm  
3 accurate, the proper procedure when a bankruptcy is filed is  
4 that a relief from stay to proceed in any litigation has to be  
5 granted regardless of the fact that this may be labeled a  
6 custody proceeding or visitation proceeding, and until that  
7 relief is granted, we are directed not to proceed.

8           Now, the Court has indicated its theories on that,  
9 but I did want to make a record. I'm not Mr. Wilfred's  
10 bankruptcy lawyer. How he will choose to deal with that will  
11 certainly be within his discretion and judgment.

12           THE REFEREE: I will hear you, Ms. Edinburg, with  
13 regards to the stay. I'll be quite frank with you, folks. My  
14 background in bankruptcy is -- so, I mean, you know.

15           MS. EDINBURG: Your Honor --

16           THE REFEREE: Any clarification.

17           MS. EDINBURG: -- if I understand it, Mr. Wilfred  
18 has filed a personal bankruptcy and I acknowledge that.  
19 However, I do not believe that any stay in bankruptcy court  
20 precludes this Court from determining supervised visitation.  
21 I'm happy to leave the supervised visitation in effect.  
22 That's what the Court's just approved. Those are the interim  
23 temporary orders. Let's just leave it in effect. Those are  
24 the temporary orders subject to the Court's modification.

25           THE REFEREE: Well, those are interim orders.

1 MS. EDINBURG: Interim orders subject to this  
2 Court's modification. If Mr. Hinds thinks that he has to go  
3 get a relief from stay to proceed on supervised visitation,  
4 and we're gonna be back here next week doing the same thing  
5 that we can do this morning, let's just do it. I mean, if he  
6 acknowledges that the bankruptcy court doesn't have  
7 jurisdiction over supervised visitation --

8 THE REFEREE: Well, I --

9 MS. EDINBURG: That's my understanding.

10 THE REFEREE: -- don't think that was what he  
11 acknowledged. That was not what I understood, Ms. -- I  
12 think what he said was that he felt sure that the bankruptcy  
13 court would grant the relief from the stay on issues of  
14 custody and visitation, but I -- did I misunderstand your  
15 argument?

16 MR. HINDS: That's exactly correct. I -- I do  
17 feel, upon proper motion, that the court would feel it  
18 appropriate that this Court be allowed to proceed on these  
19 matters, but they haven't said that yet. And I'm sitting here  
20 and I -- Ms. Edinburg, who's a very, very capable attorney,  
21 but I'm wondering whether she really wants to force the issue,  
22 because that's between the bankruptcy court and Ms. Edinburg  
23 if she's violated the stay and all I can do is be here to say  
24 what I've said.

25 MS. EDINBURG: Your Honor, as I said to the Court

1 when I submitted this stipulation, the temporary ord-- excuse  
2 me, the temporary -- the interim temporary orders, we're  
3 perfectly happy with that. We'll just maintain the status  
4 quo. But I want that to be the interim temporary orders and I  
5 don't want --

6 THE REFEREE: That -- it already is.

7 MS. EDINBURG: Okay.

8 THE REFEREE: I have -- I have recommended it. I  
9 mean, you know, there's always a chance that --

10 MS. EDINBURG: Right.

11 THE REFEREE: -- the judge will not sign it.

12 MS. EDINBURG: Right.

13 THE REFEREE: But certainly those are already  
14 orders and those are orders that this Court has already  
15 entered.

16 MS. EDINBURG: I know. Now, I'm confused, because  
17 Mr. Hinds' office wrote me a letter, Dr. Gotterman (phonetic)  
18 is here for the third time to testify, we --

19 THE REFEREE: Thank you, Dr. Gotterman (phonetic).

20 MS. EDINBURG: -- we're wasting more time and  
21 money, and if they're prepared to proceed on the supervision  
22 issue and they're calling Dr. Gotterman (phonetic) as their  
23 witness and asking me if he can go out of turn, I'm confused.  
24 Are they proceeding on the issue of supervised visitation?

25 THE REFEREE: No. They are -- they are maintaining

1 they cannot proceed until the bankruptcy court has lifted the  
2 stay.

3 MS. EDINBURG: And then what standard are we under  
4 when we come back?

5 THE REFEREE: That we are still at temporary  
6 orders and -- and with interim orders entered. That's where  
7 we are. That is Mr. Hinds' position, correct?

8 MR. HINDS: That is correct, Your Honor.

9 MS. EDINBURG: Well, I -- I don't wanna be in any  
10 violation of the bankruptcy court, certainly, and I  
11 (inaudible) --

12 THE REFEREE: I don't -- he's (inaudible) --

13 MS. EDINBURG: -- but I continue to maintain that  
14 if --

15 THE REFEREE: Those are the big boys --

16 MS. EDINBURG: -- Mr. --

17 THE REFEREE: -- Ms. Edinburg.

18 MS. EDINBURG: I know. I agree. And I don't do  
19 bankruptcy work. But I -- you know, I -- I find we're in an  
20 interesting position here. It's Mr. Wilfred who wants to  
21 res-- to lift the -- the issue of the supervision. If he  
22 wants to lift the issue of the supervision, then he is  
23 proceeding, not me. I'm happy with the order as it is.

24 THE REFEREE: Interim order, though.

25 MS. EDINBURG: The interim order. That's right.



1 THE REFEREE: That's (inaudible) --

2 MS. EDINBURG: And I'm happy with that.

3 THE REFEREE: -- temporary orders are completed.

4 MS. EDINBURG: And -- but I don't --

5 THE REFEREE: And interim orders do not prejudice  
6 other parties.

7 MS. EDINBURG: I understand that and I don't want  
8 to see us waste more time and more money, 'cause every time we  
9 come here we're -- we're like 6, 700 bucks an hour and -- and  
10 the meter keeps running and, you know, now we're here, we're  
11 bankrupt, but we -- we keep bringing in all the -- the lawyers  
12 and wasting the time and money.

13 THE REFEREE: Ms. Dycus, do you have any  
14 clarification to add to this?

15 MS. DYCUS: Actually, I'm not sure it's terribly  
16 eliminating, but I'll tender a copy of section -- 11 U.S.C.  
17 Section 362, which --

18 THE REFEREE: Oh, by all means.

19 MS. DYCUS: -- (inaudible)

20 THE REFEREE: So, you know, as I say, let's --

21 MS. DYCUS: All right. I'm not sure that section  
22 is at all clear one way or the other. I'd like a moment to  
23 read it if --

24 THE REFEREE: Oh, yes.

25 Well, counsel, I mean, you know, you're more than

1 welcome to approach. Obviously I haven't read this with great  
2 care, but I think we're stayed. If I read this, it says it's  
3 applicable to all entities of a judicial, administrative or  
4 other action. Hey, folks, I think we're stayed at this point  
5 and cannot proceed until Mr. Hinds has done what he says he's  
6 going to do, which is go to the bankruptcy court and get the  
7 stay lifted with regards to the issues of custody and  
8 visitation, which are not financial and should not relate to  
9 the bankruptcy proceeding whatsoever.

10 MS. DYCUS: Just so that the Court will be aware, if  
11 Ms. Edinburg does not seek a relief from the stay on the  
12 financial issues, I will be doing so, at least for the child  
13 support --

14 THE REFEREE: For child support.

15 MS. DYCUS: -- and if I may also tender, since I  
16 have (inaudible) parties, I would like the Court to keep  
17 apprised of my fees since I know that they were already  
18 getting above what Judge Steinhardt prefers them to be. I  
19 don't know if I'm listed as a creditor or not --

20 THE REFEREE: I -- I have --

21 MS. DYCUS: -- if I may need --

22 THE REFEREE: -- always thought that was a very  
23 interesting issue in bankruptcy since child support is not  
24 dischargeable --

25 MS. DYCUS: -- I -- I would be --

1 THE REFEREE: -- if the guardian ad litem fees are  
2 dischargeable --

3 MS. DYCUS: -- asking --

4 THE REFEREE: -- because of the fact that they're  
5 relationed to representation of the child.

6 MR. HINDS: Your Honor, there's --

7 MS. EDINBURG: We've had two cases where we've  
8 contested the discharge of guardian ad litem fees and we've  
9 won both of them --

10 THE REFEREE: Yeah.

11 MS. EDINBURG: -- so I think that they are --

12 THE REFEREE: That -- as I say --

13 MS. EDINBURG: -- not dischargeable --

14 THE REFEREE: -- I've often thought when I was a  
15 guardian ad litem that would be a very interesting issue to  
16 take to the bankruptcy court in light of the --

17 MS. EDINBURG: Your Honor --

18 THE REFEREE: -- non-dischargeability of child  
19 support. Yes, Ms. --

20 MS. EDINBURG: M-- Edinburg. Can I just make a  
21 record?

22 THE REFEREE: Certainly. Make a record.

23 MS. EDINBURG: Your Honor, I do have a witness  
24 here, under subpoena, Mr. Tom Jones (phonetic). I would ask  
25 that Mr. Jones be ordered to appear at any further point in

1 time so that we do not need to re-serve him and that the  
2 subpoena continues at which point in time there's a reset  
3 hearing and then I will renotify him that he must appear.

4 THE REFEREE: All right. Mr. Jones, your  
5 subpoena's continued. We are not continuing it to a date  
6 certain because we are all subject to the federal courts and  
7 until a stay is lifted with regards to this Court proceeding,  
8 as I read -- and thank you very much, Ms. Dycus. You've  
9 probably realized how clever I was with regards to  
10 bankruptcy.

11 MS. DYCUS: No, Your Honor, I'm arguing the other  
12 side of this issue in Jefferson County this afternoon.

13 THE REFEREE: I see.

14 MS. DYCUS: (inaudible)

15 THE REFEREE: Okay. But I think we are stayed,  
16 as I read the -- the Code, and will be staying until the  
17 bankruptcy court lifts the stay. So I can't con-- continue  
18 your subpoena, but -- your subpoe-- to a date certain, but  
19 your subpoena is continued. You will be notified by Ms.  
20 Edinburg and that's basically just to save the cost of  
21 service.

22 At this time the Court is vacating today's hearing.  
23 The hearing date on July 14th is also vacated. The interim  
24 orders remain in full force and effect. The matter to be  
25 reset on proper notice.

1 I'm hoping everybody will go tripping off to the  
2 bankruptcy court, say please lift your stay with regards to  
3 these proceedings and we can proceed in this matter in a --

4 MS. EDINBURG: Your Honor, may I just as a  
5 formality file to the Court the original motion to compel  
6 answers to interrogatories and request for production  
7 (inaudible)?

8 THE REFEREE: You certainly may.

9 MS. EDINBURG: Thank you. They're four months  
10 past due.

11 THE REFEREE: Mr. Hinds, need I tell you to comply  
12 with the (inaudible)?

13 MR. HINDS: Well, Your Honor, I would ask a small  
14 question. Are you going to go ahead and send by mail to Joann  
15 Long?

16 MS. EDINBURG: I have a copy for her. Can you  
17 just --

18 MR. HINDS: But she's not here. Would you mind  
19 sending it to her?

20 MS. EDINBURG: I'll send it.

21 MR. HINDS: So she gets it?

22 MS. EDINBURG: I'll send it to her.

23 MR. HINDS: Thank you. I understand that, Your  
24 Honor.

25 MS. EDINBURG: Do I need to set this for hearing?

1 Do I just get an order that he's gonna comply?

2 MR. HINDS: We can't even set things for hearing.

3 THE REFEREE: You can't even set anything.

4 MS. EDINBURG: (inaudible)

5 THE REFEREE: That was the reason that I -- that I  
6 strongly suggested to Mr. Hinds that he comply with  
7 discovery.

8 This matter will be reset on proper notice. Thank  
9 you very much.

10 (WHEREUPON, the proceedings were concluded.)

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C E R T I F I C A T E

I certify that I transcribed this record from that tape recording of the above-entitled matter which was heard on July 7, 1989.

I further certify that the aforementioned transcript is a complete and accurate transcript of the tape-recorded proceedings based upon the audio facilities of these tapes and my ability to understand them.

Signed this 3rd day of February, 1991, at Denver, Colorado.

*Susan Childs*

Susan Childs