

District Court Mesa County, Colorado Court Address: 125 N. Spruce Street, Grand Junction, CO 81501 <hr/> Plaintiff: THOMAS M. PETERS, v. Defendant: TINA PETERS.	COURT USE ONLY ▲
Attorney for Kathy Egan, Agent Drew Moore, Esq 359 Colorado Avenue, Suite 101B Grand Junction, CO 81501 Phone Number: (970) 256-9017 E-mail: FAX Number: Atty. Reg. #: 23318	Case Number: Division Courtroom
COMPLAINT	

The Plaintiff, Thomas M. Peters, by and through his attorney-in-fact, Kathy Egan, by and through Drew Moore, brings this action to recover the possession of real property. In support of this Complaint, the Plaintiff states:

1. This Court has jurisdiction over this matter pursuant to §13-6-104(1), C.R.S. based on the value of the real property is \$374,040 (assessed value) and personal property claimed to be determined.
2. Venue is proper as the Defendant resides in this county, and all acts pertaining to the claims identified in this complaint took place in this county.
3. The valuation of the personal property claimed is to be determined.
4. Plaintiff is the owner of the property claimed or is entitled to possession of the property.
5. The Plaintiff and the Defendant were married previously. The parties legally separated in June of 2017 and a Decree of Legal Separation entered on January 23, 2018.
6. Plaintiff individually sought to convert this to a decree of dissolution on November 17, 2021 and the issuance of the decree of dissolution has issued in Mesa County Case No 17DR812.
7. The parties entered into a valid Separation Agreement in the domestic relations action and the assets were separated.
8. After the Decree of Legal Separation issued, Plaintiff herein solely purchased a residence at 2663 Eagle Ridge Drive, Grand Junction, CO 81503.
9. That residence was purchased using separate funds following the legal separation and was titled solely in Plaintiff's name.

10. Plaintiff did execute a power-of-attorney in favor of his ex-wife, Tina Peters. That power-of-attorney was used by her for several financial matters.
11. Recently, Thomas M. Peters determined that it was not in his best interests for his ex-wife to have the authority under the power-of-attorney he had executed, consequently he executed a new power-of-attorney, both a financial one and a healthcare one. A copy of the financial power-of-attorney is attached as Exhibit "1".
12. Notice was given to Defendant herein of the existence and execution of the newer power-of-attorney which revoked her (Tina Peters) power-of-attorney. She in fact received this notification.
13. Upon information and belief, Defendant received notification of the revocation of her power-of-attorney on or about October 7, 2021.
14. On or about October 7, 2021, Defendant recorded her revoked power-of-attorney with the clerk and recorder of Mesa County and also recorded a Quit Claim Deed transferring Plaintiff's property to her solely. This was done for no consideration.
15. While the deed purports to have been signed in September and would have been executed prior to Defendant's receipt of the revocation of agency authority granted by her power-of-attorney, Plaintiff at no point authorized her to transfer his property to his former spouse.

**FIRST CLAIM FOR RELIEF
CONVERSION**

16. Plaintiff incorporates herein all preceding paragraphs.
17. Plaintiff was the owner of the residence located at 2663 Eagle Ridge Drive, Grand Junction, CO 81503.
18. Defendant intentionally and substantially interfered with Plaintiff's ownership by transferring the property to herself for no consideration through her power-of-attorney.
19. Plaintiff did not authorize this act.
20. Now, Plaintiff has been harmed.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an order granting the following relief:

- a. Setting this matter for trial as may be necessary;
- b. Entering an Order returning the property to Plaintiff;
- c. Awarding Plaintiff all such monetary damages as may be proved at trial in this matter;
- d. Awarding Plaintiff all costs duly awardable including without limitation, interest, both pre-judgment and post-judgment, costs for experts, court costs, attorney fees;
- e. For the court to order the return of the property; and
- f. For any and all further relief that this Court in equity deems just.

SECOND CLAIM FOR RELIEF
BREACH OF FIDUCIARY DUTY

21. Plaintiff incorporates herein all preceding paragraphs.
22. Defendant transferred the real property located at 2663 Eagle Ridge Drive, Grand Junction, CO 81503 to herself for no consideration using a power-of-attorney that was executed by Plaintiff but revoked. Notably at the time of the transfer the power-of-attorney used by Defendant had been so revoked.
23. Defendant owed a fiduciary duty arising under the power-of-attorney.
24. The Defendant breached her fiduciary duty to the Plaintiff when she transferred the property to herself unilaterally for no consideration.
25. This action resulted in the loss of Plaintiff of his home, and his only major asset and this has resulted in damages.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an order granting the following relief:

- a. Setting this matter for trial as may be necessary;
- b. Entering an Order returning the property to Plaintiff;
- c. Awarding Plaintiff all such monetary damages as may be proved at trial in this matter;
- d. Awarding Plaintiff all costs duly awardable including without limitation, interest, both pre-judgment and post-judgment, costs for experts, court costs, attorney fees;
- e. For the court to order the return of the property; and
- f. For any and all further relief that this Court in equity deems just.

THIRD CLAIM FOR RELIEF
THEFT BY DECEPTION

26. Plaintiff incorporates herein all preceding paragraphs.
27. When confronted, Plaintiff made Defendant aware of the transfer of the house and stated that she would "make it right."
28. Defendant knew that she did not have the authority at the time of the transfer to transfer Plaintiff's home to herself solely for no consideration.
29. She did this through deceit and deception.
30. Specifically, she recorded a power-of-attorney which she knew to be revoked and used the purported authority under the same in order to transfer the property located at 2663 Eagle Ridge Drive, Grand Junction, CO 81503 to herself, again for no consideration and without Plaintiff's approval. The date of the deed is prior to the date Defendant received notice of the revocation of her power-of-attorney, but she recorded it after knowing that it was no longer effective.
31. As a result, Plaintiff has suffered damages in the amount to be determined at trial.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an order granting the following relief:

- a. Setting this matter for trial as may be necessary;
- b. Entering an Order returning the property to Plaintiff;
- c. Awarding Plaintiff all such monetary damages as may be proved at trial in this matter;

- d. Awarding Plaintiff all costs duly awardable including without limitation, interest, both pre-judgment and post-judgment, costs for experts, court costs, attorney fees;
- e. For the court to order the return of the property; and
- f. For any and all further relief that this Court in equity deems just.

RESPECTFULLY SUBMITTED this 23rd day of December, 2021.

/s/ Drew Moore

Drew Moore, #23318
Attorney for Plaintiff
359 Colorado Avenue, Suite 101B
Grand Junction, CO 81501
(970) 256-9017

Prepared By: Self
Mr.

After Recording Return To:
Ms. Tina Peters
2663 Eagle Ridge Dr
Grand Junction, Colorado 81503

TAX PARCEL ID #: 2945-264-41-022 R071

QUIT CLAIM DEED

BE IT KNOWN BY ALL, that Mr. Thomas Peters, ("Grantor") whose address is 2663 Eagle Ridge Dr, Grand Junction, Colorado 81503, hereby REMISES, RELEASES AND FOREVER QUITCLAIMS TO Ms. Tina Peters ("Grantee"), whose address is 2663 Eagle Ridge Dr, Grand Junction, Colorado 81503, all right, title, interest and claim to the following real estate property located at 2663 Eagle Ridge Dr in the City/Township of Grand Junction, located in the County of Mesa and State of Colorado and ZIP code of 81503, to-wit:

Property having Lot No.85, with the Section No., and having the following description: Lot 85 of Spyglass Ridge Filing No. one, County of Mesa, State of CO.

FOR VALUABLE CONSIDERATION, in the amount of \$1.00 dollars, given in hand, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged.

BE IT FURTHER KNOWN, that this transfer shall be effective as of 09/27/2021, and that the Grantor makes no promises as to ownership of title to the above-referenced Property, but simply agrees to transfers whatever interest the Grantor has in it to the Grantee.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described Property is hereby transferred unto the Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever; so that neither Grantor nor Grantor's heirs, administrators, executors, successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any party thereof.

Thomas Michael Peters
Tina Peters POA
(Grantor's Signature)

Mr. Thomas Peters
(Grantor's Printed Name)

Tina Peters
(Grantee's Signature)

Ms. Tina Peters
(Grantee's Printed Name)

Signed in our presence:

W/A
(Witness #1 Signature)

W/A
(Witness #2 Signature)

EXHIBIT 2

RECEPTION#: 3002928, at 10/7/2021 2:53:51 PM, 2 of 3

Recording: \$23.00, Tina Peters, Mesa County, CO. CLERK AND RECORDER

N/A
(FIRST WITNESS NAME TYPED)

N/A
(SECOND WITNESS NAME TYPED)

Grantee's Address:

Mr. Tina Peters
2663 Eagle Ridge Dr
Grand Junction , Colorado 81503

Grantor's Address:

Mr. Thomas Peters
2663 Eagle Ridge Dr
Grand Junction, Colorado 81503

Mail Subsequent Tax Bills To:

Tina Peters
2663 Eagle Ridge Dr
Grand Junction, Colorado 81503

RECEPTION#: 3002928, at 10/7/2021 2:53:51 PM, 3 of 3

Recording: \$23.00, Tina Peters, Mesa County, CO. CLERK AND RECORDER

STATE OF COLORADO

COUNTY OF MESA

} ss.

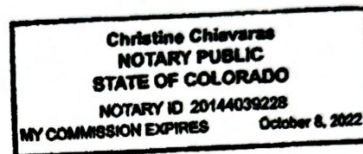
The foregoing Quit Claim Deed was acknowledged before me on Sept 27, 2021 by Mr. Thomas Peters, who is personally known to me or who has produced a valid driver's license and/or passport as identification, and such individual(s) having executed aforementioned instrument of his/her/their free and voluntary act and deed.

IN WITNESS THEREOF, to this Quit Claim Deed, I set my hand and seal.

Signed, sealed and delivered in the presence of:

Christine Chivaras
(Signature of Notary)

Christine Chivaras
(Printed Notary Name) Mesa, Colorado



My Commission expires: 10.8.2022

**STATE OF COLORADO STATUTORY FORM
POWER OF ATTORNEY**

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the "Uniform Power of Attorney Act", Part 7 of Article 14 of Title 15, Colorado Revised Statutes.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the special instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a co-agent in the special instructions. Co-agents are not required to act together unless you include that requirement in the special instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the special instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I, Thomas Michael Peters, name the following person as my agent:

Name of Agent: Tina Marie Peters

Reams & Reams
222 N. 7th Street
Grand Junction, CO 81501
(970) 242-7847

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: Cayce Peters

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the "Uniform Power of Attorney Act", part 7 of article 14 of title 15, Colorado Revised Statutes.

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "all preceding subjects" instead of initialing each subject.)

- Real property
- Tangible personal property
- Stocks and bonds
- Commodities and options
- Banks and other financial institutions
- Operation of entity or business
- Insurance and annuities
- Estates, Trusts, and other beneficial interests
- Claims and litigation
- Personal and family maintenance
- Benefits from governmental programs or civil or military service
- Retirement plans
- Taxes
- All preceding subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent **MAY NOT** do any of the following specific acts for me **UNLESS** I have **INITIALED** the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the authority you WANT to give your agent.)

Reams & Reams
222 N. 7th Street
Grand Junction, CO 81501
(970) 242-7847

- Transfer or encumber real property I own including my residence located at 2663 Eagle Ridge Drive, Grand Junction, Colorado 81503
- Create, amend, revoke, or terminate an inter vivos trust
- Make a gift, subject to the limitations of the "Uniform Power of Attorney Act" set forth in section 15-14-740, Colorado Revised Status, and any special instructions in this power of attorney
- Create or change rights of survivorship
- Create or change a beneficiary designation
- Authorize another person to exercise the authority granted under this power of attorney
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate
- Disclaim, refuse, or release an interest in property or a power of appointment
- Obtain access to my Digital Assets and Information as defined in the Revised Uniform Fiduciary Access to Digital Assets Act under C.R.S. § 15-1-1501 through 1518.
- All preceding subjects

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant **MAY NOT** use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate my agent serving under this power of attorney.

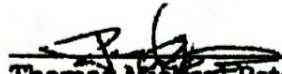
Reams & Reams
222 N. 7th Street
Grand Junction, CO 81501
(970) 242-7847

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGEMENT

Date: December 11, 2020

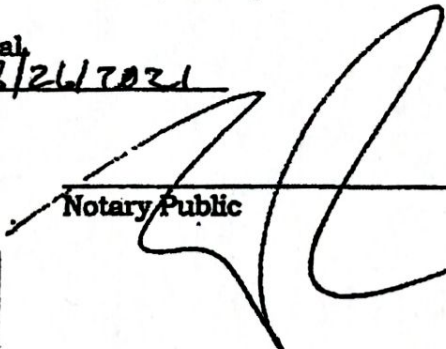


Thomas Michael Peters, Principal
2663 Eagle Ridge Drive
Grand Junction, Colorado 81503

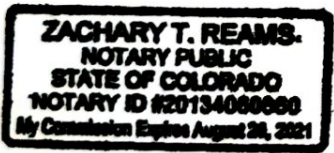
STATE OF COLORADO)
) §
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 11th day of December, 2020, by Thomas Michael Peters, Principal.

Witness my hand and official seal,
My Commission expires: 8/26/2021



Notary Public



Reams & Reams
222 N. 7th Street
Grand Junction, CO 81501
(970) 242-7847



Ken Brownlee Assessor

Dateview Updated: 1/19/2022

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Select Other Map

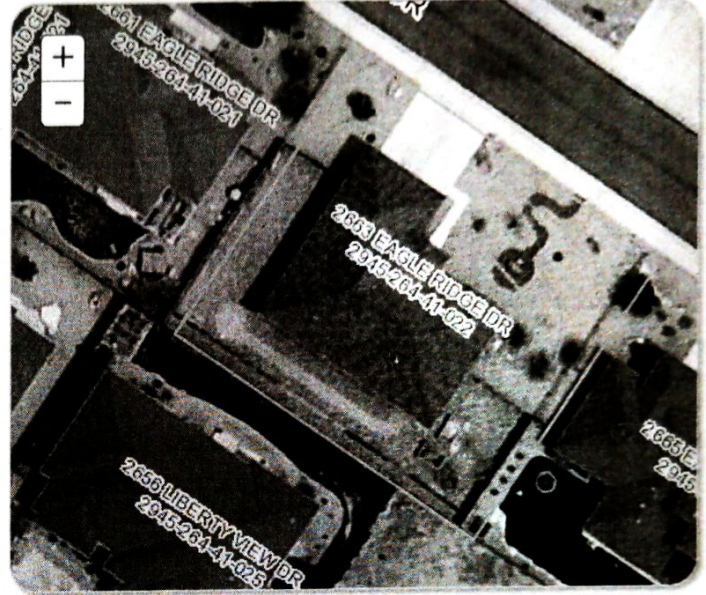
Property Information (Report Date: 1/19/2022)

Parcel Number: 2945-264-41-022
 Account Number: R071866
 Property Use: Residential
 Location Address: 2663 EAGLE RIDGE DR
 GRAND JUNCTION, CO 81503
 Mailing Address: 2663 EAGLE RIDGE DR
 GRAND JUNCTION, CO 81503
 Owner Name: PETERS TINA M
 Joint Owner Name:
 Neighborhood: Spyglass Ridge (18.43)
 Associated Parcel: N/A
 Approx. Latitude: 39.035983
 Approx. Longitude: -108.559263

[TAC \(Tax Area Code\) Book](#)

[Manufactured Homes Purging Titles/Classifying to Real Property](#)

[Real Property Valuation F.A.Q.'s](#)



Date of Aerial Photo: 2019 & 2020

Legal Description

LOT 85 SPYGLASS RIDGE FILING NO ONE SEC 26 1S 1W AND AN UND INT IN TRACTS - 0.25AC

Tax Information

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Property Tax & Water
2021	1112_1212	\$319,040	\$55,000	\$374,040	\$22,810	\$3,930	\$26,740	14100	0.0684908	\$0.00	\$1,831.44
2020	1112_1212	\$280,900	\$42,000	\$322,900	\$20,080	\$3,000	\$23,080	14100	0.0668490	\$0.00	\$1,542.88

For tax bill [Click Here](#)

Taxing Authority Detail

Year	Agency Name	Agency Abbrev.	TAC Code	Mill Levy	Total (Assessed)	Tax Per Agency
2021	CITY OF GRAND JUNCTION	GRJCT	14100	8.0000	\$26,740	\$213.92
2021	COLORADO RIVER WATER CONSERVANCY	COLRW	14100	0.5010	\$26,740	\$13.40
2021	COUNTY - DEVELOP DISABLED	MCCCB	14100	0.2570	\$26,740	\$6.87
2021	COUNTY CAPITAL EXPEND (INACTIVE)	MCCAP	14100	0.0000	\$26,740	\$0.00
2021	COUNTY GENERAL FUND	MCGF	14100	9.7880	\$26,740	\$261.73
2021	COUNTY LEASE-PURCHASE JAIL (INACTIVE)	MCLP	14100	0.0000	\$26,740	\$0.00
2021	COUNTY ROAD & BRIDGE-1/2 LEVY	MCRBS	14100	0.0113	\$26,740	\$0.30
2021	COUNTY TRANSLATOR TV FUND	MCTV	14100	0.0280	\$26,740	\$0.75
2021	GRAND RIVER MOSQUITO CTRL	GRMCD	14100	1.3210	\$26,740	\$35.32
2021	LIBRARY DISTRICT	LIBR	14100	3.0430	\$26,740	\$81.37
2021	MESA CNTY ROAD & BRIDGE-GRAND JCT	GJRB	14100	0.0105	\$26,740	\$0.28
2021	MESA COUNTY	MCCNT	14100	0.0000	\$26,740	\$0.00
2021	SCHOOL DIST# 51 2004 OVERID	SD51006	14100	1.8970	\$26,740	\$50.73
2021	SCHOOL DIST# 51 2017 OVERRIDE	SD510_17	14100	3.0820	\$26,740	\$82.41
2021	SCHOOL DIST# 51 BOND	SD51B	14100	11.0280	\$26,740	\$294.89
2021	SCHOOL DIST# 51 GENERAL	SD51	14100	25.3050	\$26,740	\$676.66
2021	SCHOOL DIST# 51 OVERRIDE 96	SD51O	14100	2.5330	\$26,740	\$67.73
2021	SOCIAL SERVICES	MCSS	14100	1.6860	\$26,740	\$45.08
2021	UTE WATER CONSERVANCY	UTE	14100	0.0000	\$26,740	\$0.00
Tax Authority Contact Information			Total Mill:	68.4908	Total Tax:	\$1,831.44

Sales & Conveyance Information **

Date	Price	Reception Number <small>(Click for Recorded Document)</small>	Document Type
10/7/2021	\$0.00	3002929	POA
10/7/2021	\$0.00	3002928	Quit Claim Deed
8/14/2018	\$322,000.00	2850942	Warranty Deed
4/10/2018	\$0.00	2836524	PT_DEED
3/28/2018	\$0.00	2835073	CERT_PURCHASE
1/6/2016	\$0.00	2747926	Court Order
10/30/2013	\$0.00	2673275	Quit Claim Deed
8/9/2012	\$0.00	2621338	QCD JT
4/1/2010	\$33,000.00	2528349	Warranty Deed
1/11/2006	\$462,300.00	2297013	Warranty Deed
9/20/2005	\$0.00	2279700	Quit Claim Deed
10/7/2005	\$0.00	2279698	Plat

[Search Clerk Records](#)

[Document Type Descriptions](#)

** Viewing of recorded documents requires a subscription through the Mesa County Clerk and Recorders Office.
Click the associated reception number for Grantee and Grantor information via recorded document.

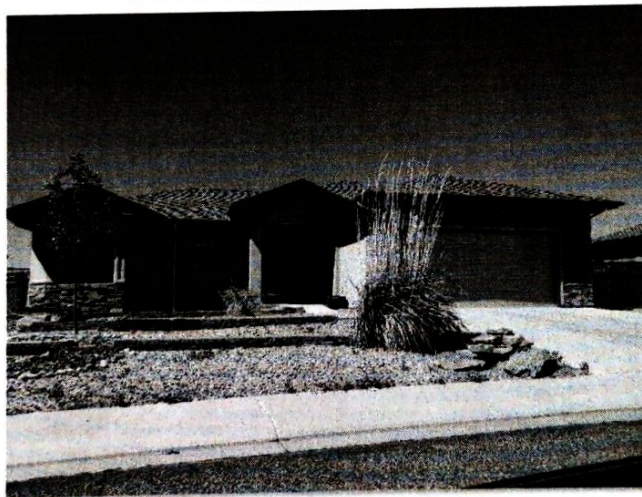
Land Description

Property Use Code	Property Use Type	Units
1112	SINGLE FAMILY LAND	1

Approximate Acres: 0.25 (Acreage is approximate and should not be used in lieu of Legal Documents)

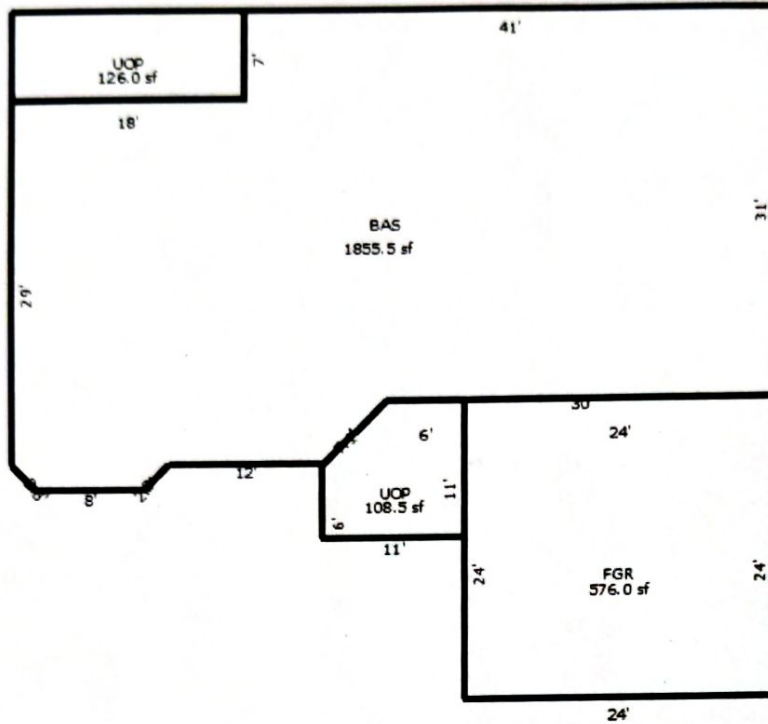
Photo 1 of 3

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Building Sketch 1 of 1

Building Sketch 1



Sketch to Scale 1/8"=1'-0"

- Base Area(BAS) = 1855.5 sq.ft.
- Finished Garage(FGR) = 576 sq.ft.
- Unfin Open Porch(UOP) = 234.5 sq.ft.

Building ID: MOD287S40.1609484400000
Model Description: Residential
Building Use: SFR & TOWNHOUSE (1212)
Units: 1
Arch Desc: RANCH
Quality: GOOD
Actual Year Built: 2011
Effective Year Built: 2011
Rooms: 5
Bedrooms: 3
Bathrooms: 2 BATH
Heat Type: FORCED AIR HEAT

Heat Fuel: GAS
Heated SQ. FT.: 1856
Air Conditioning: CENTRAL AIR
Frame: WOOD FRAME
Interior Wall: DRYWALL
Exterior Wall: STUCCO
Roof Cover: ASPH/COMP SHNGL
Roof Structure: GABLE OR HIP
Style: SFR
Stories: 1
Comm. Wall Height: N/A
Comm. Fixtures: N/A

Miscellaneous Building Information

Year Built	Miscellaneous Description	Length (ft.)	Width (ft.)	Units or Sq. Ft.
2011	FIREPLACE-GAS LOG			1

Miscellaneous items above are not tied to a specific building

Historical Information