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ANGIE SPARKS, Clerk of District Court  
By  Deputy Clerk

*Attorney for Defendant Montana Business Assistance Connection, Inc.*

**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY**

INDEXED

MONTANA CLUB BUILDING  
CONDOMINIUM OWNERS  
ASSOCIATION; FIFTH FLOOR  
ASSOCIATES – MONTANA CLUB  
BUILDING, LLP; 4<sup>TH</sup> FLOOR  
REALTY, LLP; and SEDIA A  
DONDOLO, LLC,

Plaintiffs,

v.

THE ORIGINAL MONTANA CLUB  
COOPERATIVE ASSOCIATION;  
DAYSPRING RESTORATION, INC,  
dba KLEEN KING; UNKNOWN  
BOND HOLDERS IDENTIFIED AS  
JOHN DOES 1-400; BRUCE  
SPENCER; PETERWOLF, FIRST  
INTERSTATE BANK; and  
MONTANA BUSINESS  
ASSISTANCE CONNECTION INC.,

Defendants.

Cause No.: BDV 2022-822

**STATEMENT OF STIPULATED  
FACTS**

pd

Comes now, Defendant Montana Business Assistance Connection, Inc., through  
counsel and submits this answer in response to the Plaintiffs' complaint.

## ANSWER

1. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 1 of the complaint, and for those reasons deny the allegations contained therein.
2. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 2 of the complaint, and for those reasons deny the allegations contained therein.
3. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 3 of the complaint, and for those reasons deny the allegations contained therein.
4. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 4 of the complaint, and for those reasons deny the allegations contained therein.
5. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 5 of the complaint, and for those reasons deny the allegations contained therein.
6. On information and belief, Defendant admits the allegations in paragraph 6.
7. On information and belief, Defendant admits the allegations in paragraph 7.
8. On information and belief, Defendant admits the allegations in paragraph 8.
9. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 9 of the complaint, and for those reasons deny

the allegations contained therein to the extent that Defendant is unaware of which cross have remained unpaid. On information and belief, Defendant admits that The Original Montana Club Cooperative Association is delinquent on its monthly obligations owed to the Montana Club Building Condominium Owners Association

10. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 10 of the complaint, and for those reasons deny the allegations contained therein to the extent that Defendant cannot verify the total amount owed in unpaid dues and assessments. On information and belief, Defendant admits that The Original Montana Club Cooperative Association is delinquent on its monthly obligations owed to the Montana Club Building Condominium Owners Association

11. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 11 of the complaint, and for those reasons deny the allegations contained therein to the extent that Defendant cannot verify the impact of the Original Montana Club Cooperative Association's delinquency on the Montana Club Building Condominium Owners Association and the Non-Club Owners. On information and belief, Defendant admits that The Original Montana Club Cooperative Association is delinquent on its monthly obligations owed to the Montana Club Building Condominium Owners Association.

12. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 12 of the complaint, and for those reasons deny

the allegations contained therein.

13. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 13 of the complaint, and for those reasons deny the allegations contained therein.

14. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 14 of the complaint, and for those reasons deny the allegations contained therein.

15. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 15 of the complaint, and for those reasons deny the allegations contained therein to the extent that the terms and conditions of any Asset and Liability Transfer Agreement are unknown. Defendant admits that The Original Montana Club Cooperative Association currently holds the liquor license originally owned by the Original Montana Club.

16. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 16 of the complaint, and for those reasons deny the allegations contained therein.

17. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 17 of the complaint, and for those reasons deny the allegations contained therein.

18. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 18 of the complaint, and for those reasons deny

the allegations contained therein.

19. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 19 of the complaint, and for those reasons deny the allegations contained therein.

20. Defendant admits the allegations in paragraph 20 of the complaint.

21. Defendant admits the allegations in paragraph 21 of the complaint.

**COUNT I  
FORECLOSURE OF CONDOMINIUM LIEN**

22. Defendant admits the allegations in paragraph 22 of the complaint.

23. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 23 of the complaint, and for those reasons deny the allegations contained therein.

24. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 24 of the complaint, and for those reasons deny the allegations contained therein.

25. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 15 of the complaint, and for those reasons deny the allegations contained therein.

26. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 26 of the complaint, and for those reasons deny the allegations contained therein.

27. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 27 of the complaint, and for those reasons deny the allegations contained therein.

28. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 28 of the complaint, and for those reasons deny the allegations contained therein.

29. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 29 of the complaint, and for those reasons deny the allegations contained therein.

30. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 30 of the complaint, and for those reasons deny the allegations contained therein.

31. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 31 of the complaint, and for those reasons deny the allegations contained therein.

**COUNT II  
BREACH OF PROMISSORY NOTE AND FORECLOSURE  
OF PERSONAL PROPERTY**

32. Defendant admits the allegations in paragraph 32 of the Complaint.

33. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 33 of the complaint, and for those reasons deny the allegations contained therein.

34. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 34 of the complaint, and for those reasons deny the allegations contained therein.

35. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 35 of the complaint, and for those reasons deny the allegations contained therein.

36. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 36 of the complaint, and for those reasons deny the allegations contained therein.

37. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 37 of the complaint, and for those reasons deny the allegations contained therein.

38. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 38 of the complaint, and for those reasons deny the allegations contained therein.

39. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 31 of the complaint, and for those reasons deny the allegations contained therein.

40. Defendant admits that each of the identified parties in paragraph 40 has a security interest in the personal property of the Original Montana Club Cooperative Association. Defendant denies that the priority dates identified in paragraph 40

accurately reflect the priority of the debt owed to the named individuals or entities with respect to the liquor license. Defendant lacks sufficient information or knowledge to either admit or deny the remaining allegations contained in paragraph 40 of the complaint, and for those reasons deny the allegations contained therein.

41. Defendant denies the allegations in paragraph 41 of the complaint.

42. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 42 of the complaint, and for those reasons deny the allegations contained therein.

**COUNT II  
DECLARATORY JUDGMENT REGARDING  
INVALIDITY OF BOND AND RELATED TRUST INDENTURE**

43. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 43 of the complaint, and for those reasons deny the allegations contained therein.

44. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 44 of the complaint, and for those reasons deny the allegations contained therein.

45. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 45 of the complaint, and for those reasons deny the allegations contained therein.

46. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 46 of the complaint, and for those reasons deny



the allegations contained therein.

47. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 47 of the complaint, and for those reasons deny the allegations contained therein.

48. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 48 of the complaint, and for those reasons deny the allegations contained therein.

49. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 49 of the complaint, and for those reasons deny the allegations contained therein.

50. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 50 of the complaint, and for those reasons deny the allegations contained therein.

51. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 51 of the complaint, and for those reasons deny the allegations contained therein.

**COUNT IV  
BREACH OF CONTRACT**

52. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 52 of the complaint, and for those reasons deny the allegations contained therein.

53. Defendant lacks sufficient information or knowledge to either admit or deny the allegations contained in paragraph 51 of the complaint, and for those reasons deny the allegations contained therein.

#### AFFIRMATIVE DEFENSES

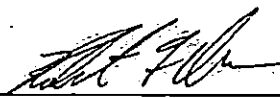
1. Plaintiffs failed to perfect their security interest with respect to the All-Beverage liquor license, Montana License No. 05-601-4064-002. And any security interest the Plaintiffs' hold in the liquor license is subordinate to MBAC's security interest.

WHEREFORE Defendant MBAC prays for the following relief:

1. Denying Plaintiffs' requested relief with respect to foreclosure on the liquor license;
2. Declaration that the MBAC's security interest in the liquor license takes priority over the Plaintiffs' security interest;
3. Attorney's fees and costs;
4. For such other and further relief as this Court deems just and proper.

Dated this 8th day of February, 2023.

By:

  
\_\_\_\_\_  
Rob Farris-Olsen  
*Attorneys for Defendant MBAC*

**CERTIFICATE OF SERVICE:**

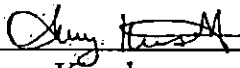
I, Amy Kirscher, hereby certify that I have served true and accurate copies of the foregoing Answer to the following on the 8<sup>th</sup> of February 2023 by U.S. Mail First Class, Prepaid:

Malcolm Goodrich  
2812 1st Ave North. Suite 301  
Billings, MT 59101  
406-256-3663

*Attorney for Defendant the Original Montana Club  
Cooperative Association*

Burt Ward  
JACKSON, MURDO & GRANT, P.C.  
203 North Ewing Street  
Helena, MT 59601

*Attorney for Plaintiffs*

By:   
Amy Kirscher