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### Valiant Idaho, LLC v. North Idaho Resorts, LLC Clerk's Record v. 10 Dckt. 44583

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Vol 10 IN THE 85

**SUPREME COURT  
OF THE  
STATE OF IDAHO**

ISC #44583, 44584, 44585  
Bonner #CV2009-1810

**Valiant Idaho, LLC**  
*Cross-Claimant/Respondent*

vs.

**North Idaho Resorts  
JV, LLC  
VP Incorporated**  
*Cross-Defendants/Appellants*

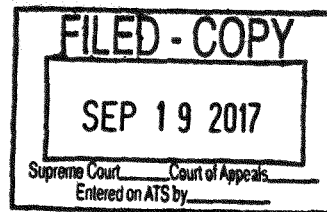
**CLERK'S RECORD ON APPEAL**

*Appealed from the District Court of the First Judicial District  
of the State of Idaho, in and for the County of Bonner*

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**VOLUME X**

44583

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Attorneys for Defendant VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly  
 known as NATIONAL GOLF BUILDERS,  
 INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
 DEVELOPMENT, LLC, a Nevada limited  
 liability company; et al.,

Defendants

Case No. CV 2009-01810

DEFENDANT VP, INCORPORATED'S  
 REQUEST FOR EXTENSION OF TIME TO  
 RESPOND TO VALLANT IDAHO, LLC'S  
 MOTION FOR LEAVE TO AMEND  
 ANSWER TO ALLEGE A  
 COUNTERCLAIM AND CROSS-CLAIM,  
 AND TO SERVE THIRD PARTY

AND RELATED COUNTER, CROSS  
 AND THIRD PARTY ACTIONS  
 PREVIOUSLY FILED HEREIN

COMES NOW Defendant VP, Inc., by and through its attorney of record, Susan P. Weeks of the firm James, Vernon & Weeks, P.A. of Coeur d'Alene, Idaho, and moves this Court for an extension of time of two (2) days in which to respond to Valiant Idaho, LLC's Motion for Leave to Amend Answer to Allege a Counter-claim and Cross-claim, and to Serve Third Party

DEFENDANT VP, INCORPORATED'S REQUEST FOR EXTENSION OF TIME TO RESPOND TO VALLANT IDAHO, LLC'S MOTION FOR LEAVE TO AMEND ANSWER TO ALLEGE A COUNTERCLAIM AND CROSS-CLAIM, AND TO SERVE THIRD PARTY: 1

filed herein. This motion is made upon the ground and for the reason that Counsel was in jury trial last week and is presently preparing a Summary Judgment reply which has a deadline of today.

DATED this 12<sup>th</sup> day of November, 2014.

JAMES, VERNON & WEEKS, P.A.

By Susan P. Weeks  
Susan P. Weeks

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 12<sup>th</sup> day of November, 2014:

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DEFENDANT VP. INCORPORATED'S REQUEST FOR EXTENSION OF TIME TO RESPOND TO VALIANT IDAHO, LLC'S MOTION FOR LEAVE TO AMEND ANSWER TO ALLEGE A COUNTERCLAIM AND CROSS-CLAIM, AND TO SERVE THIRD PARTY: 2

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DEFENDANT VP, INCORPORATED'S REQUEST FOR EXTENSION OF TIME TO  
RESPOND TO VALLANT IDAHO, LLC'S MOTION FOR LEAVE TO AMEND ANSWER  
TO ALLEGE A COUNTERCLAIM AND CROSS-CLAIM, AND TO SERVE THIRD  
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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly  
known as National Golf Builders, Inc., a  
Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC, a Nevada limited  
liability company; R.E. LOANS, LLC, a  
California limited liability company; DAN S.  
JACOBSON, an individual; SAGE  
HOLDINGS LLC, an Idaho limited liability  
company; STEVEN G. LAZAR, an individual;  
PENSCO TRUST CO. CUSTODIAN FBO  
BARNEY NG; MORTGAGE FUND '08  
LLC, a Delaware limited liability company;  
VP, INCORPORATED, an Idaho corporation;  
JV L.L.C., an Idaho limited liability company;  
WELLS FARGO FOOTHILL, LLC, a  
Delaware limited liability company;  
INTERSTATE CONCRETE AND ASPHALT  
COMPANY, an Idaho corporation; T-O  
ENGINEERS, INC., fka Toothman-Orton  
Engineering Company, an Idaho corporation;  
PUCCI CONSTRUCTION INC., an Idaho  
corporation; ACI NORTHWEST, INC., an  
Idaho corporation; LUMBERMENS, INC.,  
dba Probuild, a Washington corporation;  
ROBERT PLASTER dba Cedar Etc.; NORTH  
IDAHO RESORTS, LLC, an Idaho limited  
liability company; R.C. WORST &  
COMPANY, INC., an Idaho corporation;  
DOES I through X,

Defendants.

Case No. CV 2009-01810

VP, INCORPORATED'S REPLY ON  
MOTION TO DISMISS THIRD PARTY  
COMPLAINT AND RESPONSE TO  
MOTION TO AMEND PLEADINGS

In its response to the Motion to Dismiss, Valiant argues it is a new party to this case, and therefore the pleadings it filed were appropriate. This argument is incorrect for two reasons.

First, Valiant indicates on August 19, 2014, after making its first appearance in the case after being substituted as the real party in interest for R.E. Loans, it filed R.E. Loan's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure.<sup>1</sup> However, the pleading is much broader than R.E. Loans. It includes claims for Pensco Trust Co. (Second Cause of Action); and claims for MF08 (Third Cause of Action). To date, Valiant has substituted as the real party in interest for R.E. Loans and Wells Fargo. On October 6, 2014, it filed a motion to substitute for Mortgage Fund 08. Between the filing of its complaint and October 6, 2014, it filed for defaults against certain parties based on the counterclaim, cross-claim and third party complaint. It is clear from its pleadings that Valiant has put the proverbial cart before the horse. In so doing, Valiant procedurally jeopardizes the action for all parties moving forward. The defaults are now subject to attack because Valiant was not the real party in interest on the MF08 and Pensco loans when the defaults were entered. This procedural error leaves all parties at risk in the event of an appeal. Further, Valiant asks for an order declaring its rights when it is not yet the substituted real party in interest on certain of the loans it seeks to adjudicate.

Further, since Valiant steps in the shoes of R.E. Loans, (and potentially MF08 and Pensco Trust), it is bound by the actions taken by the parties for whom it is substituting. R.E. Loans has filed responsive pleadings. Thus under Rule 15 leave of court was required to file the present pleading.

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<sup>1</sup> Valiant indicates an order was entered August 7, 2014 allowing the substitution of Valient for R.E. Loans. This order is not listed on the case repository, and VP, Inc. did not receive a copy of the order. VP has no reason to disbelieve this representation given the Court's oral ruling at the hearing on the motion.

VP, Inc. does not object to the motion to grant leave to file the Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure if the motions to substitute Valiant for MF08 and Pensco Trust Co. are granted. However, to avoid issues on appeal, the motion should not be granted *nunc pro tunc*, and the requirements of Rule 15 should be followed.

DATED this 14<sup>th</sup> day of November, 2014.

JAMES, VERNON & WEEKS, P.A.

By Susan P. Weeks  
Susan P. Weeks

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 14<sup>th</sup> day of October, 2014:

\_\_\_\_ U.S. Mail, Postage Prepaid  
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Gary A. Finney  
FINNEY FINEY & FINNEY, PA  
120 E Lake St., Ste. 317  
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Douglas S. Marfice  
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Bruce A. Anderson  
Elsaesser Jarzabek Anderson Marks Elliott &  
McHugh, Chtd.  
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Brent C. Featherston  
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Hand Delivered  
✓ Facsimile: 208-489-0110

Richard Stacey  
McConnell Wagner Sykes & Stacey, PLLC  
755 West Front St., Ste. 200  
Boise, ID 83702

*Christine Clouse*

CLERK OF DISTRICT COURT  
COUNTY OF BONNER  
NOV 19 2014  
Clerk  
DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

ORDER GRANTING  
VALIANT IDAHO, LLC  
LEAVE TO SERVE ITS  
THIRD PARTY COMPLAINT

Honorable Barbara A. Buchanan

AND ALL RELATED COUNTER,  
CROSS AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN  
[including Valiant Idaho, LLC's  
Counterclaim, Cross-Claim and Third Party  
Complaint Filed August 19, 2014].

Defendant Valiant Idaho, LLC's ("Valiant") Motion For Leave to Amend Answer to Allege a Counterclaim and Cross-Claim and to Serve Third Party Complaint ("Motion") having come on for hearing on November 19, 2014; with all interested parties having appeared through their respective counsel of record; and this Court having heard oral argument and considered the evidence before it; and good cause appearing therefor,

ORIGINAL



filed 11/19/14

IT IS HEREBY ORDERED that Valiant is *granted* leave to serve its Third Party Complaint, as filed on August 19, 2014. Any and all Third Party Defendants shall have twenty (20) days from the date of their original service in which to file an answer to the Third Party Complaint, as provided by the Idaho Rules of Civil Procedure.

IT IS SO ORDERED.

DATED this 19 day of November 2014.

Honorable Barbara A. Buchanan  
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83814 Telephone: 208.664.8225 Facsimile: 208.765.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:gary@adbattorneys.com">gary@adbattorneys.com</a>
Bruce A. Anderson, Esq. Elsaesser Jarzabek Anderson Elliott & MacDonald, Chtd 320 East Neider Avenue, Suite 102 Coeur d'Alene, Idaho 83815 Telephone: 208.667.2900 Facsimile: 208.667.2150 <i>Counsel For Jacobson, Lazar and Sage Holdings</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:brucea@ejame.com">brucea@ejame.com</a>

<p>Charles M. Dodson, Esq.  Law Office of Charles M. Dodson  1424 Sherman, Suite 300  Coeur d'Alene, Idaho 83814  Telephone: 208.664.1577  Facsimile: 208.666.9211  <i>Counsel For RC Worst &amp; Company</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:cmdodsonlaw@gmail.com">cmdodsonlaw@gmail.com</a></p>
<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6866  Facsimile: 208.263.0400  <i>Counsel For Pensco Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:bcf@featherstonlaw.com">bcf@featherstonlaw.com</a></p>
<p>Gary A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a></p>
<p>John A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For Pucci Construction/ACI Northwest</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:johnfinney@finneylaw.net">johnfinney@finneylaw.net</a></p>
<p>Richard L. Stacey, Esq.  Jeff R. Sykes, Esq.  McConnell Wagner Sykes &amp; Stacey PLLC  755 West Front Street, Suite 200  Boise, Idaho 83702  Telephone: 208.489.0100  Facsimile: 208.489.0110  <i>Counsel For Valiant Idaho, LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsslawvers.com">stacey@mwsslawvers.com</a>  <a href="mailto:sykes@mwsslawvers.com">sykes@mwsslawvers.com</a></p>

<p>Susan P. Weeks, Esq.  James, Vernon &amp; Weeks, PA  1626 Lincoln Way  Coeur d'Alene, Idaho 83814  Telephone: 208.667.0683  Facsimile: 208.664.1684  <i>Counsel For VP Incorporated/North Idaho Resorts</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a></p>
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*Susan P. Weeks*  
\_\_\_\_\_  
Clerk of the Court

FILED  
11/19/14  
CLERK OF DISTRICT COURT  
BONNER COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants

Case No. CV-09-1810

ORDER GRANTING  
VALIANT IDAHO, LLC LEAVE TO  
AMEND ANSWER TO ALLEGE A  
COUNTERCLAIM AND CROSS-CLAIM

Honorable Barbara A. Buchanan

**AND ALL RELATED COUNTER,  
CROSS AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN  
[including Valiant Idaho, LLC's  
Counterclaim, Cross-Claim and Third Party  
Complaint Filed August 19, 2014].**

Defendant Valiant Idaho, LLC's ("Valiant") Motion For Leave to Amend Answer to Allege a Counterclaim and Cross-Claim and to Serve Third Party Complaint ("Motion") having come on for hearing on November 19, 2014; with all interested parties having appeared through their respective counsel of record; and this Court having heard oral argument and considered the evidence before it; and good cause appearing therefor,

ORDER GRANTING VALIANT IDAHO, LLC LEAVE  
TO AMEND ANSWER TO ALLEGE A COUNTERCLAIM  
AND CROSS-CLAIM - Page 1

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ORIGINAL 164

**IT IS HEREBY ORDERED** that Valiant's Motion is *granted*, as follows:

1. Pursuant to Rule 15(a) of the Idaho Rules of Civil Procedure, Valiant is granted leave to amend its Answer to allege a counterclaim and cross-claim;
2. That the Counterclaim and Cross-Claim filed on August 19, 2014 shall serve as Valiant's Amended Answer, Counterclaim and Cross-Claim, and shall be deemed filed as of August 19, 2014;
3. Counterdefendant and Cross-Defendants shall have ten (10) days from the date of entry of this Order in which to answer or reply to the Counterclaim or Cross-Claim.

**IT IS SO ORDERED.**

DATED this 17 day of November 2014.

  
\_\_\_\_\_  
Honorable Barbara A. Buchanan  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20 day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies)

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83814 Telephone: 208.664.8225 Facsimile: 208.765.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garv@adobattorneys.com">garv@adobattorneys.com</a>
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<p>Bruce A. Anderson, Esq.  Elsaesser Jarzabek Anderson Elliott &amp;  MacDonald, Chtd  320 East Neider Avenue, Suite 102  Coeur d' Alene, Idaho 83815  Telephone: 208.667.2900  Facsimile: 208.667.2150  <i>Counsel For Jacobson, Lazar and Sage Holdings</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail    <u>brucea@ejame.com</u></p>
<p>Charles M. Dodson, Esq.  Law Office of Charles M. Dodson  1424 Sherman, Suite 300  Coeur d'Alene, Idaho 83814  Telephone: 208.664.1577  Facsimile: 208.666.9211  <i>Counsel For RC Worst &amp; Company</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail    <u>cmalodsonlaw@gmail.com</u></p>
<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6866  Facsimile: 208.263.0400  <i>Counsel For Pensco/Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail    <u>bcf@featherstonlaw.com</u></p>
<p>Gary A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail    <u>garyfinney@finneylaw.net</u></p>
<p>John A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For Pucci Construction/ACI Northwest</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail    <u>john.finney@finneylaw.net</u></p>

Richard L. Stacey, Esq. Jeff R. Sykes, Esq McConnell Wagner Sykes & Stacey PLLC 755 West Front Street, Suite 200 Boise, Idaho 83702 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsslawvers.com">stacey@mwsslawvers.com</a> <a href="mailto:sykes@mwsslawvers.com">sykes@mwsslawvers.com</a>
Susar P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated North Idaho Resorts</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@j.vlaw.net">sweeks@j.vlaw.net</a>

\_\_\_\_\_  
Clerk of the Court

Handwritten notes and stamps at the top right of the page, including a date stamp that appears to read "9/14".

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

ORDER SUBSTITUTING  
VALIANT IDAHO, LLC IN PLACE OF  
PENSICO TRUST CO. AS THE  
REAL PARTY IN INTEREST

Honorable Barbara A. Buchanan

AND ALL RELATED COUNTER,  
CROSS AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN  
[including Valiant Idaho, LLC's  
Counterclaim, Cross-Claim and Third Party  
Complaint Filed August 19, 2014].


Defendant Valiant Idaho, LLC's ("Valiant") Motion to Substitute [Valiant] in Place of Pensico Trust Co., Custodian For The Benefit of Barney Ng ["Pensico"] as the Real Party in Interest ("Motion") having come regularly before this Court, and having considered the evidence presented and good cause appearing therefor;

ORIGINAL



**IT IS HEREBY ORDERED** that Valiant's Motion is *granted*. In so doing, Valiant, as the real party in interest, shall hereinafter be, and is substituted in the place of Pensco as a named Defendant in this action.

DATED this 17 day of November 2014.

  
 \_\_\_\_\_  
**Honorable Barbara A. Buchanan**  
 District Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 20 day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83314 Telephone: 208.664.8225 Facsimile: 208.755.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garv@adbattorneys.com">garv@adbattorneys.com</a>
Bruce A. Anderson, Esq. Elsaesser Jarzabek Anderson Elliott & MacDonald, Chtd 320 East Neider Avenue, Suite 102 Coeur d'Alene, Idaho 83315 Telephone: 208.667.2900 Facsimile: 208.667.2150 <i>Counsel For Jacobson, Lazar and Sage Holdings</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:brucea@eiame.com">brucea@eiame.com</a>
Charles M. Dodson, Esq. Law Office of Charles M. Dodson 1424 Sherman, Suite 300 Coeur d'Alene, Idaho 83314 Telephone: 208.664.1577 Facsimile: 208.666.9211 <i>Counsel For RC Worst &amp; Company</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:cmtdodsonlaw@gmail.com">cmtdodsonlaw@gmail.com</a>

<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6866  Facsimile: 208.263.0400  <i>Counsel For Pensco/Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:bct@featherstonlaw.com">bct@featherstonlaw.com</a></p>
<p>Gary A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83854  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a></p>
<p>John A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For Pucci Construction/ACI Northwest</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:johnfinney@finneylaw.net">johnfinney@finneylaw.net</a></p>
<p>Richard L. Stacey, Esq.  McConnell Wagner Sykes &amp; Stacey PLLC  755 West Front Street, Suite 200  Boise, Idaho 83702  Telephone: 208.489.0100  Facsimile: 208.489.0110  <i>Counsel For Valiant Idaho, LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsslawyers.com">stacey@mwsslawyers.com</a></p>
<p>Susan P. Weeks, Esq.  James, Vernon &amp; Weeks, PA  1626 Lincoln Way  Coeur d'Alene, Idaho 83814  Telephone: 208.667.0683  Facsimile: 208.664.1684  <i>Counsel For VP Incorporated/North Idaho Resorts</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a></p>

Clerk of the Court

FILED 11/19/14  
AT 1:31 O'Clock  
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

ORDER SUBSTITUTING  
VALIANT IDAHO, LLC IN PLACE OF  
MORTGAGE FUND '08 LLC AS THE  
REAL PARTY IN INTEREST

Honorable Barbara A. Buchanan

**AND ALL RELATED COUNTER,  
CROSS AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN  
[including Valiant Idaho, LLC's  
Counterclaim, Cross-Claim and Third Party  
Complaint Filed August 19, 2014].**

Defendant Valiant Idaho, LLC's ("Valiant") Motion to Substitute [Valiant] in Place of  
Mortgage Fund '08 LLC ["MF08"] as the Real Party in Interest ("Motion") having come regularly  
before this Court; and having considered the evidence presented and good cause appearing therefor;


////

////

ORIGINAL

**IT IS HEREBY ORDERED** that Valiant's Motion is *granted*. In so doing, Valiant, as the real party in interest, shall hereinafter be, and is substituted in the place of MF08 as a named Defendant in this action.

DATED this 19 day of November 2014.

  
 \_\_\_\_\_  
 Honorable Barbara A. Buchanan  
 District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20 day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83814 Telephone: 208.664.8225 Facsimile: 208.765.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <u>garv@adbattorneys.com</u>
Bruce A. Anderson, Esq. Elsaesser Jarzabek Anderson Elliott & MacDonald, Chtd 320 East Neider Avenue, Suite 102 Coeur d' Alene, Idaho 83815 Telephone: 208.667.2900 Facsimile: 208.667.2150 <i>Counsel For Jacobson, Lazar and Sage Holdings</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <u>brucea@ejame.com</u>
Charles M. Dodson, Esq. Law Office of Charles M. Dodson 1424 Sherman, Suite 300 Coeur d'Alene, Idaho 83814 Telephone: 208.664.1577 Facsimile: 208.666.9211 <i>Counsel For RC Worst &amp; Company</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <u>cmdodsonlaw@gmail.com</u>

<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6866  Facsimile: 208.263.0400  <i>Counsel For Pensco/Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:bcf@featherstonlaw.com">bcf@featherstonlaw.com</a></p>
<p>Gary A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a></p>
<p>John A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For Pucci Construction/ACI Northwest</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:johnfinney@finneylaw.net">johnfinney@finneylaw.net</a></p>
<p>Richard L. Stacey, Esq.  McConnell Wagner Sykes &amp; Stacey PLLC  755 West Front Street, Suite 200  Boise, Idaho 83702  Telephone: 208.489.0100  Facsimile: 208.489.0110  <i>Counsel For Valiant Idaho, LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsllawyers.com">stacey@mwsllawyers.com</a></p>
<p>Susan P. Weeks, Esq.  James, Vernon &amp; Weeks, PA  1626 Lincoln Way  Coeur d'Alene, Idaho 83814  Telephone: 208.667.0683  Facsimile: 208.664.1684  <i>Counsel For VP Incorporated/North Idaho Resorts</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a></p>

\_\_\_\_\_  
Clerk of the Court

STATE OF IDAHO }  
County of Bonner }  
FILED 11/19/14  
AT 11:07 O'Clock AM  
CLERK, DISTRICT COURT  
          
Deputy

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

**AND ALL RELATED COUNTER,  
CROSS AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN  
[including Valiant Idaho, LLC's  
Counterclaim, Cross-Claim and Third Party  
Complaint Filed August 19, 2014].**

Case No. CV-09-1810


**ORDER DENYING  
VP, INCORPORATED'S  
MOTION TO DISMISS  
THIRD PARTY COMPLAINT**

Honorable Barbara A. Buchanan

VP, Incorporated's Motion to Dismiss Third Party Complaint ("Motion") having come on for hearing on November 19, 2014; with all interested parties having appeared through their respective counsel of record; and this Court having heard oral argument and considered the evidence before it; and good cause appearing therefor,

IT IS HEREBY ORDERED that VP, Incorporated's Motion is *denied*, in its entirety

DATED this 19 day of November 2014.

  
Honorable Barbara A. Buchanan  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20 day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83814 Telephone: 208.664.8225 Facsimile: 208.765.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:gary@adbanomevs.com">gary@adbanomevs.com</a>
Bruce A. Anderson, Esq Elsaesser Jarzabek Anderson Elliott & MacDonald, Chtd 320 East Neider Avenue, Suite 102 Coeur d' Alene, Idaho 83815 Telephone: 208.667.2900 Facsimile: 208.667.2150 <i>Counsel For Jacobson, Lazar and Sage Holdings</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:brucea@ejame.com">brucea@ejame.com</a>
Charles M. Dodson, Esq Law Office of Charles M. Dodson 1424 Sherman, Suite 300 Coeur d'Alene, Idaho 83814 Telephone: 208.664.1577 Facsimile: 208.666.9211 <i>Counsel For RC Worst &amp; Company</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:cmdodsonlaw@gmail.com">cmdodsonlaw@gmail.com</a>

<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6866  Facsimile: 208.263.0400  <i>Counsel For Pensco/Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:bcb@featherstonlaw.com">bcb@featherstonlaw.com</a></p>
<p>Gary A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a></p>
<p>John A. Finney, Esq.  Finney Finney &amp; Finney, P.A.  120 East Lake Street, Suite 317  Sandpoint, Idaho 83864  Telephone: 208.263.7712  Facsimile: 208.263.8211  <i>Counsel For Pucci Construction/ACI Northwest</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:johnfinney@finneylaw.net">johnfinney@finneylaw.net</a></p>
<p>Richard L. Stacey, Esq.  Jeff R. Sykes, Esq.  McConnell Wagner Sykes &amp; Stacey PLLC  755 West Front Street, Suite 200  Boise, Idaho 83702  Telephone: 208.489.0100  Facsimile: 208.489.0110  <i>Counsel For Valiant Idaho, LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsslawyers.com">stacey@mwsslawyers.com</a>  <a href="mailto:sykes@mwsslawyers.com">sykes@mwsslawyers.com</a></p>
<p>Susan P. Weeks, Esq.  James, Vernon &amp; Weeks, PA  1626 Lincoln Way  Coeur d'Alene, Idaho 83814  Telephone: 208.667.0683  Facsimile: 208.664.1684  <i>Counsel For VP Incorporated/North Idaho Resorts</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a></p>

Clerk of the Court



<p>Brent C. Featherston, Esq.  Featherston Law Firm, Chtd  113 South Second Avenue  Sandpoint, Idaho 83864  Telephone: 208.263.6366  Facsimile: 208.263.0400  <i>Counsel For Pensco/Mortgage Fund</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <a href="mailto:bef@featherstonlaw.com">bef@featherstonlaw.com</a></p>
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Clerk of the Court

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
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Attorneys For Valiant Idaho, LLC

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

STIPULATION TO ENTRY OF  
JUDGMENT AGAINST  
PEND OREILLE BONNER  
DEVELOPMENT, LLC

Honorable Barbara A. Buchanan

AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.

VALIANT IDAHO, LLC,  
an Idaho limited liability company,

Third Party Plaintiff,

vs.

PEND ORELLE BONNER DEVELOPMENT  
HOLDINGS, INC., a Nevada corporation;  
BAR K, INC., a California corporation;  
TIMBERLINE INVESTMENTS LLC,  
an Idaho limited liability company;  
AMY KORENGUT, a married woman;  
HLT REAL ESTATE, LLC,  
an Idaho limited liability company;  
INDEPENDENT MORTGAGE LTD. CO.,  
an Idaho limited liability company;  
PANHANDLE MANAGEMENT  
INCORPORATED, an Idaho corporation;  
FREDERICK J. GRANT, an individual;  
CHRISTINE GRANT, an individual;  
RUSS CAPITAL GROUP, LLC,  
an Arizona limited liability company;  
MOUNTAIN WEST BANK, a division of  
GLACIER BANK, a Montana corporation;  
FIRST AMERICAN TITLE COMPANY,  
a California corporation;  
NETTA SOURCE LLC,  
a Missouri limited liability company;  
MONTAHENO INVESTMENTS, LLC,  
a Nevada limited liability company;  
CHARLES W. REEVES and  
ANN B. REEVES, husband and wife;  
and C. E. KRAMER CRANE &  
CONTRACTING, INC., an Idaho corporation,

Third Party Defendants.

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COMES NOW, Counterclaimant/Cross-Claimant/Cross-Defendant/Third Party Plaintiff Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and Defendant/Cross-Defendant Pend Oreille Bonner Development, LLC ("POBD"), and hereby stipulate and agree that Valiant is entitled to judgment to be entered by the above Court as follows:

1. Valiant is the successor-in-interest to R.E. Loans, LLC ("RE Loans"); Valiant is entitled to judgment adjudicating that POBD is in material breach of that Promissory Note Secured by Mortgage dated March 6, 2007, by and between POBD and RE Loans ("RE Loans Note"); Valiant is entitled to an award of damages in the principal amount of \$278,147.65, plus interest thereon at the compounded default interest rate of 17%; and, as of November 1, 2014, a total of \$471,077.35 in interest has accrued against the principal amount and shall continue to accrue thereafter at a rate of \$336.02 *per diem* until paid.

2. Valiant is the successor-in-interest to Pensco Trust Co., Custodian For The Benefit of Barney Ng ("Pensco"); Valiant is entitled to judgment adjudicating that POBD is in material breach of that Promissory Note Secured by Mortgage dated August 1, 2008 ("Pensco Note") by and between POBD and Pensco; Valiant is entitled to an award of damages in the principal amount of \$2,700,000.00, plus interest thereon at the compounded default interest rate of 17%; and, as of November 1, 2014, a total of \$4,860,489.00 in interest has accrued against the principal amount and shall continue to accrue thereafter at a rate of \$3,374.88 *per diem* until paid.

3. Valiant is the successor-in-interest to Mortgage Fund '08 LLC ("MF08"); Valiant is entitled to judgment adjudicating that POBD is in material breach of that Promissory Note Secured by Mortgage dated August 1, 2008 ("MF08 Note") by and between POBD and MF08. Valiant is entitled to an award of damages in the principal amount of \$2,127,409.34, plus interest thereon at the compounded default interest rate of 17%; and, as of November 1, 2014, a total of \$3,202,615.66 in interest has accrued against the principal amount and shall continue to accrue thereafter at a rate of \$2,429.91 *per diem* until paid.

4. The RE Loans Note, the Pensco Note and the MF08 Note are secured by mortgages properly recorded in the Bonner County Recorder's Office as Instrument Nos. 706471, 706472, 724829, 724834, 756394, 756395, 756396, 756397, 756398 and 756399 (collectively, "Mortgages"); Valiant is the successor-in-interest to said Mortgages; Valiant has paid property taxes assessed by Bonner County in the amount of \$1,665,855.14 and recorded a redemption deed in the Bonner County Recorder's Office as Instrument No. 861460 to evidence said payment ("Tax Payment"); and, Valiant's interest(s), by virtue of the Mortgages and Tax Payment, in and to the property legally described as:

*See the legal description attached hereto as Exhibit A,*

*are superior in right, title and interest to any interest claimed by POBD.*

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DATED this 1 day of November 2014.

McCONNELL WAGNER SYKES & STACEY PLLC


  
By: Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

DATED this 11<sup>th</sup> day of November 2014.

PEND OREILLE BONNER DEVELOPMENT, LLC  
a Nevada limited liability company

BY: PEND OREILLE BONNER  
DEVELOPMENT HOLDINGS, INC.  
a Nevada corporation

Its: Manager

  
By: Charles W. Reeves, President

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary I. Amendola, Esq. Amendola Doty & Brumley, PLLC 702 North 4 <sup>th</sup> Street Coeur d'Alene, Idaho 83814 Telephone: 208.664.8225 Facsimile: 208.765.1046 <i>Counsel For T-O Engineers, Inc.</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:gary@adbattorneys.com">gary@adbattorneys.com</a>
Bruce A. Anderson, Esq. Elsaesser Jarzabek Anderson Elliott & MacDonald, Chtd 320 East Neider Avenue, Suite 102 Coeur d'Alene, Idaho 83815 Telephone: 208.667.2900 Facsimile: 208.667.2150 <i>Counsel For Jacobson, Lazar and Sage Holdings</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:brucea@ejame.com">brucea@ejame.com</a>
Charles M. Dodson, Esq. Law Office of Charles M. Dodson 1424 Sherman, Suite 300 Coeur d'Alene, Idaho 83814 Telephone: 208.664.1577 Facsimile: 208.666.9211 <i>Counsel For RC Worst &amp; Company</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:cmdodson.law@gmail.com">cmdodson.law@gmail.com</a>
Brent C. Featherston, Esq. Featherston Law Firm, Chtd 113 South Second Avenue Sandpoint, Idaho 83864 Telephone: 208.263.6866 Facsimile: 208.263.0400 <i>Counsel For Pensco/Mortgage Fund</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:bcf@featherstonlaw.com">bcf@featherstonlaw.com</a>
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Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1584 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via United States Mail to:

Honorable Barbara A. Buchanan  
 Judge of the First Judicial District  
 Bonner County Courthouse  
 215 South First Avenue  
 Sandpoint, Idaho 83864

Richard E. Stacey



Escrow No. 49214-NA

**EXHIBIT "A"**  
**Legal Description**

The land referred to in this document is situated in the State of Idaho, County of **Bonner**, and is described as follows:

**SECTION A:**

**PARCEL 1:**

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

That portion of said Sections 36 and 31 lying East of Pack River Road, a county road, West of the Pack River, North of State Highway No. 200, and South of the South line of Government Lot 1 of said Section 31 and South of the South line of the Northeast quarter of the Northeast quarter of said Section 36;

LESS that land included in the Plat of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho.

ALSO LESS a parcel of land in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence North  $52^{\circ} 11'33''$  West 953.40 feet (record per Instrument No. 457973 = North  $54^{\circ} 29'10''$  West, 1910.58 feet) to a point on the Northerly right of way of State Highway No. 200 and the true point of beginning;

Thence North  $01^{\circ} 19'29''$  West, 244.70 feet (record per Instrument No. 457973 = North  $01^{\circ} 07'07''$  East, 244.28 feet);

Thence South  $88^{\circ} 04'08''$  West, 348.50 feet (record per Instrument No. 457973 = South  $87^{\circ} 52'03''$  West, 348.49 feet)

Thence South  $01^{\circ} 19'12''$  West, 250.00 feet (record per Instrument No. 457973 = South  $01^{\circ} 07'07''$  West, 250.00 feet) to the Northerly right of way of State Highway No. 200;

Thence along said right of way North  $80^{\circ} 34'19''$  East 66.04 feet (record per Instrument No. 457973 = North  $79^{\circ} 46'41''$  East, 66.62 feet);

Thence on a curve to the right having a central angle of  $05^{\circ} 47'35''$  and a radius of 2803.37 feet, for an arc distance of 283.45 feet (record per Instrument No. 457973 = a central angle of  $05^{\circ} 47'02''$  and an arc length of 282.99 feet) to the true point of beginning.

LESS a tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the North line of said Government Lot 2 and an existing fence line marking the right of way of an old County Road, said point being South  $89^{\circ} 06'38''$  East, 398.07 feet from the Northwest corner of Government Lot 2 (record = 361.00 feet);

Thence along said fence line as noted of record per Instrument No. 217765 on a curve to the left (radial bearing = North 62° 13'42" East) having a central angle of 19° 17'35" and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = South 37° 25'05" East, 217.95 feet);

Thence continuing along said fence line, South 47° 03'53" East, 43.24 feet;

Thence North 89° 06'38" West, 12.33 feet;

Thence continuing along the fence line, South 59° 55'24" East, 65.99 feet to an iron pipe as described in Instrument No. 217765;

Thence along the fence line, South 70° 07'45" East, 262.49 feet to an iron pipe as described in Instrument No. 217765 (record = South 70° 18'00" East 262.00 feet);

Thence South 54° 48'04" East, 67.00 feet;

Thence North 40° 08'56" East, 158.45 feet to the right bank of Pack River (record = 200.00 feet to the thread of Pack River);

Thence North 40° 08'56" East to the intersection with the thread of Pack River;

Thence Northerly and upstream along the thread line of Pack River to the intersection with the North line of Government Lot 2 of said Section 31;

Thence South 89° 06'38" East, along said North line to the true point of beginning.

LESS any part of the above described property lying North and East of Pack River.

LESS a tract of land in Government Lots 1 and 2 of Section 31, Township 58 North, Range 1 East and the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Mary's Pack River Lots and all that property dedicated to the public for right of way as shown and recorded in Instrument No. 699091, records of Bonner County, Idaho.

PARCEL 2:

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at a point that is North 80 degrees 05' 57" East, a distance of 386.02 feet from the South quarter corner of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old Country Road;

thence South 5 degrees 14' 00" East along said East right of way of the old country road, a distance of 171.80 feet;

thence continuing South 14 degrees 35' 50" East along said East right of way, a distance of 254.70 feet to an intersection with the North right of way of Old Highway No. 200 (FAP No. 95F);

thence North 72 degrees 38' 24" East along said North right of way, a distance of 372.40 feet;

thence continuing along said North right of way, North 72 degrees 58' 33" East, a distance of 336.00 feet to an intersection with the West high bank of Dry Creek;

thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to an intersection with the South right of way of said State Highway No. 200;

thence Westerly along said South right of way the following six (6) courses:

- 1) Around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (the chord of which bears South 88 degrees 02' 31" West, a distance of 48.43 feet);
- 2) North 79 degrees 07' 52" West, 100.50 feet;
- 3) Around a curve to the left with a radius of 2668.37 feet, a distance of 247.30 feet (the chord of which bears South 82 degrees 54' 00" West, a distance of 247.24 feet) to a P.S.C.;
- 4) Along a spiral curve (S=2 degrees 12.3'), a distance of 207.68 feet (the chord of which bears South 70 degrees 27' 12" West, a distance of 207.67 feet) to a P.S.;
- 5) South 69 degrees 43' 21" West, 328.60 feet;
- 6) South 61 degrees 11' 30" West, 119.79 feet to the point of beginning.

AND TOGETHER WITH any portion of the old Highway right of way abandonment, described in that certain Quit Claim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

PARCEL 3:

A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 434825 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section, North 00° 07'21" East, 118.03 feet;

Thence in a Southeasterly direction on a curve to the right (radial bearing = South 50° 01'02" West) having a central angle of 17° 44'09" and a radius of 233.31 feet, for an arc distance of 51.86 feet (chord = South 33° 36'53" East, 51.76 feet);

Thence South 27° 14'49" East, 79.53 feet;

Thence on a curve to the left (radial bearing = North 62° 45'11" East) having a central angle of 00° 31'29" (record = 00° 31'25") and a radius of 650.32 feet for an arc distance of 5.95 (record = 5.94 feet) feet (chord = South 27° 30'31" East, 5.95 feet), to the South line of Government Lot 1;

Thence along said South line North 89° 06'38" West (record = North 89° 06'55" West), 68.07 feet to the true point of beginning.

PARCEL 4:

A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section North 00° 07'21" East, 118.03 feet;

Thence on a curve to the left (radial bearing = South 50° 01'02" West) having a central angle of 04° 01'30" and a radius of 233.31 feet, for an arc distance of 16.39 feet (chord = North 41° 59'43" West 16.39 feet)

Thence North 44° 00'28" West 23.17 feet to the Southeasterly right of way of the Lower Pack River Road;

Thence along said right of way on a curve to the right (radial bearing = North 53° 09'38" West) having a central angle of 12° 32'30" and a radius of 275.00 feet, for an arc distance of 60.20 feet (chord = South 43° 06'37" West, 60.08 feet);

Thence leaving said right of way, South 44° 00'28" East, 20.15 feet;

Thence on a curve to the right having a central angle of 16° 45'40" and a radius of 173.31 feet, for an arc distance of 50.70 feet (chord = South 35° 37'39" East 50.52 feet);

Thence South 27° 14'49" East, 53.38 feet to the true point of beginning

**PARCEL 5:**

A tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the West line of said Government Lot 2 (West line of Section 31) which is South 00° 07'21" West, 200.00 feet from the Northwest corner of said Government Lot 2;

Thence parallel to the North line of Government Lot 2, South 89° 06'38" East (record = South 89° 06'55" East) 562.61 feet (record = 562.58 feet);

Thence North 47° 03'53" West, 43.24 feet (record = 43.21 feet);

Thence on a curve to the right having a central angle of 19° 17'35" (record = 19° 17'39") and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = North 37° 25'03" West 271.95 feet) to the North line of Government Lot 2;

Thence along said North line North 89° 06'38" West (record = North 89° 06'55" West) 68.07 feet;

Thence South 27° 14'49" East 26.15 feet;

Thence on a curve to the left having a central angle of 09° 49'00" and a radius of 710.32 feet, for an arc distance of 121.70 feet (chord = South 32° 09'19" East, 121.55 feet);

Thence South 80° 25'01" West 412.81 feet (record = South 80° 24'50" West 412.82 feet) to the point of beginning.

EXCEPTING from Parcels 1, 3, 4 and 5, the following two tracts:

Any portion encompassed by the Plat of GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

AND any portion encompassed by the Plat of GOLDEN TEE ESTATES FIRST ADDITION, (PHASE TWO) according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

PARCEL 6:

Lot 2, Block 3 in GOLDEN TEES ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 7:

All private roads in GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 8:

All private roads in GOLDEN TEES ESTATES FIRST ADDITION (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

EXCEPTING from Parcels 1,2,3,4,5,6,7 and 8 any portion lying within the bounds of the following plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77.

PARCEL 9:

Lots 14, 15, 16, 17, 19, 20 and 21, Block 2; All of Block 5A; Lot 4, Block 7; Lots 1A Block 11; Lots 1A, 2A and 3A Block 12; Lot 13A, Block 13; Lot 1, Block 14A; Lots 1 & 2, Block 15; Lots 1 and 2, Block 17; all of Block 18; Lots 1 and 2, Block 19; Lots 2, 3, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Block 20; Lots 1, 3 and 4 Block 21; Lots 1, 2, 4, 5 and 6, Block 22 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 10:

Lot 5A, Block 4, of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 11:

All of Block 16 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 12:

Lot 1A Block 10 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 13:

Lot 1, Block 20 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

SECTION B:

PARCEL 1:

Lot 1 in Block 1 of the FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof, recorded in Book 4 of Plats, page 161, records of Bonner County, Idaho.

PARCEL 2:

Lots 2, 3, 4, 5 in Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

PARCEL 3:

A tract of land in the East half of the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the East half of the Northeast quarter of the Southwest quarter of said Section 36;

Thence along the South line of the East half of the Northeast quarter of the Southwest quarter, North 89° 36'27" West, 661.51 feet (record = North 89° 37'10" West, 661.57 feet to the Southwest corner of the East half of the Northeast quarter of the Southwest quarter;

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10'22" East 856.45 feet (record = North 00° 09'25" East, 856.45 feet);

Thence North 89° 19'55" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

Thence Southeasterly along said right of way the following six (6) courses:

1. on a non tangential curve to the left (radial bearing = North 87° 39'13" East) having a central angle of 36° 44'06" and a radius of 131.00 feet for an arc distance of 83.99 feet (record = 84.54 feet) (chord = South 20° 42'50" East, 82.56 feet - record = South 20° 37'27" East, 83.08 feet);

2. thence South 39° 04'53" East, 419.67 feet (record = South 39° 06'45" East, 419.68 feet);

3. thence on a curve to the left having a central angle of 11° 42'45" and a radius of 530.00 feet for an arc distance of 108.34 feet (chord = South 44° 56'16" East, 108.15 feet - record = South 44° 58'08" East, 108.16 feet);

4. thence South 50° 47'39" East, 69.68 feet (record = South 50° 49'31" East, 69.68 feet);

5. thence on a curve to the right having a central angle of 23° 42'51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56'14" East, 398.61 feet - record = South 38° 58'05" East 398.61 feet);

6. thence South 27° 04'48" East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South 27° 06'40" East, 30.77 feet);

thence leaving said right of way North 89° 36'03" West, 60.37 feet (record = North 89° 37'09" West, 59.55 feet) to the point of beginning.

**PARCEL 4:**

A tract of land located in a portion of the Southwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36;

Thence South 89° 36'03" East 60.37 feet (record = South 89° 37'09" East, 59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes);

Thence along said right of way for the following four (4) courses:

1. South 27° 04'48" East, 299.95 feet (record = South 27° 06'40" East, 300.83 feet);
2. North 62° 55'12" East, 60.00 feet (record = North 62° 53'20" East, 60.00 feet);
3. North 27° 04'48" West, 125.34 feet (record = North 27° 06'40" West, 125.34 feet);
4. thence on a curve to the right having a central angle of 79° 01'27" and a radius of 25.00 feet, for an arc distance of 34.48 feet (chord = North 12° 25'55" East, 31.81 feet - record = North 12° 24'03" East, 31.81 feet) to a point on the Southerly right of way of Fairway View Drive, as shown on the Plat of First Addition to Hidden Lakes;

thence along said right of way for the following eight (8) courses:

1. North 51° 56'39" East, 74.67 feet (record = North 51° 54'47" East, 74.67 feet);
2. thence on a curve to the right having a central angle of 99° 26'33" and a radius of 70.00 feet, for an arc distance of 121.49 feet (chord = South 78° 20'05" East, 106.81 feet - record = South 78° 21'57" East, 106.81 feet);
3. thence South 28° 36'48" East, 154.03 feet (record = South 28° 38'40" East, 154.03 feet);
4. thence on a curve to the right having a central angle of 55° 41'27" and a radius of 90.00 feet for an arc distance of 87.48 feet (chord = South 00° 46'05" East, 84.08 feet - record = South 00° 47'56" East, 84.08 feet);
5. thence South 27° 04'39" West, 170.14 feet;
6. thence on a curve to the right having a central angle of 71° 37'11" and a radius of 60.0 feet, for an arc distance of 75.00 feet (chord = South 08° 43'57" East, 70.21 feet);
7. thence South 44° 32'32" East, 50.94 feet;
8. thence on a curve to the right having a central angle of 69° 10'16" and a radius of 25.00 feet, for an arc distance of 30.18 feet (chord = South 09° 57'24" East, 28.38 feet - record = South 11° 23'51" East, 30.18 feet) to a point on the West right of way of Lower Pack River Road;

thence Southerly along said right of way for the following four (4) courses:

1. on a non tangential curve to the right having a central angle of 04° 15'19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30'38" West, 87.67 feet);
2. thence South 20° 22'44" West, 114.57 feet;

3. thence on a curve to the left having a central angle of  $22^{\circ} 29' 50''$  and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South  $09^{\circ} 07' 49''$  West, 196.10 feet)

4. thence South  $02^{\circ} 07' 06''$  East, 157.81 feet to the Northerly right of way of State Highway No. 200;

thence along the highway right of way, South  $77^{\circ} 42' 28''$  West, 72.14 feet (record = South  $78^{\circ} 15' 06''$  West, 71.11 feet);

thence continuing along the Highway right of way, South  $69^{\circ} 44' 57''$  West, 262.22 feet (record = South  $69^{\circ} 43' 16''$  West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36;

thence along the West line of the Southwest quarter of the Southeast quarter, North  $00^{\circ} 08' 19''$  East, 1223.36 feet (record = North  $00^{\circ} 07' 13''$  East, 1223.17 feet) to the point of beginning.

PARCEL 5:

That portion of the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying West of the Lower Pack River Road,

EXCEPT the First Addition to Hidden Lakes Subdivision, according to the plat thereof, recorded in Book 4 of Plats, Page 161, record of Bonner County, Idaho.

SECTION C:

PARCEL 1:

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200; and all that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200;

LESS the following described property:

A tract of land in the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 92981, records of Bonner County, Idaho and more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence along the East line of Section 36, North  $00^{\circ} 08' 06''$  East, 460.00 feet;

Thence perpendicular to the East line of the Section, North  $89^{\circ} 51' 54''$  West, 568.00 feet to the true point of beginning;

Thence South  $47^{\circ} 08' 06''$  West, 250.00 feet;

Thence South  $42^{\circ} 51' 54''$  East, 348.50 feet;

Thence North  $47^{\circ} 48' 06''$  East, 250.00 feet;

Thence North  $42^{\circ} 51' 54''$  West, 348.50 feet to the true point of beginning.

AND



All that portion of Government Lots 2, 3, 4, 5, 6, 7, 8 and 9; the Southwest quarter of the Northeast quarter; and the South half of the Northwest quarter of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying South of State Highway No. 200 and lying North and East of the Northern Pacific Railroad (now Montana Rail Link) right of way.

LESS that portion of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being that property described in Instrument No. 592059 and more particularly described as follows:

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54'43" West, 798.00 feet (record = North 26° 28'08" West, 798.11 feet;

Thence along the South right of way of the Highway, North 68° 35'39" East, 266.10 feet;

Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03'28" West) having a central angle of 00° 08'55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52'05" East, 15.03 feet - total distance along right of way from point of beginning = 281.13 feet - record = 281.13 feet);

thence leaving said right of way South 00° 04'10" West, 725.53 feet;

Thence North 89° 14'40" West, 330.00 feet;

Thence North 00° 03'26" West 607.20 feet, to the Southerly right of way of State Highway No. 200;

Thence along said right of way North 79° 11'55" East, 70.38 feet to the true point of beginning.

LESS a tract of land located in Section 36, Township 58 North, Range 1 West and Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being a portion of that property described in Instrument No. 464572 and more particularly described as follows:

Beginning at a point that is North 80° 05'57" East 386.02 feet from the South quarter of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old County Road;

Thence South 05° 14'00" East along the East right of way of the Old County Road, 171.80 feet;

Thence continuing South 14° 35'50" East along said East right of way, 254.70 feet to the intersection with the North right of way of Old Highway 200 (EAP No. 95F);

Thence North 72° 38'24" East along said North right of way, 372.40 feet;

Thence continuing along said North right of way, North 72° 58'33" East, 336.00 feet to the intersection with the West high bank of Dry Creek;

Thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to the intersection with the South right of way of State Highway No. 200;

Thence Westerly along said South right of way the following six (6) courses:

1. around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (chord = South 88° 02'31" West, 48.43 feet);
2. North 79° 07'52" West, 100.50 feet;
3. around a curve to the left with a radius of 2668.37 feet for a distance of 247.30 feet (chord = South 82°

54'00" West, 247.24 feet);

4. along a spiral curve (South = 02° 12' 18"), a distance of 207.68 feet (chord = South 70° 27' 12" West, 207.67 feet);

5. South 69° 43' 21" West, 328.60 feet;

6. South 61° 11' 30" West, 119.79 feet to the point of beginning.

TOGETHER WITH any portion of the old highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, and lying within the bounds of the above described property.

AND

Government Lots 5, 9, 10 and 11; the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; and Government Lot 6, all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows:

Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho;

Thence South 1569.70 feet to Paek River and the True Point of Beginning;

Thence South 66° 47' West, 203 feet;

Thence South 69° 54' West 165.3 feet;

Thence South 79° 56' West, 242.5 feet;

Thence South 01° 11' East, 146 feet;

Thence South 25° 18' East, 118.20 feet;

Thence South 54° 29' East, 137.2 feet;

Thence South 68° 10' East, 267.1 feet;

Thence North 535.6 feet to a point 1569.7 feet South of the North quarter corner of Section 6.

LESS a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows:

Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03' 21" East, 2460.29 feet from the Northwest corner of said Section 6 (record = South 55° 14' East, 2451.3);

Thence South 14° 53' 00" East, 223.22 feet (record);

Thence South 04° 43' 00" East, 640.00 feet (record);

Thence South 39° 48' 00" East, 430.00 feet (record);

Thence South 30° 28'00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

TOGETHER WITH any portion of the Old Highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

EXCEPTING therefrom all of the above described properties, any portion lying within the bounds of the following Plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77,

Golden Tee Estates- 2nd Addition, recorded in Book 8 of Plats, Page 79

Golden Tee Estates - 3rd Addition, recorded in Book 8 of Plats, Page 78,

Golden Tee Estates - 4th Addition, recorded in Book 8 of Plats, Page 80,

Golden Tee Estates - 5th Addition, recorded in Book 8 of Plats, Page 81 and Golden Tee Estates- 6th, recorded in Book 8 of Plats, Page 82

**PARCEL 2:**

Lots 1, 2, 4, 5, 6, 7, 8, 9 and 10, Block 1; Lots 1,2, 3, 4, 5, 7, 8, 9 and 10, Block 2; Lots 1, 2, 3, 6, and 10, Block 3 of Golden Tee Estates 2nd Addition according to the Plat thereof, recorded in Book 8 of Plats, Page 79, records of Bonner County, Idaho and

Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 Block 1; Lot 1, Block 2; Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, Block 4; Lots 1, 2, 7 and 8, Block 5; Lots 1, 2, 3, and 4, Block 6; Lots 3, 5, 6 and 10, Block 7; Lots 1, 2, 4, 5 and 6 Block 8; Lots 2, 3, 4 and 5, Block 9; Lots 6, and 8, Block 10; Lot 2 Block 11 of Golden Tee Estates 3rd Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 78, records of Bonner County, Idaho.

AND

Lots 1, 2, 3, 5, 6, 7 and 8, Block 1; Lots 2, and 5, Block 2; Lots 1, 2 and 3, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 4; Lots 1, 4, 5, 6 and 7, Block 5 of Golden Tee Estates 4th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 80, records of Bonner County, Idaho.

AND

Lots 1, 4, 5, 6, 7, 8 and 9, Block 1; Lots 1, 3, 5, 6, 7, 8, 9, 10 and 11, Block 2 of Golden Tee Estates 5th Addition, according to the Plat thereof, recorded in book 8 of Plats, Page 81 records of Bonner County, Idaho.

AND

Lots 2, 6, 7 and 8, block 1; Lots 1, 2, 3, 4 and 5, Block 2; Lot 1, Block 3; Lots 1, 2, 3, 4 and 5, Block 4; Lot 1, Block 5 of Golden Tee Estates 6th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 82, records of Bonner County, Idaho.

**SECTION D:**

**PARCEL 1:**

That portion of the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East, Boise Meridian, lying West of the State Highway No. 200 right of way and East of the Northern Pacific Railway right of way; and lying North of the North line of the following described tract:

Beginning at a point where the Section line between Sections 16 and 21, Township 57 North, Range 1 West, Boise Meridian, intersects the State Highway on the Westerly side as it now exists;

thence in a Northwesterly direction along the Westerly side of said Highway, 752 feet;

thence in a Southwesterly direction, 97 feet;

thence in a Southeasterly direction, 672 feet to the Section line between Sections 16 and 21;

thence East on said Section line between said Sections 16 and 21, 104.25 feet, more or less, to the place of beginning.

SAID parcel is now described as follows:

A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, lying Southwest of the right of way of State Highway No. 200 and Northeast of the right of way of Montana Rail Link Railway; being a portion of that property described as Parcel 1 of Instrument No. 168846 and more particularly described as follows:

Commencing at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Northeastly right of way of Montana Rail Link Railway which is South  $88^{\circ} 10' 56''$  East, 944.95 feet from the Southwest corner of Section 16;

Thence leaving said South line and along said right of way North  $23^{\circ} 38' 59''$  West, 672.00 feet to the true point of beginning;

Thence continuing along said right of way North  $23^{\circ} 38' 59''$  West, 786.99 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;

Thence leaving said right of way and along said North line South  $88^{\circ} 43' 23''$  East, 241.38 feet to the Westerly right of way of State Highway No. 200;

Thence leaving said North line and along said right of way the following four (4) courses:

on a non-tangential curve to the right having a central angle of  $01^{\circ} 19' 25''$  (radial bearing = South  $73^{\circ} 15' 16''$  West), a radius of 768.50 feet, for an arc length of 17.75 feet (chord = South  $15^{\circ} 06' 41''$  East, 17.75 feet);

Thence along a line offset 50.00 feet Westerly of and parallel to a spiral curve (centerline ls = 200 feet, a = 3.5, S =  $7^{\circ}$ ) for a chord of South  $10^{\circ} 43' 01''$  East 193.87 feet);

Thence South  $08^{\circ} 25' 19''$  East, 86.06 feet;

Thence on a curve to the left having a central angle of  $13^{\circ} 56' 48''$ , a radius of 1482.53 feet, for an arc length of 368.87 feet (chord = South  $15^{\circ} 23' 43''$  East, 359.98 feet);

Thence leaving said right of way South  $44^{\circ} 37' 10''$  West, 106.45 feet (record = "Southwesterly 97 feet") to the true point of beginning.

**PARCEL 2:**

That part of the Southwest quarter of the Southwest quarter in Section 16, Township 57 North, Range 1 East of the Boise Meridian, lying South and West of the Burlington Northern Inc. Railway right of way and

Government Lot 5 in Section 17, Township 57 North, Range 1 East, of the Boise Meridian, save and excepting therefrom:

The South 350 feet of Government Lot 5 in said Section 17, and also that part of the Southwest quarter of the Southwest quarter in said Section 16 lying Westerly of said Burlington Northern Inc. right of way as now in use and described as follows:

Beginning at the Southwest corner of said Section 16;  
thence North along the West Section line 350 feet;  
thence East to the centerline of Trestle Creek;  
thence Southeasterly along said centerline to the South line of Section 16;  
thence West along the Section line 720 feet, more or less, to the point of beginning.

SAID parcel is now described as follows:

A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, lying Southwest of Montana Rail Link Railroad right of way and Government Lot 5 of Section 17, all in Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; being a portion of that property described as Parcel 2 of Instrument No. 168846 and more particularly described as follows:

Beginning at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Southwesterly right of way of Montana Rail Link Railway which is South  $88^{\circ} 10'56''$  East, 834.19 feet from the Southwest corner of Section 16;

Thence leaving said South line and along said right of way North  $23^{\circ} 38'59''$  West, 1457.84 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;

Thence leaving said right of way and along the North line of the Southwest quarter of the Southwest quarter, North  $88^{\circ} 43'23''$  West, 243.71 feet to the Northwest corner of the Southwest quarter of the Southwest quarter;

Thence along the North line of Government Lot 5 in Section 17, North  $89^{\circ} 23'45''$  West, 1223.84 feet to the meander line of Lake Pend Oreille, as defined by the original GLO Survey;

Thence leaving said North line and along said meander line the following two (2) course:

South  $52^{\circ} 55'48''$  East, 561.00 feet;

Thence South  $37^{\circ} 55'48''$  East, 798.96 feet to a point on a line lying 350.00 feet North of and parallel to the South line of the Southwest quarter of the Southwest quarter of Section 16;

Thence along said parallel line, South  $88^{\circ} 10'56''$  East, 281.27 feet to the West line of the said Southwest quarter of the Southwest quarter;

Thence continuing South  $88^{\circ} 10'56''$  East, 159.02 feet to the intersection with the centerline of Trestle Creek;

Thence along the centerline of Trestle Creek the following eight (8) courses:

South  $52^{\circ} 54'34''$  East, 63.58 feet;

Thence South  $44^{\circ} 37'26''$  East, 117.83 feet;

Thence South 42° 08'45" East, 77.28 feet;

Thence South 80° 05'07" East, 145.49 feet;

Thence South 55° 15'32" East, 86.34 feet;

Thence South 46° 56'31" East, 113.98 feet;

Thence South 75° 43'10" East, 58.83 feet;

Thence South 37° 48'28" East, 27.37 feet to the intersection with the South line of the Southwest quarter of the Southwest quarter;

Thence leaving said creek centerline and along said South line South 88° 10'56" East, 116.80 feet to the true point of beginning.

**PARCEL 3:**

A portion of the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at a point where the South line of the Northeast quarter of the Northwest quarter of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, intersects the West line of the Northern Pacific Railroad Company right of way;

thence 600 feet Northerly along said railroad right of way;

thence West to the meander line of lake;

thence 600 feet Southerly to the South line of Lot 1 of said Section 21;

thence East to the Point of Beginning.

SAID parcel is now described as follows:

A tract of land situated in the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the South line of the Northeast quarter of the Northwest quarter of Section 21 and the Westerly right of way of Montana Rail Link Railroad which is South 88° 55'48" East, 139.54 feet from the Southwest corner of said Northeast quarter of the Northwest quarter;

Thence leaving said South line and along said right of way the following two (2) courses:

On a non-tangential curve to the left having a central angle of 10° 44'25" (radial bearing = South 65° 01'49" West) a radius of 2664.79 feet, for an arc length of 499.53 feet (chord = North 30° 20'24" West, 498.80 feet);

Thence North 25° 10'12" West, 100.47 feet;

Thence leaving said right of way and parallel to the South line of Government Lot 1, North 88° 55'48" West, 936.05 feet to the meander line of Lake Pend Oreille as defined in the original GLO Survey;

Thence along said meander line the following two (2) courses:

South 14° 25'48" East, 271.54 feet;

Thence South  $46^{\circ} 40'48''$  East, 378.00 feet to the intersection with the South line of Government Lot 1;

Thence along said South line South line South  $88^{\circ} 55'48''$  East, 748.52 feet to the Southeast corner of Government Lot 1;

Thence along the South line of the Northeast quarter of the Northwest quarter, South  $88^{\circ} 55'48''$  East, 139.54 feet to the true point of beginning.

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
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sykes@mwsslawyers.com  
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**STIPULATION TO ENTRY OF  
JUDGMENT AGAINST  
CHARLES W. REEVES  
AND  
ANN B. REEVES**

Honorable Barbara A. Buchanan



VALLANT IDAHO, LLC,  
an Idaho limited liability company,

Third Party Plaintiff,

vs.

PEND OREILLE BONNER DEVELOPMENT  
HOLDINGS, INC., a Nevada corporation;  
BAR K, INC., a California corporation;  
TIMBERLINE INVESTMENTS LLC,  
an Idaho limited liability company;  
AMY KORENGUT, a married woman;  
HLT REAL ESTATE, LLC,  
an Idaho limited liability company;  
INDEPENDENT MORTGAGE LTD. CO.,  
an Idaho limited liability company;  
PANHANDLE MANAGEMENT  
INCORPORATED, an Idaho corporation;  
FREDERICK J. GRANT, an individual;  
CHRISTINE GRANT, an individual;  
RUSS CAPITAL GROUP, LLC,  
an Arizona limited liability company;  
MOUNTAIN WEST BANK, a division of  
GLACIER BANK, a Montana corporation;  
FIRST AMERICAN TITLE COMPANY,  
a California corporation;  
NETTA SOURCE LLC,  
a Missouri limited liability company;  
MONTAHEÑO INVESTMENTS, LLC,  
a Nevada limited liability company;  
CHARLES W. REEVES and  
ANN B. REEVES, husband and wife;  
and C. E. KRAMER CRANE &  
CONTRACTING, INC., an Idaho corporation,

Third Party Defendants.

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COMES NOW, Counterclaimant/Cross-Claimant/Cross-Defendant/Third Party Plaintiff

Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and Third Party Defendants Charles W. Reeves and Ann B. Reeves, individually, and hereby stipulate and agree as follows:

1. Valiant has recorded mortgages in the Bonner County Recorder's Office as Instrument Nos. 706471, 706472, 724829, 724834, 756394, 756395, 756396, 756397, 756398 and 756399 (collectively, "Mortgages"). Valiant has paid real property taxes assessed by Bonner County in the amount of \$1,665,855.14 and recorded a redemption deed in the Bonner County Recorder's Office as Instrument No. 861460 to evidence said payment ("Tax Payment"); and, Valiant, by virtue of the Mortgages and the Tax Payment, is entitled to a judgment to be entered by the above Court adjudicating that Valiant's interest(s) in and to the property legally described as:

see the legal description attached hereto as Exhibit A  
("Property")

are superior in right, title and interest to any interest claimed by Charles W. Reeves and Ann B. Reeves.

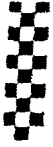
2. The parties further stipulate and agree that each party is to bear its own attorneys' fees and costs with respect to Valiant's claims against Charles W. Reeves and Ann B. Reeves.

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DATED this 17<sup>th</sup> day of November 2014.

McCONNELL WAGNER SYKES & STACEY PLLC

By: Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

DATED this 11<sup>th</sup> day of November 2014.

Charles W. Reeves  
CHARLES W. REEVES  
Third Party Defendant

Ann B. Reeves  
ANN B. REEVES  
Third Party Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

<p>Gary I. Amendola, Esq.                  Amendola Doty &amp; Brumley, PLLC                  702 North 4<sup>th</sup> Street                  Coeur d'Alene, Idaho 83814                  Telephone: 208.664.8225                  Facsimile: 208.765.1046  <i>Counsel For T-O Engineers, Inc.</i></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <u>gary@adbattorneys.com</u></p>
<p>Bruce A. Anderson, Esq.                  Elsaesser Jarzabek Anderson Elliott &amp;                  MacDonald, Chtd                  320 East Neider Avenue, Suite 102                  Coeur d'Alene, Idaho 83815                  Telephone: 208.667.2900                  Facsimile: 208.667.2150  <i>Counsel For Jacobson, Lazar and Sage Holdings</i></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <u>brucea@ejame.com</u></p>
<p>Charles M. Dodson, Esq.                  Law Office of Charles M. Dodson                  1424 Sherman, Suite 300                  Coeur d'Alene, Idaho 83814                  Telephone: 208.664.1577                  Facsimile: 208.666.9211  <i>Counsel For RC Worst &amp; Company</i></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <u>cmdodsonlaw@gmail.com</u></p>
<p>Brent C. Featherston, Esq.                  Featherston Law Firm, Chtd                  113 South Second Avenue                  Sandpoint, Idaho 83864                  Telephone: 208.263.6866                  Facsimile: 208.263.0400  <i>Counsel For Pensco Mortgage Fund</i></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <u>bcf@featherstonlaw.com</u></p>
<p>Gary A. Finney, Esq.                  Finney Finney &amp; Finney, P.A.                  120 East Lake Street, Suite 317                  Sandpoint, Idaho 83864                  Telephone: 208.263.7712                  Facsimile: 208.263.8211  <i>Counsel For J.V., LLC</i></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivered  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Electronic Mail  <u>garyfinney@finneylaw.net</u></p>

John A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For Pucci Construction/ACI Northwest</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:johnfinney@finneylaw.net">johnfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via United States Mail to:

Honorable Barbara A. Buchanan  
 Judge of the First Judicial District  
 Bonner County Courthouse  
 215 South First Avenue  
 Sandpoint, Idaho 83864

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Richard L. Stacey

Escrow No. 49214-NA

**EXHIBIT "A"**  
**Legal Description**

The land referred to in this document is situated in the State of Idaho, County of **Bonner**, and is described as follows:

**SECTION A:**

**PARCEL 1:**

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

That portion of said Sections 36 and 31 lying East of Pack River Road, a county road, West of the Pack River, North of State Highway No. 200, and South of the South line of Government Lot 1 of said Section 31 and South of the South line of the Northeast quarter of the Northeast quarter of said Section 36;

LESS that land included in the Plat of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho.

ALSO LESS a parcel of land in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence North  $52^{\circ} 11'33''$  West 953.40 feet (record per Instrument No. 457973 = North  $54^{\circ} 29'10''$  West, 1010.58 feet) to a point on the Northerly right of way of State Highway No. 200 and the true point of beginning;

Thence North  $01^{\circ} 19'29''$  West, 244.70 feet (record per Instrument No. 457973 = North  $01^{\circ} 07'07''$  East, 244.28 feet);

Thence South  $88^{\circ} 04'08''$  West, 348.50 feet (record per Instrument No. 457973 = South  $87^{\circ} 52'03''$  West, 348.49 feet)

Thence South  $01^{\circ} 19'12''$  West, 250.00 feet (record per Instrument No. 457973 = South  $01^{\circ} 07'07''$  West, 250.00 feet) to the Northerly right of way of State Highway No. 200;

Thence along said right of way North  $80^{\circ} 34'19''$  East 66.04 feet (record per Instrument No. 457973 = North  $79^{\circ} 46'41''$  East, 66.62 feet);

Thence on a curve to the right having a central angle of  $05^{\circ} 47'35''$  and a radius of 2803.37 feet, for an arc distance of 283.45 feet (record per Instrument No. 457973 = a central angle of  $05^{\circ} 47'02''$  and an arc length of 282.99 feet) to the true point of beginning.

LESS a tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the North line of said Government Lot 2 and an existing fence line marking the right of way of an old County Road, said point being South  $89^{\circ} 06'38''$  East, 398.07 feet from the Northwest corner of Government Lot 2 (record = 361.00 feet);

Thence along said fence line as noted of record per Instrument No. 217765 on a curve to the left (radial bearing = North 62° 13' 42" East) having a central angle of 19° 17' 35" and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = South 37° 25' 05" East, 217.95 feet);

Thence continuing along said fence line, South 47° 03' 53" East, 43.24 feet;

Thence North 89° 06' 38" West, 12.33 feet;

Thence continuing along the fence line, South 59° 55' 24" East, 65.99 feet to an iron pipe as described in Instrument No. 217765;

Thence along the fence line, South 70° 07' 45" East, 262.49 feet to an iron pipe as described in Instrument No. 217765 (record = South 70° 18' 00" East 262.00 feet);

Thence South 54° 48' 04" East, 67.00 feet;

Thence North 40° 08' 56" East, 168.45 feet to the right bank of Pack River (record = 200.00 feet to the thread of Pack River);

Thence North 40° 08' 56" East to the intersection with the thread of Pack River;

Thence Northerly and upstream along the thread line of Pack River to the intersection with the North line of Government Lot 2 of said Section 31;

Thence South 89° 06' 38" East, along said North line to the true point of beginning.

LESS any part of the above described property lying North and East of Pack River.

LESS a tract of land in Government Lots 1 and 2 of Section 31, Township 58 North, Range 1 East and the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Mary's Pack River Lots and all that property dedicated to the public for right of way as shown and recorded in Instrument No. 699091, records of Bonner County, Idaho.

PARCEL 2:

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at a point that is North 80 degrees 05' 57" East, a distance of 386.02 feet from the South quarter corner of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old Country Road;

thence South 5 degrees 14' 00" East along said East right of way of the old country road, a distance of 171.80 feet;

thence continuing South 14 degrees 35' 50" East along said East right of way, a distance of 254.70 feet to an intersection with the North right of way of Old Highway No. 200 (FAP No. 95F);

thence North 72 degrees 38' 24" East along said North right of way, a distance of 372.40 feet;

thence continuing along said North right of way, North 72 degrees 58' 35" East, a distance of 336.00 feet to an intersection with the West high bank of Dry Creek;

thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to an intersection with the South right of way of said State Highway No. 200;

thence Westerly along said South right of way the following six (6) courses:

- 1) Around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (the chord of which bears South 88 degrees 02' 31" West, a distance of 48.43 feet);
- 2) North 79 degrees 07' 52" West, 100.50 feet;
- 3) Around a curve to the left with a radius of 2668.37 feet, a distance of 247.30 feet (the chord of which bears South 82 degrees 54' 00" West, a distance of 247.24 feet) to a P.S.C.;
- 4) Along a spiral curve (S=2 degrees 12.3'), a distance of 207.68 feet (the chord of which bears South 70 degrees 27' 12" West, a distance of 207.67 feet) to a P.S.;
- 5) South 69 degrees 43' 21" West, 328.60 feet;
- 6) South 61 degrees 11' 30" West, 119.79 feet to the point of beginning.

AND TOGETHER WITH any portion of the old Highway right of way abandonment, described in that certain Quit Claim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

**PARCEL 3:**

A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonaer County, Idaho, being that property described in Instrument No. 484825 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section, North 00° 07'21" East, 118.03 feet;

Thence in a Southeasterly direction on a curve to the right (radial bearing = South 50° 01'02" West) having a central angle of 12° 44'09" and a radius of 233.31 feet, for an arc distance of 51.86 feet (chord = South 33° 36'53" East, 51.76 feet);

Thence South 27° 14'49" East, 79.53 feet;

Thence on a curve to the left (radial bearing = North 62° 45'11" East) having a central angle of 00° 31'29" (record = 00° 31'25") and a radius of 650.32 feet for an arc distance of 5.95 (record = 5.94 feet) feet (chord = South 27° 30'31" East, 5.95 feet), to the South line of Government Lot 1;

Thence along said South line North 89° 06'38" West (record = North 89° 06'55" West), 68.07 feet to the true point of beginning.

**PARCEL 4:**



A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section North 00° 07'21" East, 118.03 feet;

Thence on a curve to the left (radial bearing = South 50° 01'02" West) having a central angle of 04° 01'30" and a radius of 233.31 feet, for an arc distance of 16.39 feet (chord = North 41° 59'43" West 16.39 feet)

Thence North 44° 00'28" West 23.17 feet to the Southeasterly right of way of the Lower Pack River Road;

Thence along said right of way on a curve to the right (radial bearing = North 53° 09'38" West) having a central angle of 12° 32'30" and a radius of 275.00 feet, for an arc distance of 60.20 feet (chord = South 43° 06'37" West, 60.08 feet);

Thence leaving said right of way, South 44° 00'28" East, 20.15 feet;

Thence on a curve to the right having a central angle of 16° 45'40" and a radius of 173.31 feet, for an arc distance of 50.70 feet (chord = South 35° 37'39" East 50.52 feet);

Thence South 27° 14'49" East, 53.38 feet to the true point of beginning

PARCEL 5:

A tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the West line of said Government Lot 2 (West line of Section 31) which is South 00° 07'21" West, 200.00 feet from the Northwest corner of said Government Lot 2;

Thence parallel to the North line of Government Lot 2, South 89° 06'38" East (record = South 89° 06'55" East) 562.61 feet (record = 562.58 feet);

Thence North 47° 03'53" West, 43.24 feet (record = 43.21 feet);

Thence on a curve to the right having a central angle of 19° 17'35" (record = 19° 17'39") and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = North 37° 25'03" West 271.95 feet) to the North line of Government Lot 2;

Thence along said North line North 89° 06'38" West (record = North 89° 06'55" West) 68.07 feet;

Thence South 27° 14'49" East 26.15 feet;

Thence on a curve to the left having a central angle of 09° 49'00" and a radius of 710.32 feet, for an arc distance of 121.70 feet (chord = South 32° 09'19" East, 121.55 feet);

Thence South 80° 25'01" West 412.81 feet (record = South 80° 24'50" West 412.82 feet) to the point of beginning.

EXCEPTING from Parcels 1, 3, 4 and 5, the following two tracts:

Any portion encompassed by the Plat of GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

AND any portion encompassed by the Plat of GOLDEN TEE ESTATES FIRST ADDITION,(PHASE TWO) according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

PARCEL 6:

Lot 2, Block 3 in GOLDEN TEES ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 7:

All private roads in GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 8:

All private roads in GOLDEN TEES ESTATES FIRST ADDITION (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

EXCEPTING from Parcels 1,2,3,4,5,6,7 and 8 any portion lying within the bounds of the following plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77.

PARCEL 9:

Lots 14, 15, 16, 17, 19, 20 and 21, Block 2; All of Block 5A; Lot 4, Block 7; Lots 1A, Block 11; Lots 1A, 2A and 3A Block 12; Lot 13A, Block 13; Lot 1, Block 14A; Lots 1 & 2, Block 15; Lots 1 and 2, Block 17; all of Block 18; Lots 1 and 2, Block 19; Lots 2, 3, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Block 20; Lots 1, 3 and 4 Block 21; Lots 1, 2, 4, 5 and 6, Block 22 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 10:

Lot 5A, Block 4, of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 11:

All of Block 16 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 12:

Lot 1A Block 10 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 13:

Lot 1, Block 20 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

SECTION B:

PARCEL 1:

Lot 1 in Block 1 of the FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof, recorded in Book 4 of Plats, page 161, records of Bonner County, Idaho.

PARCEL 2:

Lots 2, 3, 4, 5 in Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

PARCEL 3:

A tract of land in the East half of the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the East half of the Northeast quarter of the Southwest quarter of said Section 36;

Thence along the South line of the East half of the Northeast quarter of the Southwest quarter, North 89° 36'27" West, 661.51 feet (record = North 89° 37'10" West, 661.57 feet to the Southwest corner of the East half of the Northeast quarter of the Southwest quarter;

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10'22" East 856.45 feet (record = North 00° 09'25" East, 856.45 feet);

Thence North 89° 10'53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

Thence Southeasterly along said right of way the following six (6) courses:

1. on a non tangential curve to the left (radial bearing = North 87° 39'13" East) having a central angle of 36° 44'06" and a radius of 131.00 feet for an arc distance of 83.99 feet (record = 84.54 feet) (chord = South 20° 42'50" East, 82.56 feet - record = South 20° 37'27" East, 83.08 feet);
2. thence South 39° 04'53" East, 419.67 feet (record = South 39° 06'45" East, 419.68 feet);
3. thence on a curve to the left having a central angle of 11° 42'45" and a radius of 530.00 feet for an arc distance of 108.34 feet (chord = South 44° 56'16" East, 108.15 feet - record = South 44° 58'08" East, 108.16 feet);
4. thence South 50° 47'39" East, 69.68 feet (record = South 50° 49'31" East, 69.68 feet);
5. thence on a curve to the right having a central angle of 23° 42'51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56'14" East, 398.61 feet - record = South 38° 58'05" East 398.61 feet);
6. thence South 27° 04'48" East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South 27° 06'40" East, 30.77 feet);

thence leaving said right of way North 89° 36'03" West, 60.37 feet (record = North 89° 37'09" West, 59.55 feet) to the point of beginning.

**PARCEL 4:**

A tract of land located in a portion of the Southwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36;

Thence South 89° 36'03" East 60.37 feet (record = South 89° 37'09" East, 59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes);

Thence along said right of way for the following four (4) courses:

1. South 27° 04'48" East, 299.95 feet (record = South 27° 06'40" East, 300.83 feet);
2. North 62° 55'12" East, 60.00 feet (record = North 62° 53'20" East, 60.00 feet);
3. North 27° 04'48" West, 125.34 feet (record = North 27° 06'40" West, 125.34 feet);
4. thence on a curve to the right having a central angle of 79° 01'27" and a radius of 25.00 feet, for an arc distance of 34.48 feet (chord = North 12° 25'55" East, 31.81 feet - record = North 12° 24'03" East, 31.81 feet) to a point on the Southerly right of way of Fairway View Drive, as shown on the Plat of First Addition to Hidden Lakes;

thence along said right of way for the following eight (8) courses:

1. North 51° 56'39" East, 74.67 feet (record = North 51° 54'47" East, 74.67 feet);
2. thence on a curve to the right having a central angle of 99° 26'33" and a radius of 70.00 feet, for an arc distance of 121.49 feet (chord = South 78° 20'05" East, 106.81 feet - record = South 78° 21'57" East, 106.81 feet);
3. thence South 28° 36'48" East, 154.03 feet (record = South 28° 38'40" East, 154.03 feet);
4. thence on a curve to the right having a central angle of 55° 41'27" and a radius of 90.00 feet for an arc distance of 87.48 feet (chord = South 00° 46'05" East, 84.08 feet - record = South 00° 47'56" East, 84.08 feet);
5. thence South 27° 04'39" West, 170.14 feet;
6. thence on a curve to the right having a central angle of 71° 37'11" and a radius of 60.0 feet, for an arc distance of 75.00 feet (chord = South 08° 43'57" East, 70.21 feet);
7. thence South 44° 32'32" East, 50.94 feet;
8. thence on a curve to the right having a central angle of 69° 10'16" and a radius of 25.00 feet, for an arc distance of 30.18 feet (chord = South 09° 57'24" East, 28.38 feet - record = South 11° 23'51" East, 30.18 feet) to a point on the West right of way of Lower Paek River Road;

thence Southerly along said right of way for the following four (4) courses:

1. on a non tangential curve to the right having a central angle of 04° 15'19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30'38" West, 87.67 feet);
2. thence South 20° 22'44" West, 114.57 feet;

3. thence on a curve to the left having a central angle of  $22^{\circ} 29' 50''$  and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South  $09^{\circ} 07' 49''$  West, 196.10 feet)

4. thence South  $02^{\circ} 07' 06''$  East, 157.81 feet to the Northerly right of way of State Highway No. 200;

thence along the highway right of way, South  $77^{\circ} 42' 28''$  West, 72.14 feet (record = South  $78^{\circ} 15' 06''$  West, 71.11 feet);

thence continuing along the Highway right of way, South  $69^{\circ} 44' 57''$  West, 262.22 feet (record = South  $69^{\circ} 43' 16''$  West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36;

thence along the West line of the Southwest quarter of the Southeast quarter, North  $00^{\circ} 08' 19''$  East, 1223.36 feet (record = North  $00^{\circ} 07' 13''$  East, 1223.17 feet) to the point of beginning.

**PARCEL 5:**

That portion of the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying West of the Lower Pack River Road,

EXCEPT the First Addition to Hidden Lakes Subdivision, according to the plat thereof, recorded in Book 4 of Plats, Page 161, record of Bonner County, Idaho.

**SECTION C:**

**PARCEL 1:**

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200; and all that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200;

LESS the following described property:

A tract of land in the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 92981, records of Bonner County, Idaho and more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence along the East line of Section 36, North  $00^{\circ} 08' 06''$  East, 460.00 feet;

Thence perpendicular to the East line of the Section, North  $89^{\circ} 51' 54''$  West, 568.00 feet to the true point of beginning;

Thence South  $47^{\circ} 08' 06''$  West, 250.00 feet;

Thence South  $42^{\circ} 51' 54''$  East, 348.50 feet;

Thence North  $47^{\circ} 48' 06''$  East, 250.00 feet;

Thence North  $42^{\circ} 51' 54''$  West, 348.50 feet to the true point of beginning.

AND

All that portion of Government Lots 2, 3, 4, 5, 6, 7, 8 and 9; the Southwest quarter of the Northeast quarter; and the South half of the Northwest quarter of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying South of State Highway No. 200 and lying North and East of the Northern Pacific Railroad (now Montana Rail Link) right of way.

LESS that portion of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being that property described in Instrument No. 592059 and more particularly described as follows:

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54' 43" West, 798.00 feet (record = North 26° 28' 08" West, 798.11 feet;

Thence along the South right of way of the Highway, North 68° 35' 39" East, 266.10 feet;

Thence continuing along the Highway right of way, on a curve to the e left (radial bearing = North 14° 03' 28" West) having a central angle of 00° 08' 55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52' 05" East, 15.03 feet - total distance along right of way from point of beginning = 281.13 feet - record = 281.13 feet);

thence leaving said right of way South 00° 04' 10" West, 725.53 feet;

Thence North 89° 14' 40" West, 330.00 feet;

Thence North 00° 03' 25" West 607.20 feet, to the Southerly right of way of State Highway No. 200;

Thence along said right of way North 79° 11' 55" East, 70.38 feet to the true point of beginning.

LESS a tract of land located in Section 36, Township 58 North, Range 1 West and Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being a portion of that property described in Instrument No. 464572 and more particularly described as follows:

Beginning at a point that is North 80° 05' 57" East 386.02 feet from the South quarter of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old County Road;

Thence South 05° 14' 00" East along the East right of way of the Old County Road, 171.80 feet;

Thence continuing South 14° 35' 50" East along said East right of way, 254.70 feet to the intersection with the North right of way of Old Highway 200 (FAP No. 95F);

Thence North 72° 38' 24" East along said North right of way, 372.40 feet;

Thence continuing along said North right of way, North 72° 58' 33" East, 336.00 feet to the intersection with the West high bank of Dry Creek;

Thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to the intersection with the South right of way of State Highway No. 200;

Thence Westerly along said South right of way the following six (6) courses:

1. around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (chord = South 88° 02' 31" West, 48.43 feet);
2. North 79° 07' 52" West, 100.50 feet;
3. around a curve to the left with a radius of 2668.37 feet for a distance of 247.30 feet (chord = South 82°

54'00" West, 247.24 feet);

4. along a spiral curve (South = 02° 12'18"), a distance of 207.68 feet (chord = South 70° 27'12" West, 207.67 feet);

5. South 69° 43'21" West, 328.60 feet;

6. South 61° 11'30" West, 119.79 feet to the point of beginning.

**TOGETHER WITH** any portion of the old highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, and lying within the bounds of the above described property.

**AND**

Government Lots 5, 9, 10 and 11; the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; and Government Lot 6, all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho.

**LESS** that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows:

Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho;

Thence South 1669.70 feet to Pack River and the True Point of Beginning;

Thence South 66° 47' West, 203 feet;

Thence South 69° 54' West 165.3 feet;

Thence South 79° 56' West, 242.5 feet;

Thence South 01° 11' East, 146 feet;

Thence South 25° 18' East, 118.20 feet;

Thence South 54° 29' East, 137.2 feet;

Thence South 68° 10' East, 267.1 feet;

Thence North 535.6 feet to a point 1669.7 feet South of the North quarter corner of Section 6.

**LESS** a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows:

Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03'21" East, 2460.29 feet from the Northwest corner of said Section 6 (record = South 55° 14' East, 2451.3);

Thence South 14° 53'00" East, 223.22 feet (record);

Thence South 04° 43'00" East, 640.00 feet (record);

Thence South 39° 48'00" East, 430.00 feet (record);

Thence South 30° 28'00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

TOGETHER WITH any portion of the Old Highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

EXCEPTING therefrom all of the above described properties, any portion lying within the bounds of the following Plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77,

Golden Tee Estates- 2nd Addition, recorded in Book 8 of Plats, Page 79

Golden Tee Estates - 3rd Addition, recorded in Book 8 of Plats, Page 78,

Golden Tee Estates - 4th Addition, recorded in Book 8 of Plats, Page 80,

Golden Tee Estates - 5th Addition, recorded in Book 8 of Plats, Page 81 and Golden Tee Estates- 6th, recorded in Book 8 of Plats, Page 82

**PARCEL 2:**

Lots 1, 2, 4, 5, 6, 7, 8, 9 and 10, Block 1; Lots 1,2, 3, 4, 5, 7, 8, 9 and 10, Block 2; Lots 1, 2, 3, 6, and 10, Block 3 of Golden Tee Estates 2nd Addition according to the Plat thereof, recorded in Book 8 of Plats, Page 79, records of Bonner County, Idaho and

Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 Block 1; Lot 1, Block 2; Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, Block 4; Lots 1, 2, 7 and 8, Block 5; Lots 1, 2, 3, and 4, Block 6; Lots 3, 5, 6 and 10, Block 7; Lots 1, 2, 4, 5 and 6 Block 8; Lots 2, 3, 4 and 5, Block 9; Lots 6, and 8, Block 10; Lot 2 Block 11 of Golden Tee Estates 3rd Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 78, records of Bonner County, Idaho.

**AND**

Lots 1, 2, 3, 5, 6, 7 and 8, Block 1; Lots 2, and 5, Block 2; Lots 1, 2 and 3, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 4; Lots 1, 4, 5, 6 and 7, Block 5 of Golden Tee Estates 4th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 80, records of Bonner County, Idaho.

**AND**

Lots 1, 4, 5, 6, 7, 8 and 9, Block 1; Lots 1, 3, 5, 6, 7, 8, 9, 10 and 11, Block 2 of Golden Tee Estates 5th Addition, according to the Plat thereof, recorded in book 8 of Plats, Page 81 records of Bonner County, Idaho.

**AND**

Lots 2, 6, 7 and 8, block 1; Lots 1, 2, 3, 4 and 5, Block 2; Lot 1, Block 3; Lots 1, 2, 3, 4 and 5, Block 4; Lot 1, Block 5 of Golden Tee Estates 6th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 82, records of Bonner County, Idaho.

**SECTION D:**

**PARCEL 1:**



That portion of the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East, Boise Meridian, lying West of the State Highway No. 200 right of way and East of the Northern Pacific Railway right of way; and lying North of the North line of the following described tract:

Beginning at a point where the Section line between Sections 16 and 21, Township 57 North, Range 1 West, Boise Meridian, intersects the State Highway on the Westerly side as it now exists;

thence in a Northwesterly direction along the Westerly side of said Highway, 752 feet;

thence in a Southwesterly direction, 97 feet;

thence in a Southeasterly direction, 672 feet to the Section line between Sections 16 and 21;

thence East on said Section line between said Sections 16 and 21, 104.25 feet, more or less, to the place of beginning.

SAID parcel is now described as follows:

A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, lying Southwest of the right of way of State Highway No. 200 and Northeast of the right of way of Montana Rail Link Railway; being a portion of that property described as Parcel 1 of Instrument No. 168846 and more particularly described as follows:

Commencing at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Northeasterly right of way of Montana Rail Link Railway which is South  $88^{\circ} 10' 56''$  East, 944.95 feet from the Southwest corner of Section 16;

Thence leaving said South line and along said right of way North  $23^{\circ} 38' 59''$  West, 672.00 feet to the true point of beginning;

Thence continuing along said right of way North  $23^{\circ} 38' 59''$  West, 786.99 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;

Thence leaving said right of way and along said North line South  $88^{\circ} 43' 23''$  East, 241.38 feet to the Westerly right of way of State Highway No. 200;

Thence leaving said North line and along said right of way the following four (4) courses:

on a non-tangential curve to the right having a central angle of  $01^{\circ} 19' 25''$  (radial bearing = South  $73^{\circ} 15' 16''$  West), a radius of 768.50 feet, for an arc length of 17.75 feet (chord = South  $16^{\circ} 06' 41''$  East, 17.75 feet);

Thence along a line offset 50.00 feet Westerly of and parallel to a spiral curve (centerline  $l_s = 200$  feet,  $a = 3.5$ ,  $S = 7^{\circ}$ ) for a chord of South  $10^{\circ} 43' 01''$  East 193.87 feet);

Thence South  $08^{\circ} 25' 19''$  East, 86.06 feet;

Thence on a curve to the left having a central angle of  $13^{\circ} 56' 48''$ , a radius of 1482.53 feet, for an arc length of 360.87 feet (chord = South  $15^{\circ} 23' 43''$  East, 359.98 feet);

Thence leaving said right of way South  $44^{\circ} 37' 10''$  West, 106.45 feet (record = "Southwesterly 97 feet") to the true point of beginning.

#### PARCEL 2:

That part of the Southwest quarter of the Southwest quarter in Section 16, Township 57 North, Range 1 East of the Boise Meridian, lying South and West of the Burlington Northern Inc. Railway right of way and

Government Lot 5 in Section 17, Township 57 North, Range 1 East, of the Boise Meridian, save and excepting therefrom:

The South 350 feet of Government Lot 5 in said Section 17, and also that part of the Southwest quarter of the Southwest quarter in said Section 16 lying Westerly of said Burlington Northern Inc. right of way as now in use and described as follows:

Beginning at the Southwest corner of said Section 16;

thence North along the West Section line 350 feet;

thence East to the centerline of Trestle Creek;

thence Southeasterly along said centerline to the South line of Section 16;

thence West along the Section line 720 feet, more or less, to the point of beginning.

SAID parcel is now described as follows:

A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, lying Southwest of Montana Rail Link Railroad right of way and Government Lot 5 of Section 17, all in Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; being a portion of that property described as Parcel 2 of Instrument No. 168846 and more particularly described as follows:

Beginning at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Southwesterly right of way of Montana Rail Link Railway which is South  $88^{\circ} 10'56''$  East, 834.19 feet from the Southwest corner of Section 16;

Thence leaving said South line and along said right of way North  $23^{\circ} 38'59''$  West, 1457.84 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;

Thence leaving said right of way and along the North line of the Southwest quarter of the Southwest quarter, North  $88^{\circ} 43'23''$  West, 243.71 feet to the Northwest corner of the Southwest quarter of the Southwest quarter;

Thence along the North line of Government Lot 5 in Section 17, North  $89^{\circ} 23'45''$  West, 1223.84 feet to the meander line of Lake Pend Oreille, as defined by the original GLO Survey;

Thence leaving said North line and along said meander line the following two (2) course:

South  $52^{\circ} 55'48''$  East, 561.00 feet;

Thence South  $37^{\circ} 55'48''$  East, 798.96 feet to a point on a line lying 350.00 feet North of and parallel to the South line of the Southwest quarter of the Southwest quarter of Section 16;

Thence along said parallel line, South  $88^{\circ} 10'56''$  East, 281.27 feet to the West line of the said Southwest quarter of the Southwest quarter;

Thence continuing South  $88^{\circ} 10'56''$  East, 159.02 feet to the intersection with the centerline of Trestle Creek;

Thence along the centerline of Trestle Creek the following eight (8) courses:

South  $52^{\circ} 54'34''$  East, 63.58 feet;

Thence South  $44^{\circ} 37'26''$  East, 117.83 feet;

Thence South 42° 08'45" East, 77.28 feet;

Thence South 80° 05'07" East, 145.49 feet;

Thence South 55° 15'32" East, 86.34 feet;

Thence South 46° 56'31" East, 113.98 feet;

Thence South 75° 43'10" East, 58.83 feet;

Thence South 37° 48'28" East, 27.37 feet to the intersection with the South line of the Southwest quarter of the Southwest quarter;

Thence leaving said creek centerline and along said South line South 88° 10'56" East, 116.80 feet to the true point of beginning.

**PARCEL 3:**

A portion of the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at a point where the South line of the Northeast quarter of the Northwest quarter of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, intersects the West line of the Northern Pacific Railroad Company right of way;

thence 600 feet Northerly along said railroad right of way;

thence West to the meander line of lake;

thence 600 feet Southerly to the South line of Lot 1 of said Section 21;

thence East to the Point of Beginning.

SAID parcel is now described as follows:

A tract of land situated in the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the South line of the Northeast quarter of the Northwest quarter of Section 21 and the Westerly right of way of Montana Rail Link Railroad which is South 88° 55'48" East, 139.54 feet from the Southwest corner of said Northeast quarter of the Northwest quarter;

Thence leaving said South line and along said right of way the following two (2) courses:

On a non-tangential curve to the left having a central angle of 10° 44'25" (radial bearing = South 65° 01'49" West) a radius of 2664.79 feet, for an arc length of 499.53 feet (chord = North 30° 20'24" West, 498.80 feet);

Thence North 25° 10'12" West, 100.47 feet;

Thence leaving said right of way and parallel to the South line of Government Lot 1, North 88° 55'48" West, 936.05 feet to the meander line of Lake Pend Oreille as defined in the original GLO Survey;

Thence along said meander line the following two (2) courses:

South 14° 25'48" East, 271.54 feet;

**Thence South 46° 40' 48" East, 378.00 feet to the intersection with the South line of Government Lot 1;**

**Thence along said South line South line South 88° 55' 48" East, 748.52 feet to the Southeast corner of Government Lot 1;**

**Thence along the South line of the Northeast quarter of the Northwest quarter, South 88° 55' 48" East, 139.54 feet to the true point of beginning.**

Richard L. Stacey, ISB #6800  
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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,  
formerly known as  
NATIONAL GOLF BUILDERS, INC.,  
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER  
DEVELOPMENT, LLC,  
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**STIPULATION TO ENTRY OF  
JUDGMENT AGAINST  
PEND OREILLE BONNER  
DEVELOPMENT HOLDINGS, INC.**

Honorable Barbara A. Buchanan

VALIANT IDAHO, LLC,  
an Idaho limited liability company,

Third Party Plaintiff,

vs.

PEND OREILLE BONNER DEVELOPMENT  
HOLDINGS, INC., a Nevada corporation;  
BAR K, INC., a California corporation;  
TIMBERLINE INVESTMENTS LLC,  
an Idaho limited liability company;  
AMY KORENGUT, a married woman;  
HLT REAL ESTATE, LLC,  
an Idaho limited liability company;  
INDEPENDENT MORTGAGE LTD. CO.,  
an Idaho limited liability company;  
PANHANDLE MANAGEMENT  
INCORPORATED, an Idaho corporation;  
FREDERICK J. GRANT, an individual;  
CHRISTINE GRANT, an individual;  
RUSS CAPITAL GROUP, LLC,  
an Arizona limited liability company;  
MOUNTAIN WEST BANK, a division of  
GLACIER BANK, a Montana corporation;  
FIRST AMERICAN TITLE COMPANY,  
a California corporation;  
NETTA SOURCE LLC,  
a Missouri limited liability company;  
MONTAHEÑO INVESTMENTS, LLC,  
a Nevada limited liability company;  
CHARLES W. REEVES and  
ANN B. REEVES, husband and wife;  
and C. E. KRAMER CRANE &  
CONTRACTING, INC., an Idaho corporation,

Third Party Defendants.

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COMES NOW, Counterclaimant/Cross-Claimant/Cross-Defendant/Third Party Plaintiff Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. ("POBDH"), and hereby stipulate and agree as follows:

1 Valiant has recorded mortgages in the Bonner County Recorder's Office as Instrument Nos. 706471, 706472, 724829, 724834, 756394, 756395, 756396, 756397, 756398 and 756399 (collectively, "Mortgages"); Valiant has paid real property taxes assessed by Bonner County in the amount of \$1,665,855.14 and recorded a redemption deed in the Bonner County Recorder's Office as Instrument No. 851460 to evidence said payment ("Tax Payment"); and, Valiant, by virtue of the Mortgages and the Tax Payment, is entitled to a judgment to be entered by the above Court adjudicating that Valiant's interest(s) in and to the property legally described as:

see the legal description attached hereto as Exhibit A  
("Property")

are superior in right, title and interest to any interest claimed by POBDH.

2. The parties further stipulate and agree that each party is to bear its own attorneys' fees and costs with respect to Valiant's claims against POBDH

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DATED this 17<sup>th</sup> day of November 2014.

McCONNELL WAGNER SYKES & STACEY PLLC

  
By: Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

DATED this 17<sup>th</sup> day of November 2014.

PEND OREILLE BONNER DEVELOPMENT  
HOLDINGS, INC.

  
By: Charles W. Reeves, President



## CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on the 17<sup>th</sup> day of November 2014, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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With two copies via United States Mail to

Honorable Barbara A. Buchanan  
 Judge of the First Judicial District  
 Bonner County Courthouse  
 215 South First Avenue  
 Sandpoint, Idaho 83864



Richard L. Stacey

Escrow No. 49214-NA

**EXHIBIT "A"**  
**Legal Description**

The land referred to in this document is situated in the State of Idaho, County of Bonner, and is described as follows:

**SECTION A:**

**PARCEL 1:**

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

That portion of said Sections 36 and 31 lying East of Pack River Road, a county road, West of the Pack River, North of State Highway No. 200, and South of the South line of Government Lot 1 of said Section 31 and South of the South line of the Northeast quarter of the Northeast quarter of said Section 36;

LESS that land included in the Plat of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho.

ALSO LESS a parcel of land in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence North  $52^{\circ} 11'33''$  West 953.40 feet (record per Instrument No. 457973 = North  $54^{\circ} 29'10''$  West, 1010.58 feet) to a point on the Northerly right of way of State Highway No. 200 and the true point of beginning;

Thence North  $01^{\circ} 19'29''$  West, 244.70 feet (record per Instrument No. 457973 = North  $01^{\circ} 07'07''$  East, 244.28 feet);

Thence South  $88^{\circ} 04'08''$  West, 348.50 feet (record per Instrument No. 457973 = South  $87^{\circ} 52'03''$  West, 348.49 feet)

Thence South  $01^{\circ} 19'12''$  West, 250.00 feet (record per Instrument No. 457973 = South  $01^{\circ} 07'07''$  West, 250.00 feet) to the Northerly right of way of State Highway No. 200;

Thence along said right of way North  $80^{\circ} 34'19''$  East 66.04 feet (record per Instrument No. 457973 = North  $79^{\circ} 46'41''$  East, 66.62 feet);

Thence on a curve to the right having a central angle of  $05^{\circ} 47'35''$  and a radius of 2803.37 feet, for an arc distance of 283.45 feet (record per Instrument No. 457973 = a central angle of  $05^{\circ} 47'02''$  and an arc length of 282.99 feet) to the true point of beginning.

LESS a tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the North line of said Government Lot 2 and an existing fence line marking the right of way of an old County Road, said point being South  $89^{\circ} 06'38''$  East, 398.07 feet from the Northwest corner of Government Lot 2 (record = 361.00 feet);

Thence along said fence line as noted of record per Instrument No. 217765 on a curve to the left (radial bearing = North 62° 13'42" East) having a central angle of 19° 17'35" and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = South 37° 25'05" East, 217.95 feet);

Thence continuing along said fence line, South 47° 03'53" East, 43.24 feet;

Thence North 89° 06'38" West, 12.33 feet;

Thence continuing along the fence line, South 59° 55'24" East, 65.99 feet to an iron pipe as described in Instrument No. 217765;

Thence along the fence line, South 70° 07'45" East, 262.49 feet to an iron pipe as described in Instrument No. 217765 (record = South 70° 18'00" East 262.00 feet);

Thence South 54° 48'04" East, 67.00 feet;

Thence North 40° 08'56" East, 168.45 feet to the right bank of Pack River (record = 200.00 feet to the thread of Pack River);

Thence North 40° 08'56" East to the intersection with the thread of Pack River;

Thence Northerly and upstream along the thread line of Pack River to the intersection with the North line of Government Lot 2 of said Section 31;

Thence South 89° 06'38" East, along said North line to the true point of beginning.

LESS any part of the above described property lying North and East of Pack River.

LESS a tract of land in Government Lots 1 and 2 of Section 31, Township 58 North, Range 1 East and the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Mary's Pack River Lots and all that property dedicated to the public for right of way as shown and recorded in Instrument No. 699091, records of Bonner County, Idaho.

PARCEL 2:

A tract of land located in Section 36, Township 58 North, Range 1 West AND Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at a point that is North 80 degrees 05' 57" East, a distance of 386.02 feet from the South quarter corner of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old Country Road;

thence South 5 degrees 14' 00" East along said East right of way of the old country road, a distance of 171.80 feet;

thence continuing South 14 degrees 35' 50" East along said East right of way, a distance of 254.70 feet to an intersection with the North right of way of Old Highway No. 200 (FAP No. 95F);

thence North 72 degrees 38' 24" East along said North right of way, a distance of 372.40 feet;

thence continuing along said North right of way, North 72 degrees 58' 33" East, a distance of 336.00 feet to an intersection with the West high bank of Dry Creek;

thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to an intersection with the South right of way of said State Highway No. 200;

thence Westerly along said South right of way the following six (6) courses:

- 1) Around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (the chord of which bears South 88 degrees 02' 31" West, a distance of 48.43 feet);
- 2) North 79 degrees 07' 52" West, 100.50 feet;
- 3) Around a curve to the left with a radius of 2668.37 feet, a distance of 247.30 feet (the chord of which bears South 82 degrees 54' 00" West, a distance of 247.24 feet) to a P.S.C.;
- 4) Along a spiral curve ( $S=2$  degrees 12.3'), a distance of 207.68 feet (the chord of which bears South 70 degrees 27' 12" West, a distance of 207.67 feet) to a P.S.;
- 5) South 69 degrees 43' 21" West, 328.60 feet;
- 6) South 61 degrees 11' 30" West, 119.79 feet to the point of beginning.

AND TOGETHER WITH any portion of the old Highway right of way abandonment, described in that certain Quit Claim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

**PARCEL 3:**

A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 484825 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section, North 00° 07'21" East, 118.03 feet;

Thence in a Southeasterly direction on a curve to the right (radial bearing = South 50° 01'02" West) having a central angle of 12° 44'09" and a radius of 233.31 feet, for an arc distance of 51.86 feet (chord = South 33° 36'53" East, 51.76 feet);

Thence South 27° 14'49" East, 79.53 feet;

Thence on a curve to the left (radial bearing = North 62° 45'11" East) having a central angle of 00° 31'29" (record = 00° 31'25") and a radius of 650.32 feet for an arc distance of 5.95 (record = 5.94 feet) feet (chord = South 27° 30'31" East, 5.95 feet), to the South line of Government Lot 1;

Thence along said South line North 89° 06'38" West (record = North 89° 06'55" West), 68.07 feet to the true point of beginning.

**PARCEL4:**

A tract of land in Government Lot 1 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the South line of said Government Lot 1, which is South 89° 06'38" East (record = South 89° 06'55" East) 330.00 feet from the Southwest corner of Government Lot 1, marked by a brass cap stamped RLS 974;

Thence parallel to the West line of the Section North 00° 07'21" East, 118.03 feet;

Thence on a curve to the left (radial bearing = South 50° 01'02" West) having a central angle of 04° 01'30" and a radius of 233.31 feet, for an arc distance of 16.39 feet (chord = North 41° 59'43" West 16.39 feet)

Thence North 44° 00'28" West 23.17 feet to the Southeasterly right of way of the Lower Pack River Road;

Thence along said right of way on a curve to the right (radial bearing = North 53° 09'38" West) having a central angle of 12° 32'30" and a radius of 275.00 feet, for an arc distance of 60.20 feet (chord = South 43° 06'37" West, 60.08 feet);

Thence leaving said right of way, South 44° 00'28" East, 20.15 feet;

Thence on a curve to the right having a central angle of 15° 45'40" and a radius of 173.31 feet, for an arc distance of 50.70 feet (chord = South 35° 37'39" East 50.52 feet);

Thence South 27° 14'49" East, 53.38 feet to the true point of beginning

**PARCEL 5:**

A tract of land in Government Lot 2 of Section 31, Township 58 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 495753 and more particularly described as follows:

Beginning at a point on the West line of said Government Lot 2 (West line of Section 31) which is South 00° 07'21" West, 200.00 feet from the Northwest corner of said Government Lot 2;

Thence parallel to the North line of Government Lot 2, South 89° 06'38" East (record = South 89° 06'55" East) 562.61 feet (record = 562.58 feet);

Thence North 47° 03'53" West, 43.24 feet (record = 43.21 feet);

Thence on a curve to the right having a central angle of 19° 17'35" (record = 19° 17'39") and a radius of 650.32 feet, for an arc distance of 218.98 feet (chord = North 37° 25'03" West 271.95 feet) to the North line of Government Lot 2;

Thence along said North line North 89° 06'38" West (record = North 89° 06'55" West) 68.07 feet;

Thence South 27° 14'49" East 26.15 feet;

Thence on a curve to the left having a central angle of 09° 49'00" and a radius of 710.32 feet, for an arc distance of 121.70 feet (chord = South 32° 09'19" East, 121.55 feet);

Thence South 80° 25'01" West 412.81 feet (record = South 80° 24'50" West 412.82 feet) to the point of beginning.

EXCEPTING from Parcels 1, 3, 4 and 5, the following two tracts:

Any portion encompassed by the Plat of GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

AND any portion encompassed by the Plat of GOLDEN TEE ESTATES FIRST ADDITION,(PHASE TWO) according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

PARCEL 6:

Lot 2, Block 3 in GOLDEN TEES ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 7:

All private roads in GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, Page 108, records of Bonner County, Idaho.

PARCEL 8:

All private roads in GOLDEN TEES ESTATES FIRST ADDITION (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

EXCEPTING from Parcels 1,2,3,4,5,6,7 and 8 any portion lying within the bounds of the following plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77.

PARCEL 9:

Lots 14, 15, 16, 17, 19, 20 and 21, Block 2; All of Block 5A; Lot 4, Block 7; Lots 1A, Block 11; Lots 1A, 2A and 3A Block 12; Lot 13A, Block 13; Lot 1, Block 14A; Lots 1 & 2, Block 15; Lots 1 and 2, Block 17; all of Block 18; Lots 1 and 2, Block 19; Lots 2, 3, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Block 20; Lots 1, 3 and 4 Block 21; Lots 1, 2, 4, 5 and 6, Block 22 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 10:

Lot 5A, Block 4, of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 11:

All of Block 16 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the Plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 12:

Lot 1A Block 10 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

PARCEL 13:

Lot 1, Block 20 of the replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land according to the plat thereof, recorded in Book 8 of Plats, Page 77, records of Bonner County, Idaho.

**SECTION B:**

**PARCEL 1:**

Lot 1 in Block 1 of the FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof, recorded in Book 4 of Plats, page 161, records of Bonner County, Idaho.

**PARCEL 2:**

Lots 2, 3, 4, 5 in Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

**PARCEL 3:**

A tract of land in the East half of the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian. Bonner County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the East half of the Northeast quarter of the Southwest quarter of said Section 36;

Thence along the South line of the East half of the Northeast quarter of the Southwest quarter, North 89° 36'27" West, 661.51 feet (record = North 89° 37'10" West, 661.57 feet to the Southwest corner of the East half of the Northeast quarter of the Southwest quarter;

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10'22" East 856.45 feet (record = North 00° 09'25" East, 856.45 feet);

Thence North 89° 10'53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

Thence Southeasterly along said right of way the following six (6) courses:

1. on a non tangential curve to the left (radial bearing = North 87° 39'13" East) having a central angle of 36° 44'06" and a radius of 131.00 feet for an arc distance of 83.99 feet (record = 84.54 feet) (chord = South 20° 42'50" East, 82.56 feet - record = South 20° 37'27" East, 83.08 feet);

2. thence South 39° 04'53" East, 419.67 feet (record = South 39° 06'45" East, 419.68 feet);

3. thence on a curve to the left having a central angle of 11° 42'45" and a radius of 530.00 feet for an arc distance of 108.34 feet (chord = South 44° 56'16" East, 108.15 feet - record = South 44° 58'08" East, 108.16 feet);

4. thence South 50° 47'39" East, 69.68 feet (record = South 50° 49'31" East, 69.68 feet);

5. thence on a curve to the right having a central angle of 23° 42'51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56'14" East, 398.61 feet - record = South 38° 58'05" East 398.61 feet);

6. thence South 27° 04'48" East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South 27° 06'40" East, 30.77 feet);



thence leaving said right of way North 89° 36'03" West, 60.37 feet (record = North 89° 37'09" West, 59.55 feet) to the point of beginning.

**PARCEL 4:**

A tract of land located in a portion of the Southwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36;

Thence South 89° 36'03" East 60.37 feet (record = South 89° 37'09" East, 59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes);

Thence along said right of way for the following four (4) courses:

1. South 27° 04'48" East, 299.95 feet (record = South 27° 06'40" East, 300.83 feet);
2. North 62° 55'12" East, 60.00 feet (record = North 62° 53'20" East, 60.00 feet);
3. North 27° 04'48" West, 125.34 feet (record = North 27° 06'40" West, 125.34 feet);
4. thence on a curve to the right having a central angle of 79° 01'27" and a radius of 25.00 feet, for an arc distance of 34.48 feet (chord = North 12° 25'55" East, 31.81 feet - record = North 12° 24'03" East, 31.81 feet) to a point on the Southerly right of way of Fairway View Drive, as shown on the Plat of First Addition to Hidden Lakes;

thence along said right of way for the following eight (8) courses:

1. North 51° 56'39" East, 74.67 feet (record = North 51° 54'47" East, 74.67 feet);
2. thence on a curve to the right having a central angle of 99° 26'33" and a radius of 70.00 feet, for an arc distance of 121.49 feet (chord = South 78° 20'05" East, 106.81 feet - record = South 78° 21'57" East, 106.81 feet);
3. thence South 28° 36'48" East, 154.03 feet (record = South 28° 38'40" East, 154.03 feet);
4. thence on a curve to the right having a central angle of 55° 41'27" and a radius of 90.00 feet for an arc distance of 87.48 feet (chord = South 00° 46'05" East, 84.08 feet - record = South 00° 47'56" East, 84.08 feet);
5. thence South 27° 04'39" West, 170.14 feet;
6. thence on a curve to the right having a central angle of 71° 37'11" and a radius of 60.0 feet, for an arc distance of 75.00 feet (chord = South 08° 43'57" East, 70.21 feet);
7. thence South 44° 32'32" East, 50.94 feet;
8. thence on a curve to the right having a central angle of 69° 10'15" and a radius of 25.00 feet, for an arc distance of 30.18 feet (chord = South 09° 57'24" East, 28.38 feet - record = South 11° 23'51" East, 30.18 feet) to a point on the West right of way of Lower Pack River Road;

thence Southerly along said right of way for the following four (4) courses:

1. on a non tangential curve to the right having a central angle of 04° 15'19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30'38" West, 87.67 feet);
2. thence South 20° 22'44" West, 114.57 feet;

3. thence on a curve to the left having a central angle of 22° 29'50" and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South 09° 07'49" West, 196.10 feet)

4. thence South 02° 07'06" East, 157.81 feet to the Northerly right of way of State Highway No. 200;

thence along the highway right of way, South 77° 42'28" West, 72.14 feet (record = South 78° 15'06" West, 71.11 feet);

thence continuing along the Highway right of way, South 69° 44'57" West, 262.22 feet (record = South 69° 43'16" West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36;

thence along the West line of the Southwest quarter of the Southeast quarter, North 00° 08'19" East, 1223.36 feet (record = North 00° 07'13" East, 1223.17 feet) to the point of beginning.

PARCEL 5:

That portion of the Southeast quarter of the Northeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying West of the Lower Pack River Road,

EXCEPT the First Addition to Hidden Lakes Subdivision, according to the plat thereof, recorded in Book 4 of Plats, Page 161, record of Bonner County, Idaho.

SECTION C:

PARCEL 1:

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200; and all that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200;

LESS the following described property:

A tract of land in the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 92981, records of Bonner County, Idaho and more particularly described as follows:

Commencing at the Southeast corner of said Section 36;

Thence along the East line of Section 36, North 00° 08'06" East, 460.00 feet;

Thence perpendicular to the East line of the Section, North 89° 51'54" West, 568.00 feet to the true point of beginning;

Thence South 47° 08'06" West, 250.00 feet;

Thence South 42° 51'54" East, 348.50 feet;

Thence North 47° 48'06" East, 250.00 feet;

Thence North 42° 51'54" West, 348.50 feet to the true point of beginning.

AND

All that portion of Government Lots 2, 3, 4, 5, 6, 7, 8 and 9; the Southwest quarter of the Northeast quarter; and the South half of the Northwest quarter of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying South of State Highway No. 200 and lying North and East of the Northern Pacific Railroad (now Montana Rail Link) right of way.

LESS that portion of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being that property described in Instrument No. 592059 and more particularly described as follows:

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54'43" West, 798.00 feet (record = North 26° 28'08" West, 798.11 feet;

Thence along the South right of way of the Highway, North 68° 35'39" East, 266.10 feet;

Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03'28" West) having a central angle of 00° 08'55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52'05" East, 15.03 feet - total distance along right of way from point of beginning = 281.13 feet - record = 281.13 feet);

thence leaving said right of way South 00° 04'10" West, 725.53 feet;

Thence North 89° 14'40" West, 330.00 feet;

Thence North 00° 03'26" West 607.20 feet, to the Southerly right of way of State Highway No. 200;

Thence along said right of way North 79° 11'55" East, 70.38 feet to the true point of beginning.

LESS a tract of land located in Section 36, Township 58 North, Range 1 West and Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho; being a portion of that property described in Instrument No. 464572 and more particularly described as follows:

Beginning at a point that is North 80° 05'57" East 386.02 feet from the South quarter of said Section 36, said point also being at the intersection of the South right of way of State Highway No. 200 and the East right of way of the Old County Road;

Thence South 05° 14'00" East along the East right of way of the Old County Road, 171.80 feet;

Thence continuing South 14° 35'50" East along said East right of way, 254.70 feet to the intersection with the North right of way of Old Highway 200 (FAP No. 95F);

Thence North 72° 38'24" East along said North right of way, 372.40 feet;

Thence continuing along said North right of way, North 72° 58'33" East, 336.00 feet to the intersection with the West high bank of Dry Creek;

Thence Northeasterly along said West high bank, a distance of 578 feet, more or less, to the intersection with the South right of way of State Highway No. 200;

Thence Westerly along said South right of way the following six (6) courses:

1. around a curve to the left with a radius of 2643.37 feet, a distance of 48.44 feet (chord = South 88° 02'31" West, 48.43 feet);
2. North 79° 07'52" West, 100.50 feet;
3. around a curve to the left with a radius of 2668.37 feet for a distance of 247.30 feet (chord = South 82°

54'00" West, 247.24 feet);

4. along a spiral curve (South =  $02^{\circ} 12' 18''$ ), a distance of 207.68 feet (chord = South  $70^{\circ} 27' 12''$  West, 207.67 feet);

5. South  $69^{\circ} 43' 21''$  West, 328.60 feet;

6. South  $61^{\circ} 11' 30''$  West, 119.79 feet to the point of beginning.

TOGETHER WITH any portion of the old highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, and lying within the bounds of the above described property.

AND

Government Lots 5, 9, 10 and 11; the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; and Government Lot 6, all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows:

Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho;

Thence South 1569.70 feet to Pack River and the True Point of Beginning;

Thence South  $66^{\circ} 47'$  West, 203 feet;

Thence South  $69^{\circ} 54'$  West 165.3 feet;

Thence South  $79^{\circ} 56'$  West, 242.5 feet;

Thence South  $01^{\circ} 11'$  East, 146 feet;

Thence South  $25^{\circ} 18'$  East, 118.20 feet;

Thence South  $54^{\circ} 29'$  East, 137.2 feet;

Thence South  $68^{\circ} 10'$  East, 267.1 feet;

Thence North 535.6 feet to a point 1569.7 feet South of the North quarter corner of Section 6.

LESS a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows:

Beginning at a point on the Southerly right of way of State Highway No. 200 which is South  $55^{\circ} 03' 21''$  East, 2460.29 feet from the Northwest corner of said Section 6 (record = South  $55^{\circ} 14'$  East, 2451.3);

Thence South  $14^{\circ} 53' 00''$  East, 223.22 feet (record);

Thence South  $04^{\circ} 43' 00''$  East, 640.00 feet (record);

Thence South  $39^{\circ} 48' 00''$  East, 430.00 feet (record);

Thence South 30° 28'00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

TOGETHER WITH any portion of the Old Highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, as Instrument No. 696025 and recorded on January 11, 2006, lying within the bounds of the above described property

EXCEPTING therefrom all of the above described properties, any portion lying within the bounds of the following Plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, recorded in Book 8 of Plats, Page 77,

Golden Tee Estates- 2nd Addition, recorded in Book 8 of Plats, Page 79

Golden Tee Estates - 3rd Addition, recorded in Book 8 of Plats, Page 78,

Golden Tee Estates - 4th Addition, recorded in Book 8 of Plats, Page 80,

Golden Tee Estates - 5th Addition, recorded in Book 8 of Plats, Page 81 and Golden Tee Estates- 6th, recorded in Book 8 of Plats, Page 82

**PARCEL 2:**

Lots 1, 2, 4, 5, 6, 7, 8, 9 and 10, Block 1; Lots 1, 2, 3, 4, 5, 7, 8, 9 and 10, Block 2; Lots 1, 2, 3, 6, and 10, Block 3 of Golden Tee Estates 2nd Addition according to the Plat thereof, recorded in Book 8 of Plats, Page 79, records of Bonner County, Idaho and

Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 Block 1; Lot 1, Block 2; Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, Block 4; Lots 1, 2, 7 and 8, Block 5; Lots 1, 2, 3, and 4, Block 6; Lots 3, 5, 6 and 10, Block 7; Lots 1, 2, 4, 5 and 6 Block 8; Lots 2, 3, 4 and 5, Block 9; Lots 6, and 8, Block 10; Lot 2 Block 11 of Golden Tee Estates 3rd Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 78, records of Bonner County, Idaho.

**AND**

Lots 1, 2, 3, 5, 6, 7 and 8, Block 1; Lots 2, and 5, Block 2; Lots 1, 2 and 3, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 4; Lots 1, 4, 5, 6 and 7, Block 5 of Golden Tee Estates 4th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 80, records of Bonner County, Idaho.

**AND**

Lots 1, 4, 5, 6, 7, 8 and 9, Block 1; Lots 1, 3, 5, 6, 7, 8, 9, 10 and 11, Block 2 of Golden Tee Estates 5th Addition, according to the Plat thereof, recorded in book 8 of Plats, Page 81 records of Bonner County, Idaho.

**AND**

Lots 2, 6, 7 and 8, block 1; Lots 1, 2, 3, 4 and 5, Block 2; Lot 1, Block 3; Lots 1, 2, 3, 4 and 5, Block 4; Lot 1, Block 5 of Golden Tee Estates 6th Addition, according to the Plat thereof, recorded in Book 8 of Plats, Page 82, records of Bonner County, Idaho.

**SECTION D:**

**PARCEL 1:**

That portion of the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East, Boise Meridian, lying West of the State Highway No. 200 right of way and East of the Northern Pacific Railway right of way; and lying North of the North line of the following described tract:

Beginning at a point where the Section line between Sections 16 and 21, Township 57 North, Range 1 West, Boise Meridian, intersects the State Highway on the Westerly side as it now exists;

thence in a Northwesterly direction along the Westerly side of said Highway, 752 feet;

thence in a Southwesterly direction, 97 feet;

thence in a Southeasterly direction, 672 feet to the Section line between Sections 16 and 21;

thence East on said Section line between said Sections 16 and 21, 104.25 feet, more or less, to the place of beginning.

SAID parcel is now described as follows:

A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, lying Southwest of the right of way of State Highway No.200 and Northeast of the right of way of Montana Rail Link Railway; being a portion of that property described as Parcel 1 of Instrument No. 168846 and more particularly described as follows:

Commencing at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Northeasterly right of way of Montana Rail Link Railway which is South  $88^{\circ} 10'56''$  East, 944.95 feet from the Southwest corner of Section 16;

Thence leaving said South line and along said right of way North  $23^{\circ} 38'59''$  West, 672.00 feet to the true point of beginning;

Thence continuing along said right of way North  $23^{\circ} 38'59''$  West, 736.99 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;

Thence leaving said right of way and along said North line South  $88^{\circ} 43'23''$  East, 241.38 feet to the Westerly right of way of State Highway No. 200;

Thence leaving said North line and along said right of way the following four (4) courses:

on a non-tangential curve to the right having a central angle of  $01^{\circ} 19'25''$  (radial bearing = South  $73^{\circ} 15'16''$  West), a radius of 768.50 feet, for an arc length of 17.75 feet (chord = South  $16^{\circ} 06'41''$  East, 17.75 feet);

Thence along a line offset 50.00 feet Westerly of and parallel to a spiral curve (centerline  $ls = 200$  feet,  $a = 3.5$ ,  $S = 7^{\circ}$ ) for a chord of South  $10^{\circ} 43'01''$  East 193.87 feet);

Thence South  $08^{\circ} 25'19''$  East, 86.06 feet;

Thence on a curve to the left having a central angle of  $13^{\circ} 56'48''$ , a radius of 1482.53 feet, for an arc length of 360.87 feet (chord = South  $15^{\circ} 23'43''$  East, 359.98 feet);

Thence leaving said right of way South  $44^{\circ} 37'10''$  West, 106.45 feet (record = "Southwesterly 97 feet") to the true point of beginning.

**PARCEL 2:**

That part of the Southwest quarter of the Southwest quarter in Section 16, Township 57 North, Range 1 East of the Boise Meridian, lying South and West of the Burlington Northern Inc. Railway right of way and

**Government Lot 5 in Section 17, Township 57 North, Range 1 East, of the Boise Meridian, save and excepting therefrom:**

**The South 350 feet of Government Lot 5 in said Section 17, and also that part of the Southwest quarter of the Southwest quarter in said Section 16 lying Westerly of said Burlington Northern Inc. right of way as now in use and described as follows:**

**Beginning at the Southwest corner of said Section 16;**  
**thence North along the West Section line 350 feet;**  
**thence East to the centerline of Trestle Creek;**  
**thence Southeasterly along said centerline to the South line of Section 16;**  
**thence West along the Section line 720 feet, more or less, to the point of beginning.**

**SAID parcel is now described as follows:**

**A tract of land situated in the Southwest quarter of the Southwest quarter of Section 16, lying Southwest of Montana Rail Link Railroad right of way and Government Lot 5 of Section 17, all in Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; being a portion of that property described as Parcel 2 of Instrument No. 168846 and more particularly described as follows:**

**Beginning at the intersection of the South line of the Southwest quarter of the Southwest quarter of Section 16 and the Southwesterly right of way of Montana Rail Link Railway which is South 88° 10'56" East, 834.19 feet from the Southwest corner of Section 16;**

**Thence leaving said South line and along said right of way North 23° 38'59" West, 1457.84 feet to the intersection with the North line of the Southwest quarter of the Southwest quarter;**

**Thence leaving said right of way and along the North line of the Southwest quarter of the Southwest quarter, North 88° 43'23" West, 243.71 feet to the Northwest corner of the Southwest quarter of the Southwest quarter;**

**Thence along the North line of Government Lot 5 in Section 17, North 89° 23'45" West, 1223.84 feet to the meander line of Lake Pend Oreille, as defined by the original GLO Survey;**

**Thence leaving said North line and along said meander line the following two (2) course:**

**South 52° 55'48" East, 561.00 feet;**

**Thence South 37° 55'48" East, 798.96 feet to a point on a line lying 350.00 feet North of and parallel to the South line of the Southwest quarter of the Southwest quarter of Section 16;**

**Thence along said parallel line, South 88° 10'56" East, 281.27 feet to the West line of the said Southwest quarter of the Southwest quarter;**

**Thence continuing South 88° 10'56" East, 159.02 feet to the intersection with the centerline of Trestle Creek;**

**Thence along the centerline of Trestle Creek the following eight (8) courses:**

**South 52° 54'34" East, 63.58 feet;**

**Thence South 44° 37'26" East, 117.83 feet;**

Thence South 42° 08'45" East, 77.28 feet;

Thence South 80° 05'07" East, 145.49 feet;

Thence South 55° 15'32" East, 86.34 feet;

Thence South 46° 56'31" East, 113.98 feet;

Thence South 75° 43'10" East, 58.83 feet;

Thence South 37° 48'28" East, 27.37 feet to the intersection with the South line of the Southwest quarter of the Southwest quarter;

Thence leaving said creek centerline and along said South line South 88° 10'56" East, 116.80 feet to the true point of beginning.

**PARCEL 3:**

A portion of the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at a point where the South line of the Northeast quarter of the Northwest quarter of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, intersects the West line of the Northern Pacific Railroad Company right of way;

thence 600 feet Northerly along said railroad right of way;

thence West to the meander line of lake;

thence 600 feet Southerly to the South line of Lot 1 of said Section 21;

thence East to the Point of Beginning.

SAID parcel is now described as follows:

A tract of land situated in the Northeast quarter of the Northwest quarter and Government Lot 1 of Section 21, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the intersection of the South line of the Northeast quarter of the Northwest quarter of Section 21 and the Westerly right of way of Montana Rail Link Railroad which is South 88° 55'48" East, 139.54 feet from the Southwest corner of said Northeast quarter of the Northwest quarter;

Thence leaving said South line and along said right of way the following two (2) courses:

On a non-tangential curve to the left having a central angle of 10° 44'25" (radial bearing = South 65° 01'49" West) a radius of 2664.79 feet, for an arc length of 499.53 feet (chord = North 30° 20'24" West, 498.80 feet);

Thence North 25° 10'12" West, 100.47 feet;

Thence leaving said right of way and parallel to the South line of Government Lot 1, North 88° 55'48" West, 936.05 feet to the meander line of Lake Pend Oreille as defined in the original GLO Survey;

Thence along said meander line the following two (2) courses:

South 14° 25'48" East, 271.54 feet;



**Thence South  $46^{\circ} 40' 48''$  East, 378.00 feet to the intersection with the South line of Government Lot 1;**

**Thence along said South line South line South  $88^{\circ} 55' 48''$  East, 748.52 feet to the Southeast corner of Government Lot 1;**

**Thence along the South line of the Northeast quarter of the Northwest quarter, South  $88^{\circ} 55' 48''$  East, 139.54 feet to the true point of beginning.**

**DOCUMENT REMOVED BY ORDER OF  
THE COURT**

**(Order Granting VP and NIR's Amended  
Objection to Lodged Record on Appeal, entered  
September 7, 2017)**

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THE COURT**

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CLERK DISTRICT COURT

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CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., )
formerly known as NATIONAL GOLF )
BUILDERS, INC., a Nevada corporation, )
Plaintiff, )
-vs- )
PEND OREILLE BONNER )
DEVELOPMENT, LLC, a Nevada limited )
liability company; etal., )
Defendants. )

CASE NO: CV-2009-0001810
ORDER SETTING TRIAL
AND PRETRIAL ORDER

- (1) TRIAL DATE. This matter is set for COURT TRIAL on the 24th day of August, 2015, AT THE HOUR OF 9:00 A.M., at the Bonner County Courthouse, Sandpoint, Idaho.
(2) PRE-TRIAL CONFERENCE. This matter is set for PRETRIAL CONFERENCE on the 22nd day of July, 2015, AT THE HOUR OF 10:00 A.M., at the Bonner County Courthouse, Sandpoint, Idaho. The participants should be prepared to address all the subjects set forth in I.R.C.P. 16(b)(1) and (2).
(3) CONTINUANCES. The trial date will be continued only under extraordinary circumstances, not with in the control of the parties and not foreseeable. Continuances will not be granted solely because all parties stipulate to a continuance. Any motion or stipulation to continue

shall clearly state the reasons for the requested continuance and shall include an acknowledgment and agreement signed by each party certifying that the Motion to Continue as been discussed with and agreed to by each party. All deadlines listed below shall apply to the trial setting first listed above.

- (4) **MOTIONS TO ADD NEW PARTIES OR AMEND PLEADINGS** shall be filed no later than 60 days after the date of this Order.
- (5) **DISCOVERY** must be served and completely responded to at least 60 days prior to trial. This includes supplementation of discovery responses required by I.R.C.P. 26(e), unless good cause is shown for late supplementation. Discovery requests must be responded to in a timely way as required by the I.R.C.P. The deadlines contained in this Order cannot be used as a basis or reason for failing to timely respond to or supplement properly served discovery, including requests for disclosure of witnesses and/or trial exhibits.
- (6) **DISCOVERY DISPUTES** will not be heard by the Court without the written certification required by I.R.C.P. 37(a) (2). Discovery motions shall not refer the Court to other documents in the file. For example, if the sufficiency of an answer to an interrogatory is in issue, the motion shall contain, verbatim, both the interrogatory and the allegedly insufficient answer.
- (7) **WITNESS DISCLOSURE**. Except as previously disclosed in responses to discovery requests, Plaintiff shall disclose all fact and expert witnesses no later than 120 days before trial. Defendants shall disclose their fact and expert witnesses no later than 90 days before trial. Rebuttal witnesses shall be disclosed no later than 60 days before trial. Expert witnesses shall be disclosed in the manner and with the specificity required by I.R.C.P. 26(b)(4)(A)(i). Any objection to the I.R.C.P. 26(b)(4)(A)(i) expert witness disclosure must be filed within 45 days of the disclosure or is deemed waived. Witnesses not disclosed in responses to discovery and/or as required herein will be excluded at trial, unless allowed by the Court in the interest of

justice.

- (8) **MOTIONS. DISPOSITIVE MOTIONS**, and responses thereto, shall comply in all respects with I.R.C.P. 56 and be filed no later than 90 days before trial. **ALL OTHER MOTIONS**, including any Motion in Limine, shall be filed and heard by the Court no later than 30 days before trial. The original of all Motions and supporting submissions shall be filed with the clerk of the court. **However, one (1) duplicate Judge's Copy of all Motions, and any opposition thereto, together with supporting memorandum, affidavits and documents, shall be submitted directly to the Court's chambers in Bonner County. All the duplicate copies must be stamped "Judge's Copy" to avoid confusion with the original pleading.** All other pleadings, notices, etc., should be filed with the Clerk without copies to the Court's chambers.
- (9) **STIPULATED MODIFICATIONS**. The parties may stipulate to the modification of the discovery, witness disclosure and motion deadlines stated herein **only** upon submission of a stipulation to the Court and a Court Order modifying the deadlines. No order modifying deadlines will be granted if it would result in a delay in the trial date, without a formal motion to vacate the trial, and good cause shown.
- (10) **TRIAL BRIEFS**. Trial briefs are encouraged but not required. If submitted, trial briefs should address substantive factual, legal and/or evidentiary issues the parties believe are likely to arise during the trial, with appropriate citation to authority. Any trial brief should be exchanged between the parties and submitted to the clerk of the court, and a duplicate Judge's Copy shall be submitted to the Court's chambers in Bonner County, no later than 7 days prior to trial.
- (11) **PRE-MARKED EXHIBITS, AND AN EXHIBIT LIST** shall be exchanged between the parties and filed with the Court no later than 14 days prior to trial. Each party shall also lodge



with the Court at chambers, a duplicate completed exhibit list plus one complete, duplicate marked set of that party's proposed exhibits for the Court's use during the trial. Unless otherwise ordered, Plaintiff shall identify exhibits beginning with the number "1" and the Defendant shall identify exhibits beginning with the letter "A." The Court will provide a template for the Exhibit List upon request.

**(12) WITNESS LISTS.** Witness lists shall be prepared and exchanged between parties and filed with the Clerk no later than 14 days prior to trial. Each party shall provide opposing parties with a list of the party's witnesses and shall provide the Court with two copies of each list of witnesses. Witnesses should be listed in the order they are anticipated to be called.

**(13) JURY INSTRUCTIONS.** Proposed jury instructions and verdict forms requested by any party shall be prepared in conformity with I.R.C.P. 51(a), except that they shall be filed with the Court and exchanged between the parties at least 7 days prior to trial. Except for good cause shown, proposed jury instructions should conform to the pattern Idaho Jury Instructions (IDJI) approved by the Idaho Supreme Court. In addition to submitting written proposed instructions that comply with Rule 51(a), the parties shall also submit both a clean version and a version with cited authority to the Court's Chambers, in Word format, at least 7 days prior to trial. Certain "stock" instructions need not be submitted. These will typically include IDJI 1.00, 1.01, 1.03, 1.03.1, 1.05, 1.09, 1.11, 1.13/1.13.1, 1.15.1, 1.17, 1.20.1, and 1.24.1. It is requested that the parties agree on the basic instruction giving the jury a short, plain statement of the claims, per IDJI 1.07.

**(14) MEDIATION.** Pursuant to I.R.C.P. 16(k)(4), **the parties are ORDERED to mediate this matter, and the mediation shall comply with I.R.C.P. 16(k).** Mediation must be held no later than 45 days prior to trial.

**(15) TRIAL PROCEDURES.** A total of **5** trial days have been reserved for this trial. Because

more than one case is set to begin on the designated trial date, upon completion of one trial another trial may begin. Due to this possibility, counsel, clients, and witnesses will need to be available during the entire week the trial is set. If the parties believe that more trial days will be required, the parties are ORDERED to notify the Court of this request no less than 60 days prior to trial. **On the first day of trial, counsel shall report to the Court's chambers at 8:30 a.m. for a brief status conference.** Unless otherwise ordered, or as modified during trial as necessary, trial days will begin at 9:00 a.m. and close at or about 5:00 p.m., with a one hour break for lunch.

(16) **HEARINGS OR CONFERENCES WITH THE COURT** All meetings, conferences, and/or hearings with the Court shall be scheduled in advance with the Court's Secretary by calling 208-255-1445. No hearing shall be noticed without contacting the Secretary.

(17) **ALTERNATE JUDGES**. Notice is hereby given, pursuant to I.R.C.P. 40(d)(1)(G), that an alternate judge may be assigned to preside over the trial of this case, if the current presiding judge is unavailable. The list of potential alternate judges is: Charles W. Hosack, John P. Luster, John T. Mitchell, Fred M. Gibler, Lansing Haynes, Rich Christensen, George Reinhardt, III, Benjamin Simpson, Jeff Brudie, Carl Kerrick, John Stegner, Michael Griffin, and Steve Verby. If the I.R.C.P. 40(d)(1) disqualification has not previously been exercised, failure to disqualify, without cause, any one of these alternate judges within ten (10) days of the date of this Order shall constitute a waiver of such right.

DATED this 20<sup>th</sup> day of November, 2014.



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BARBARA BUCHANAN  
District Judge

