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Vol. **34** 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

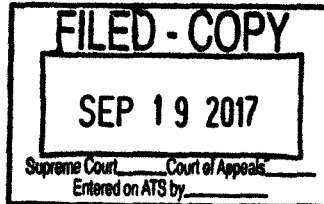
CLERK'S RECORD ON APPEAL

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

Richard L. Stacey
Jeff R. Sykes
Chad M. Nicholson
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Attorneys for Respondents

Gary A. Finney
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Attorney for Appellant JV

Daniel M. Keyes
Susan P. Weeks
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Attorneys for Appellants VP and North Idaho Resorts



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STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2015 NOV 27 P 3:16

CLERK DISTRICT COURT


DEPUTY

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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

VP INC'S EXPERT WITNESS
DISCLOSURE

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

COMES NOW VP, Inc. ("VP") by and through its attorneys of record, James, Vernon & Weeks, P.A., and pursuant to the Order Setting Trial and Pretrial Order entered September 3, 2015, makes the following disclosure of expert witnesses that VP may call to testify at the trial of this action:

1. Rick Lynskey, Title Officer, First American Title Company, 419 North Second Avenue, Sandpoint, ID 83864 (208) 263-6833. Mr. Lynskey was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the closing of the Pensco loan and the MF 08 loan documents and instructions related to the loan, and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

2. Casey Linscott, Escrow officer, First American Title Company, 419 North Second Avenue, Sandpoint, ID 83864 (208) 263-6833. Ms. Linscott was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the closing of the Pensco loan and the MF 08 loan documents and escrow instructions related to the loan, and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

3. Annette Brule, Mortgage Consultant, 1102 W. Mulberry Lane, Coeur d'Alene, ID, will identify all relevant loan documents related to two R.E. Loans loan numbers P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file; the MF '08 bankruptcy file; records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter, and is expected to testify regarding a wrap around mortgage, and the tracing of funds related to the loans based upon the documents reviewed. Ms. Brule is a mortgage consultant and has served in that capacity to several mortgage companies over the past five years. Ms. Brule also has been employed as a mortgage

broker, and has managed mortgage companies. Ms. Brule has no publication within the preceding ten years and has not testified as an expert in the previous four years.

4. Tom Williams, Sandpoint Title, Inc., 120 East Lake Street, Suite 202, Sandpoint Idaho 83864, (208) 263-2222. Mr. Williams was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the loan documents and escrow instructions related to the loans from R.E. Loans to North Idaho Resorts/VP, Inc. (P0094) and the loan to Pend Oreille Bonner Development (P0099) and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

DATED this 27th day of November, 2015.

JAMES, VERNON & WEEKS, P.A.

By Susan P. Weeks
Susan P. Weeks

CERTIFICATE OF SERVICE

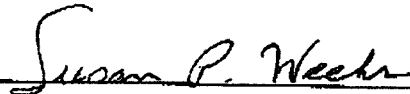
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- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile: 208-263-8211


Gary A. Finney
 FINNEY FINEY & FINNEY, PA
 120 E Lake St., Ste. 317
 Sandpoint, ID 83864

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile: 208-489-0110
- electronic mail:
lemieux@mwsslawyers.com

Richard Stacey
 Jeff Sykes
 McConnell Wagner Sykes & Stacey, PLLC
 827 E. Park Blvd., Ste. 201
 Boise, ID 83712



Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2015 NOV 27 P 3:16
CLERK DISTRICT COURT

DEPUTY

Attorneys for Defendants North Idaho Resorts, LLC and 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

VP INC'S LAY WITNESS DISCLOSURE

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


COMES NOW VP, Inc. ("VP") by and through its attorneys of record, James, Vernon & Weeks, P.A., and pursuant to the Order Setting Trial and Pretrial Order entered September 3, 2015, makes the following disclosure of lay witnesses that VP may call to testify at the trial of this action:

1. Richard Vilelli

2. Barney Ng
3. Jim Berry
4. Kathy Groenhout
5. Bonner County assessor
6. Cheryl Peihl, Bonner County Treasurer
7. Gary Edson, attorney for Bonner County Treasurer
8. Clare Marley, Bonner County Planning Director
9. Walter Ng
10. Kelly Ng
11. Bruce Horwitz
12. W. Farley Dakan
13. Susan Uecker
14. Dennis Faulner
15. Iain Macdonald
16. Anyone named in Valiant Idaho's list.

DATED this 27th day of November, 2015.

JAMES, VERNON & WEEKS, P.A.

By 
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 27th day of November, 2015:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile: 208-263-8211

Gary A. Finney
 FINNEY FINEY & FINNEY, PA
 120 E Lake St., Ste. 317
 Sandpoint, ID 83864

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile: 208-489-0110
- electronic mail:
lemieux@mwsslawyers.com

Richard Stacey
 Jeff Sykes
 McConnell Wagner Sykes & Stacey, PLLC
 827 E. Park Blvd., Ste. 201
 Boise, ID 83712

Susan P. Wechs

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2015 DEC -4 P 3:56
CLERK DISTRICT COURT
DEPUTY

Attorneys for Defendants North Idaho Resorts, LLC and 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

VP INC'S SUPPLEMENTAL EXPERT
WITNESS DISCLOSURE

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

COMES NOW VP, Inc. ("VP") by and through its attorneys of record, James, Vernon &
Weeks, P.A., and pursuant to the request of Valiant, supplements its retained expert witness
disclosure as follows:

3. Annette Brule, Mortgage Consultant, 1102 W. Mulberry Lane, Coeur d'Alene,
ID,

A. A statement of opinions to be expressed and the basis and reasons therefore.

Ms. Brulee is expected to testify to the following opinions:

1. Barney Ng had an affiliation with R.E. Loans, Bar-K, Inc. and his family had a relation with Mortgage Fund '08. Bar-K was the loan servicing agent for Mortgage Fund '08.
2. The all-inclusive trust deed, sometimes called a wrap mortgage, used by Mortgage Fund '08 was not typical because there was no subsequent purchaser who was buying the real property from the developer, and no reason to wrap the loans. An all inclusive deed of trust wraps an original loan together with a second mortgage that is carried by the seller to a new buyer. Under an All Inclusive Trust Deed, the buyer makes one large payment. The recipient of the payment, usually either the seller or a servicer that the seller designates, splits the payment up. Part of it goes to the lender on the original mortgage, and the rest goes back to the seller as the payment on the seller's second mortgage. A wrap around mortgage is typically a financing mechanism to allow a seller upon sale of the real property to a subsequent buyer to secure a subsequent deed of trust and shift the burden of paying the first deed of trust owed by the seller to the subsequent buyer.
3. The R. E. Loans loan documents for Loan No. P0099 had an acceleration clause which prohibited other financing on the property without payment of Loan No. P0099, so a wrap loan would have violated the terms of Loan No. P0099.
4. The loan closing statement for the Mortgage Fund '08 loan closing indicates compliance with the requirement that Loan No. P0099 be paid in full.

B. The data and other information considered by the witness in forming the opinions:

Said expert may consider: all loan documents related to two R.E. Loans loan numbers P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file; the MF '08 bankruptcy file; records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter.

C. Any exhibits to be used as a summary of or in support for the opinions.

Any and all documents produced in discovery, with expert disclosures and any and all deposition transcripts may be used by said expert as a summary of or in support for her opinions.

D. Any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years.

Ms. Brulee is currently a mortgage consultant and has served in that capacity to several mortgage companies over the past five years. Ms. Brule carries an Idaho Mortgage Origination License with the state of Idaho and the National Mortgage Licensing System. Ms. Brule worked in the real estate industry from 1976 to 1989, where she was a licensed residential/commercial realtor and a residential real broker. In 1989 through 1992, Ms. Brulee became an Idaho licensed mortgage broker, and served as a real estate associate broker and office manager for a mortgage brokerage. From 1992 to the present, Ms. Brule served as a loan originator. Additionally, Ms. Brule was a branch manager of a mortgage company from 1996 to 2000. From 2001 to 2004, she served as a Vice President and branch manager of a mortgage company.

Ms. Brule now serves as a mortgage consultant and has done so for the previous five years. Ms. Brule has no publications.

E. The compensation to be paid for the testimony.

Ms. Brule will bill for reasonable and ordinary cost of time to interview the plaintiffs, review records and/or to testify at a rate of \$100.00 per hour.

F. A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years:

None.

DATED this 4th day of December, 2015.

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 4th day of December, 2015:


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- Facsimile: 208-263-8211

Gary A. Finney
 FINNEY FINEY & FINNEY, PA
 120 E Lake St., Ste. 317
 Sandpoint, ID 83864

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lemieux@mwsslawyers.com

Richard Stacey
 Jeff Sykes
 McConnell Wagner Sykes & Stacey, PLLC
 827 E. Park Blvd., Ste. 201
 Boise, ID 83712



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 County of Bonner } 28
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Richard L. Stacey, ISB #6800
 Jeff R. Sykes, ISB #5058
 Chad M. Nicholson, ISB #7506
 McCONNELL WAGNER SYKES & STACEY PLLC
 827 East Park Boulevard, Suite 201
 Boise, Idaho 83712
 Telephone: 208.489.0100
 Facsimile: 208.489.0110
stacey@mwsslawyers.com
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.

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
 MOTION *IN LIMINE* RE:
 NORTH IDAHO RESORTS, LLC
 AND VP, INC.**

Honorable Barbara A. Buchanan

Hearing:
 December 29, 2015 – 11:00 a.m. PDST

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


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of December 2015, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail brucea@ejame.com
Gary 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 J.V., LLC</i>	<input checked="" 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 garyfinney@finneylaw.net
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 checked="" 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 sweeks@jvwlaw.net

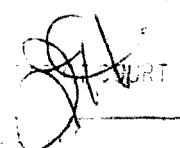
With two (2) copies via United States Mail to:

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



Chad M. Nicholson

Richard L. Stacey, ISB #6800
 Jeff R. Sykes, ISB #5058
 Chad M. Nicholson, ISB #7506
 McCONNELL WAGNER SYKES & STACEY PLLC
 827 East Park Boulevard, Suite 201
 Boise, Idaho 83712
 Telephone: 208.489.0100
 Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

CLERK OF DISTRICT COURT
 COUNTY OF BONNER
 DISTRICT COURT
 CLERK


Attorneys For Valiant Idaho, LLC

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**VALIANT IDAHO, LLC'S
 MOTION IN LIMINE RE: JV, L.L.C.**

Honorable Barbara A. Buchanan

Hearing:
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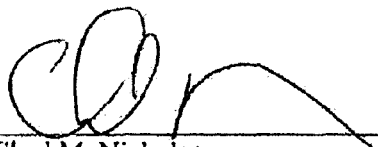
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827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
JAN 15 10 23 AM
CLEAR DISTRICT COURT
DEPUTY

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
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GENESIS GOLF BUILDERS, INC.,
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Case No. CV-09-1810

**MEMORANDUM IN SUPPORT OF
VALIANT IDAHO, LLC'S
MOTION *IN LIMINE* RE:
NORTH IDAHO RESORTS, LLC
AND VP, INC.**

Honorable Barbara A. Buchanan

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**MEMORANDUM IN SUPPORT OF VALIANT IDAHO, LLC'S
MOTION *IN LIMINE* RE: NORTH IDAHO RESORTS, LLC
AND VP, INC. - Page 1**

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COMES NOW, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and, submits this Memorandum in Support of Valiant Idaho, LLC’s Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc.

I. STANDARD OF REVIEW

A motion in limine is “[a] pretrial request that certain inadmissible evidence not be referred to or offered at trial.” BLACK’S LAW DICTIONARY 1038 (8th Ed. 2007). “Trial courts have broad discretion when ruling on a motion in limine[.]” *Cramer v. Slater*, 146 Idaho 868, 878, 208 P.3d 508, 518 (2009) quoting *Puckett v. Verska*, 144 Idaho 161, 167, 158 P.3d 937, 943 (2007). Such a motion “is a request for a protective order against prejudicial questions and statements, ..., the purpose of such motion being to avoid injection into trial matters which are irrelevant, inadmissible and prejudicial.” *State v. Wallmuller*, 125 Idaho 196, 198, 868 P.2d 524, 526 (Ct. App. 1994). Relevant evidence is any evidence “having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” I.R.E. 401. As a general rule, relevant evidence is admissible while irrelevant evidence is not. I.R.E. 402. However, even relevant “evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, ..., or by considerations of undue delay [or] waste of time[.]” I.R.E. 403. The determination of whether evidence is relevant is an issue of law. *State v. Tankovich*, 155 Idaho 221, 225, 307 P.3d 1247, 1251 (Ct. App. 2013).

A “court’s ruling on [a] motion [in limine] enables counsel on both sides to make strategic decisions before trial concerning the content and order of evidence to be presented.” *Davidson v. Beco Corp.*, 112 Idaho 560, 563, 733 P.2d 781 (Ct. App. 1986) (citation omitted).

**MEMORANDUM IN SUPPORT OF VALIANT IDAHO, LLC’S
MOTION *IN LIMINE* RE: NORTH IDAHO RESORTS, LLC
AND VP, INC. - Page 2**

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II. ARGUMENT

For the reasons set forth below, Valiant respectfully submits that Defendants North Idaho Resorts, LLC (“NIR”) and VP, Incorporated (“VP”) (collectively “Defendants”) should be precluded from presenting the following evidence: (1) evidence related to any issue other than whether the 2007 RE Loans Note (Loan No. P0099) and/or the Pensco Note (Loan No. P0106) have been satisfied¹ and (2) evidence that has not been produced in discovery. Valiant further requests that Annette Brule, identified by VP as a retained expert witness, be excluded from testifying and that NIR be precluded from preventing any expert testimony.

- A. *Since the Court has determined that a single issue remains for trial, whether the 2007 RE Loans Note and the Pensco Note have been satisfied, evidence on other issues is irrelevant and inadmissible.*

After hearing and ruling on multiple summary judgment motions and motions for reconsideration, the Court has determined that a single issue remains for trial: “whether the 2007 RE Loans Note (Loan No. P0099) and the Pensco Note (Loan No. P0106)^[2] have been satisfied.” Order at 18. As such, evidence is relevant and admissible only if it tends to demonstrate that these Notes are or are not satisfied. I.R.E. 401 & 402. In light of the extensive briefing and arguments provided to the Court and the Court’s equally extensive consideration of the issues in this case, Valiant should not be forced to present or defend against evidence regarding issues that have been resolved by the Court. Nor should the Court be required to sift through irrelevant evidence as it solves the single issue that remains for trial.

¹ As those loans are identified and defined in the Court’s Memorandum Decision and Order Re: Motions Heard on October 23, 2015 (“Order”), entered on October 30, 2015.

² The 2007 RE Loans Note and Pensco Note will be collectively referred to as the “Notes.”

B. Defendants should be precluded from introducing evidence not provided in discovery.

On January 26, 2015 Valiant served interrogatories and requests for production (collectively "First Discovery Requests") on Defendants. *Notice of Service of Discovery Requests Propounded by Valiant Idaho, LLC Upon North Idaho Resorts, LLC* and *Notice of Service of Discovery Requests Propounded by Valiant Idaho, LLC Upon VP, Incorporated*, filed on January 27, 2015. On September 24, 2015, nearly eight (8) months later, Defendants served answers and responses to the First Discovery Requests and produced documents Bates Nos. NIRVP100-1311. *Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motions in Limine ("Stacey Decl.")* at ¶ 2 and Exhibits A-D, attached thereto, filed herewith. On or about October 23, 2015, Defendants provided documents received in response to subpoenas served on First American Title Company and Sandpoint Title Company, Bates Nos. FATCO000001-FATCO001702 and STI000001-STI000407, respectively. *Stacey Decl.* at ¶ 3. The November 30, 2015 discovery deadline has past and Defendants have not supplemented their discovery responses with additional fact, information or documents. As such, Defendants should be precluded from seeking to introduce into evidence any facts, information or documents (1) not identified above, (2) not attached to an affidavit or declaration filed in this matter, (3) not previously disclosed in discovery and (4) not produced by another party in this matter.³

³ Valiant is not waiving its right to object to the admissibility of any document produced based on evidentiary grounds.

C. NIR should be precluded from introducing expert witness testimony.

NIR was obligated to provide expert witness disclosures in accordance with Rule 26(b)(4)(A)(1)(i). NIR has not identified expert witnesses it intends to call or provided a disclosure in compliance with Rule 26(b)(4)(A)(1)(i). As such, NIR should be precluded from introducing expert witness testimony at trial.

D. VP's retained expert witness, Annette Brule, should be excluded because VP's expert witness disclosure does not comply with Idaho Rule of Civil Procedure 26(b)(4)(A)(1)(i) or the Court's September 3, 2015 Order Setting Trial and Pretrial Order.

On September 3, 2015 the Court entered its Order Setting Trial and Pretrial Order ("Scheduling Order") which set the case management deadlines for this matter. Pursuant to the Scheduling Order, VP was required to disclose expert witnesses "in the manner and with the specificity required by I.R.C.P. 26(b)(4)(A)[(1)](i)" no later than 60 days prior to trial, *i.e.* November 30, 2015. *Scheduling Order* at p. 2, ¶ 7. The Scheduling Order advised VP that "[w]itnesses 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." *Id.* at pp. 2-3, ¶ 7.

On November 27, 2015, VP provided an expert witness disclosure ("Expert Disclosure") which identified one retained expert: Annette Brule. Ex. E to the *Stacey Decl.* In response to a "meet and confer" letter sent by Valiant, VP provided a supplemental expert witness disclosure ("Supp. Disclosure") for Ms. Brule on December 4, 2015. *Stacey Decl.* at ¶¶ 6-7 and Exs. F, G. The Supp. Disclosure states that Ms. Brule will testify to four (4) different "opinions." Ms. Brule should not be allowed to testify as an expert witness because neither VP's Expert Disclosure nor the Supp. Disclosure meet the requirements of Idaho Rule of Civil Procedure 26(b)(4)(A)(1)(i) (hereinafter "Rule 26").

For each retained expert, Rule 26 requires that the disclosing party provide the following information:

a complete statement of all opinions to be expressed and the basis and reasons therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

“A substantial policy consideration underlying the expert witness disclosure requirements of the rules of evidence is to provide each party with fair notice and an opportunity to prepare for trial.”

Aguilar v. Coonrod, 151 Idaho 642, 647-648, 262 P.3d 671, 676-677 (2011).

Testimony is deemed expert witness testimony if it is based on “scientific, technical or other specialized knowledge [that] will assist the trier of fact to understand the evidence or to determine a fact in issue[.]” I.R.E. 702. The purpose of such testimony is to provide the trier of fact with “testimony on subjects that are beyond the common sense, experience and education of the” trier of fact. *State v. Tankovich*, 155 Idaho 221, 227, 307 P.3d 1247, 1253 (Ct. App. 2013) citing *State v. Ellington*, 151 Idaho 53, 66, 253 P.3d 727, 740 (2011). As such, “expert testimony is inadmissible if it merely draws conclusions or opinions that the [trier of fact] is qualified to draw from the facts utilizing the [trier of fact]’s common sense and normal experience.” *Tankovich*, 155 Idaho at 227, 307 P.3d at 1253 citing *Ellington*, 151 Idaho at 66, 253 P.3d at 740.

“Typically, where the disclosure requirements of I.R.C.P. 26 are not met, an improperly disclosed expert will be excluded from testifying.” *Aguilar v. Coonrod*, 151 Idaho 642, 646, 262 P.3d 671, 675 (2011) citing *White v. Mock*, 140 Idaho 882, 888, 104 P.3d 356, 362 (2004).

**MEMORANDUM IN SUPPORT OF VALIANT IDAHO, LLC'S
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“The test of a report is whether it [is] sufficiently complete, detailed and in compliance with the Rules so that surprise is eliminated, unnecessary depositions are avoided, and costs are reduced.” *Reed v. Binder*, 165 F.R.D. 424, 429 (D.N.J. 1996). An expert report under Rule 26 “is intended to set forth the substance of the direct examination of the expert witness,” and must “disclose the data and other information considered by the expert.” Advisory Committee Notes to the 1993 Amendments to [Federal] Rule [of Civil Procedure] 26. To satisfy the Rule, “the report must provide the substantive rationale in detail with respect to the basis and reasons for the proffered opinions. It must explain factually why and how the witness has reached them.” *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 185 (D. Kan. 1997). “The purpose of the reports is to avoid the disclosure of ‘sketchy and vague’ expert information.” *Sierra Club v. Cedar Point Oil Co.*, 73 F.3d 546, 571 (5th Cir. 1996).

Dunkin’ Donuts, Inc. v. Patel, 174 F.Supp.2d 202, 211 (D.N.J. 2001) (construing F.R.C.P. 26(a)(2)(B)) (alterations in original).

VP’s Expert Disclosure and Supp. Disclosure, individually and collectively, fail to provide (1) a complete statement of all opinions to be expressed by Ms. Brule and the basis and reasons for such opinions, (2) the data or other information considered by Ms. Brule in forming her opinions, and (3) does not provide any exhibits to be used as a summary of or support for Ms. Brule’s opinions. Valiant is left to guess at what are in fact Ms. Brule’s opinions, the basis for such opinions and how she will illustrate and support her opinions at trial. As such, VP’s Expert Disclosure and Supp. Disclosure fails to comply with Rule 26 and Ms. Brule must be excluded as an expert or Valiant will be denied fair notice and an opportunity to prepare for trial.

1. *The Supp. Disclosure does not provide a complete statement of Ms. Brule’s opinions and the basis and reasons for her opinions.*

VP’s Expert Disclosure failed to provide any opinion to which Ms. Brule would testify. Instead, the Expert Disclosure identified subject areas on which Ms. Brule would testify. Ms. Brule was said to be “expected to testify regarding a wrap around mortgage, and the tracing

of funds related to the loans based on the documents reviewed.” Ex. E to the *Stacey Decl.* at p. 2, ¶ 3. The Supp. Disclosure purports to address this deficiency by providing four (4) “opinions” to which Ms. Brule will testify. *See Ex. G* to the *Stacey Decl.* As discussed below, the “opinions” disclosed by the Supp. Disclosure should be excluded because the opinions are not in fact expert witness opinion testimony, are irrelevant, are incomplete statements of the opinion to be offered and/or the basis and reasons for the opinions are not set forth.

a. First Opinion

Ms. Brule’s first opinion is represented to be that: “Barney Ng had an affiliation with R.E. Loans, Bar-K. and his family had a relation with Mortgage Fund ’08. Bar-K was the loan servicing agent for Mortgage Fund ’08.” (“1st Opinion”). Ex. G to the *Stacey Decl.* at p. 2, ¶ A.1.

Ms. Brule should not be allowed to testify to the 1st Opinion because these statements are irrelevant assertions of fact, not expert witness opinions. The Supp. Disclosure does not in any way demonstrate how these alleged affiliations are in any way related to, *i.e.* relevant to, satisfaction of the Notes. This “opinion” is a red-herring intended to distract the Court from the remaining issue in this case.

Mr. Ng has provided declaration testimony regarding his affiliation, or lack thereof, with R.E. Loans, Mortgage Fund ’08 and Bar-K, Inc. Presumably, Mr. Ng will provide similar testimony at trial. Determination of whether Mr. Ng had an affiliation with various entities is something the Court can decide based the factual evidence presented at trial. To testify concerning matters of fact a witness must have personal knowledge. I.R.E. 602. This is not a matter for expert testimony. As such, Ms. Brule’s 1st Opinion is not admissible expert witness testimony as

it is not based on scientific, technical or other specialized knowledge and will not assist the Court in understanding evidence or determining a fact in issue.

Even if the 1st Opinion is deemed expert opinion testimony, Ms. Brule should not be permitted to testify to this opinion because it is an incomplete opinion. The Supp. Disclosure fails to state what Ms. Brule's opinion is in regards to how or why this affiliation or relation tends to demonstrate that it is more or less probable that the Notes are or are not satisfied. The 1st Opinion does not assist the trier of fact, *i.e.* the Court, in understanding the evidence or to determine the issue that remains for trial. As such, the evidence is inadmissible under Rule 702. For these same reasons, the testimony is irrelevant and inadmissible under Rules 401 and 402.

Finally, if the 1st Opinion is deemed to be a complete statement of an expert witness opinion, Ms. Brule should not be permitted to testify to this opinion because the Supp. Disclosure fails to set forth the basis and reasons Ms. Brule has this opinion and therefore does not comply with Rule 26 or the Scheduling Order.

b. Second Opinion

Ms. Brule's second opinion is represented to be that: "The all-inclusive trust deed, sometimes called a wrap mortgage, used by Mortgage Fund '08 was not typical because there was no subsequent purchaser who was buying the real property from the developer, and no reason to wrap the loans." ("2nd Opinion"). Ex. G to the *Stacey Decl.* at p. 2, ¶ A.2. The Supp. Disclosure then sets forth a cursory explanation of what Ms. Brule opines is a "typical" wrap mortgage. *Id.*

This opinion is irrelevant. Whether or not the Mortgage Fund '08 loan was a typical wrap mortgage does not matter, *i.e.* is irrelevant, as the classification of the loan as typical or atypical does not make the satisfaction of the Notes more or less likely. What does matter, *i.e.* what is

relevant, is evidence demonstrating that R.E. Loans lent money and whether such money was repaid. The same is true with the Pensco Loan. VP's attempt to introduce testimony regarding whether the Mortgage Fund '08 loan was a typical wrap mortgage is another attempt to distract the Court from the single issue remaining in this case.

In addition to being wrong, the 2nd Opinion is not a complete statement of opinion. A complete opinion would explain Ms. Brule's opinion as to the characteristics of a typical wrap mortgage, the reasons why it is her opinion that the all-inclusive trust deed is an atypical wrap mortgage and, most importantly, her opinion as to how the use of an atypical wrap mortgage demonstrates that the Notes are or are not satisfied. Ms. Brule's opinion cannot meet these requirements because, as explained hereinabove, whether or not the wrap mortgage in this case was unusual in any way is not relevant to whether or not the Notes were satisfied. As the 2nd Opinion does not explain the evidence or assist the trier of fact in determining the sole issue that remains for trial, the 2nd Opinion is inadmissible under Rules 401, 402 and 702. Furthermore, even if the 2nd Opinion is deemed to be a complete statement of opinion that is relevant, Ms. Brule should not be permitted to testify to the 2nd Opinion because the Supp. Disclosure fails to set forth the basis and reasons for this opinion in violation of Rule 26 and the Scheduling Order.

c. Third Opinion

Ms. Brule's third opinion is represented to be that: "The R.E. Loans loan documents for Loan No. P0099 had an acceleration clause which prohibited other financing on the property without payment of Loan No. P0099, so a wrap loan would have violated the terms of Loan no. P0099." ("3rd Opinion"). Ex. G to the *Stacey Decl.* at p. 2, ¶ A.3.

The Supp. Disclosure does not set forth the basis and reasons that Ms. Brule holds the 3rd Opinion and therefore does not comply with Rule 26 or the Scheduling Order. Even if the 3rd Opinion were to comply with Rule 26, this opinion is not admissible because it is irrelevant. Assuming that a wrap loan would have violated the terms of Loan No. P0099, such a “fact” does not tend to make the satisfaction or lack thereof of the Notes more or less probable. Moreover, this is a factual determination to be made from documents, not a matter of expert testimony. As such, Ms. Brule’s 3rd Opinion does not comply with Rule 26 or the Scheduling Order and is irrelevant and inadmissible under Rules 401 and 402.

d. Fourth Opinion

Ms. Brule’s fourth opinion is represented to be that: “The laon [sic] closing statement for the Mortgage Fund ’08 loan closing indicates compliance with the requirement that Loan No. P0099 be paid in full.” (“4th Opinion”). Ex. G to the *Stacey Decl.* at p. 2, ¶ A.4.

This “opinion” is not an opinion. It is a factual determination to be made from documents, not a matter of expert testimony. Additionally, the Supp. Disclosure utterly fails to set forth the basis and reasons that Ms. Brule holds this opinion. The Supp. Disclosure does not state how the closing statement indicates compliance and, more to the point, does not state how the closing statement demonstrates that the Notes were in fact satisfied at closing. Therefore, the Supp. Disclosure fails to meet the requirements of Rule 26 and the Scheduling Order.

2. *The Supp. Disclosure does not identify the data or other information considered by Ms. Brule in forming her opinions.*

When VP’s Expert Witness Disclosure and Supp. Disclosure are considered together, it appears that Ms. Brule, or at least VP’s counsel, does not know what information Ms. Brule considered, or will consider, to reach her opinions. While VP may be comfortable proceeding to

trial without understanding the foundation of its own witness's testimony, Rule 26 does not require Valiant to engage in such guesswork as it prepares for trial and therefore Ms. Brule should be excluded from testifying.

VP's Expert Witness Disclosure provided that Ms. Brule:

will identify all relevant loan documents related to two R.E. Loans loan number P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file, the MF '08 bankruptcy file, records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter[.]

Ex. E to the *Stacey Decl.* at p. 2, ¶ 3. After Valiant's Meet and Confer noted that this portion of the disclosure with not comply with Rule 26, VP supplemented the disclosure by stating:

Said expert *may consider*: all loan documents related to two R.E. Loans loan number P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file, the MF '08 bankruptcy file, records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter[.]

Ex. G to the *Stacey Decl.* at p. 3, ¶ B. The fact that VP could only state that Ms. Brule "will identify" the data and information on which her opinions are based and "may consider" any of thousands of documents provided in no less than four different lawsuits leads to one conclusion: Ms. Brule cannot identify the data and information on which her opinions are based. An expert disclosure which demonstrates the expert has not, or cannot, identify the data and information utilized in forming her opinions is precisely the "sketchy and vague" expert disclosure which Rule 26 is designed to prevent. Contrary to the purpose of Rule 26, *i.e.* fair notice and an opportunity to prepare for trial, the Supp. Disclosure is so incomplete and devoid of detail with

respect to the data and information considered that it can only lead to surprise as to what Ms. Brule considered.

Even if Ms. Brule in fact can identify the data and other information considered in forming her opinions, Valiant is unfairly prejudiced by the Supp. Disclosure as it forces Valiant to operate on the premise that literally every document produced in discovery, every document produced in two bankruptcy cases which have not been produced, and all deposition testimony provided in any matter by any witness in this matter was considered by Ms. Brule when she formed her opinions. This is not the fair notice and opportunity to prepare contemplated by Rule 26. On the contrary, this is the epitome of an inadequate disclosure. As such, Ms. Brule should be excluded as a witness.

3. *The Supp. Disclosure does not provide any exhibits to be used as a summary of or support for Ms. Brule's opinions.*

The Expert Disclosure did not identify any exhibits that would be used to summarize or support Ms. Brule's opinions. Ex. E to the *Stacey Decl.* at p. 2-3, ¶ 3. The Supp. Disclosure states that: "Any and all documents produced in discovery, with expert disclosures and any and all deposition transcripts may be used by said expert as a summary of or in support for her opinions." Ex. G to the *Stacey Decl.* at p. 3, ¶ C. This vague and ambiguous disclosure leaves Valiant only to guess and speculate as to which of thousands of documents produced in discovery will be used as a summary of or in support of Ms. Brule's opinions. Rule 26 does not permit a party to keep their adversary in the dark. If Ms. Brule intended to use exhibits to summarize or support her testimony, such exhibits were required to be disclosed by Rule 26. While such a failure alone might not justify exclusion of a witness, given overwhelming deficiencies in both VP's Expert Disclosure and the Supp. Disclosure, the failure to identify exhibits further justifies exclusion of

Ms. Brule. However, if Ms. Brule is permitted to testify, Valiant submits that she should be precluded from using any exhibits to summarize or support her opinions given VP's failure to provide such exhibits in accordance with Rule 26 and the Scheduling Order.

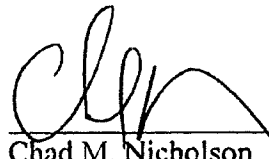
III. CONCLUSION

For the reasons set forth above, Valiant respectfully requests that its Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc. be **GRANTED**.

DATED this 15th day of December 2015.

McCONNELL WAGNER SYKES & STACEY ^{PLLC}

BY:



Chad M. Nicholson
Attorneys For Valiant Idaho, LLC


CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 15th day of December 2015, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" type="checkbox"/>] Facsimile [<input type="checkbox"/>] Overnight Mail [<input type="checkbox"/>] Electronic Mail <u>brucea@ejamc.com</u>
Gary 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 J.V., LLC</i>	[<input checked="" 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>
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 checked="" 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>sweeks@jvwlaw.net</u>

With two (2) 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



 Chad M. Nicholson

Richard L. Stacey, ISB #6800
 Jeff R. Sykes, ISB #5058
 Chad M. Nicholson, ISB #7506
 McCONNELL WAGNER SYKES & STACEY ^{PLLC}
 827 East Park Boulevard, Suite 201
 Boise, Idaho 83712
 Telephone: 208.489.0100
 Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

TO
 HONORABLE
 BARBARA A. BUCHANAN
 DISTRICT COURT
 BOISE, IDAHO

FILED
 [Signature]
 DISTRICT COURT

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

**MEMORANDUM IN SUPPORT OF
 VALIANT IDAHO, LLC'S
 MOTION *IN LIMINE* RE: JV, L.L.C.**

Honorable Barbara A. Buchanan

Hearing:

December 29, 2015 – 11:00 a.m. PDSF

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

COMES NOW, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and, submits this Memorandum in Support of Valiant Idaho, LLC’s Motion *in Limine* Re: JV, L.L.C.

I. STANDARD OF REVIEW

A motion in limine is “[a] pretrial request that certain inadmissible evidence not be referred to or offered at trial.” BLACK’S LAW DICTIONARY 1038 (8th Ed. 2007). “‘Trial courts have broad discretion when ruling on a motion in limine[.]’” *Cramer v. Slater*, 146 Idaho 868, 878, 208 P.3d 508, 518 (2009) quoting *Puckett v. Verska*, 144 Idaho 161, 167, 158 P.3d 937, 943 (2007). Such a motion “is a request for a protective order against prejudicial questions and statements, ..., the purpose of such motion being to avoid injection into trial matters which are irrelevant, inadmissible and prejudicial.” *State v. Wallmuller*, 125 Idaho 196, 198, 868 P.2d 524, 526 (Ct. App. 1994). Relevant evidence is any evidence “having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” I.R.E. 401. As a general rule, relevant evidence is admissible while irrelevant evidence is not. I.R.E. 402. However, even relevant “evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, ..., or by considerations of undue delay [or] waste of time[.]” I.R.E. 403. The determination of whether evidence is relevant is an issue of law. *State v. Tankovich*, 155 Idaho 221, 225, 307 P.3d 1247, 1251 (Ct. App. 2013).

A “court’s ruling on [a] motion [in limine] enables counsel on both sides to make strategic decisions before trial concerning the content and order of evidence to be presented.” *Davidson v. Beco Corp.*, 112 Idaho 560, 563, 733 P.2d 781 (Ct. App. 1986) (citation omitted).

II. ARGUMENT

For the reasons set forth below, Valiant respectfully submits that Defendant JV, LLC (“JV”) should be precluded from presenting the following evidence: (1) evidence related to any issue other than whether the 2007 RE Loans Note (Loan No. P0099) and/or the Pensco Note (Loan No. P0106) have been satisfied¹, (2) evidence that has not been produced in discovery, and (3) any expert witness testimony.

A. Since the Court has determined that a single issue remains for trial, whether the 2007 RE Loans Note and the Pensco Note have been satisfied, evidence on other issues is irrelevant and inadmissible.

After hearing and ruling on multiple summary judgment motions and motions for reconsideration, the Court has determined that a single issue remains for trial: “whether the 2007 RE Loans Note (Loan No. P0099) and the Pensco Note (Loan No. P0106)² have been satisfied.” Order at 18. As such, evidence is relevant and admissible only if it tends to demonstrate that these Notes are or are not satisfied. I.R.E. 401 & 402. In light of the extensive briefing and arguments provided to the Court and the Court’s equally extensive consideration of the issues in this case, Valiant should not be forced to present or defend against evidence regarding issues that have been resolved by the Court. Nor should the Court be required to sift through irrelevant evidence as it solves the single issue that remains for trial.

B. JV should be precluded from introducing evidence not provided in discovery.

On January 26, 2015 Valiant served interrogatories and requests for production (collectively “First Discovery Requests”) on JV. *Notice of Service of Discovery Requests Propounded by Valiant Idaho, LLC Upon JV, LLC*, filed on January 27, 2015. On March 4, 2015

¹ As those loans are identified and defined in the Court’s Memorandum Decision and Order Re: Motions Heard on October 23, 2015 (“Order”), entered on October 30, 2015.

² The 2007 RE Loans Note and Pensco Note will be collectively referred to as the “Notes.”

JV served answers and responses to the First Discovery Requests ("First Discovery Responses"). *Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motions in Limine* ("Stacey Decl.") at ¶ 16 and Ex. H thereto, filed herewith. In responding to the various requests for production, JV stated responsive documents had been previously identified and produced by way of JV's opposition to Valiant's Motion for Summary Judgment. Ex. H to the *Stacey Decl.* at pp. 18-21, Responses to Requests for Production Nos. 1, 4, 5, and 6. Only one additional single page document was produced: (what appears to be) a press release from the Securities and Exchange Commission.

On October 19, 2015 and October 26, 2015, Valiant served additional interrogatories and requests for production on JV ("Second Discovery Requests"). *Id.* at ¶¶ 17 & 18; *Notice of Compliance Re: Service of Discovery Upon JV, L.L.C.*, filed on October 27, 2015. JV responded on November 13, 2015 ("Second Discovery Responses"). *Stacey Decl.* at ¶ 19 and Ex. I thereto. In responding to the additional requests for production, JV provided just two additional documents: (1) Bill of Sale and Warranty and Indemnification, dated October 20, 1995 and (2) Agreement to Release Right of First Refusal Upon Payment, Agreement for Payment on Profit Sharing Agreement and to Release Upon Payment, and Modification to Promissory Note and Real Estate Mortgage, dated February 7, 2005. Ex. I to the *Stacey Decl.* Otherwise, JV's response was that responsive documents had been provided. Ex. I to the *Stacey Decl.* at pp. 14-17.

The November 30, 2015 discovery deadline has past and JV has not supplemented the First Discovery Responses or Second Discovery Responses with additional facts, information or documents. *Stacey Decl.* at ¶¶ 16 & 19. As such, JV should be precluded from seeking to introduce into evidence any facts, information or documents (1) not identified above, (2) not attached to an

affidavit or declaration filed in this matter, (3) not previously disclosed in discovery and (4) not produced by another party in this matter.³

C. *JV should be precluded from introducing expert witness testimony.*

On September 3, 2015 the Court entered its Order Setting Trial and Pretrial Order (“Scheduling Order”) which set the case management deadlines for this matter. Pursuant to the Scheduling Order, JV was required to disclose expert witnesses “in the manner and with the specificity required by I.R.C.P. 26(b)(4)(A)[(1)](i)” no later than 60 days prior to trial, *i.e.* November 30, 2015. *Scheduling Order* at p. 2, ¶ 7. The Scheduling Order advised JV that “[w]itnesses 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.” *Id.* at pp. 2-3, ¶ 7.

JV has not identified expert witnesses it intends to call or provided a disclosure in compliance with Rule 26(b)(4)(A)(1)(i) or the Scheduling Order. *Stacey Decl.* at ¶ 20. As such, JV should be precluded from introducing expert witness testimony at trial.

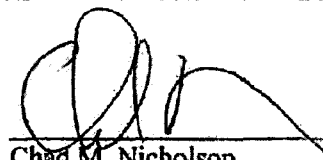
III. CONCLUSION

For the reasons set forth above, Valiant respectfully requests that Valiant’s Motion *in Limine* Re: JV, L.L.C. be GRANTED.

DATED this 15th day of December 2015.

McCONNELL WAGNER SYKES & STACEY^{PLLC}

BY:



Chad M. Nicholson
Attorneys For Valiant Idaho, LLC

³ Valiant is not waiving its right to object to the admissibility of any document produced based on evidentiary grounds.

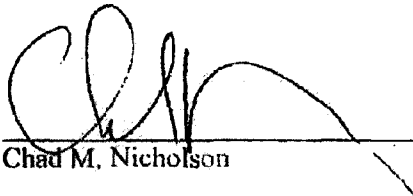
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 15th day of December 2015, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail brucea@ejame.com
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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: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input checked="" 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 sweeks@jvwlaw.net

With two (2) copies via United States Mail to:

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 Chad M. Nicholson

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
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McCONNELL WAGNER SYKES & STACEY ^{PLLC}
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2015 DEC 15 P 2:31
CLERK DISTRICT COURT
~~DEPUTY~~

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

**DECLARATION OF
RICHARD L. STACEY
IN SUPPORT OF
VALIANT IDAHO, LLC'S
MOTIONS *IN LIMINE***

Honorable Barbara A. Buchanan

Hearing:

December 29, 2015 – 11:00 a.m. PST

Pursuant to Rule 7(d) of the Idaho Rules of Civil Procedure and Idaho Code § 9-1406,

Richard L. Stacey declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member of the law firm of McConnell Wagner Sykes & Stacey PLLC (“MWSS”), attorneys for Defendant/Counter-Claimant/Cross-Claimant/Third Party Plaintiff Valiant Idaho, LLC (“Valiant”). I make this Declaration in support of Valiant Idaho, LLC’s Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc., and Valiant Idaho LLC’s Motion *in Limine* Re: JV, LLC.

2. On January 26, 2015, Valiant propounded interrogatories and requests for production of documents (“First Discovery Requests”) upon both North Idaho Resorts, LLC (“NIR”) and VP, Incorporated (“VP”). On September 24, 2015, both NIR and VP served answers and responses to the First Discovery Requests.

3. Attached hereto as Exhibit A, Exhibit B, Exhibit C and Exhibit D, respectively, are the following:

- a. NIR’s Answers to Interrogatories;
- b. NIR’s Responses to Requests For Production of Documents;
- c. VP’s Answers to Interrogatories; and
- d. VP’s Responses to Requests For Production of Documents.

On September 24, 2015, as reflected in Exhibit B and Exhibit D, NIR and VP produced documents Bates numbered NIRVP 100-1311.

4. On October 9, 2015, Valiant propounded interrogatories and requests for admission (“Second Discovery Requests”) upon both NIR and VP. On November 12, 2015, both NIR and VP served answers and responses to the Second Discovery Requests.

5. Attached hereto as Exhibit J and Exhibit K, respectively, are the following:

a. NIR's Answers to Interrogatories [13-23] and Request For Production [sic – Requests For Admission] [7-20]; and

b. VP's Answers to Interrogatories [13-23] and Request For Production [sic - Requests For Admission] [7-20].

6. Immediately prior to the October 23, 2015 hearing on Valiant's third motion for summary judgment, among other various motions and objections, counsel for NIR and VP provided me the documents NIR and VP had received in response to a subpoena from First American Title Company which are Bates numbered FATCO000001-FATCO001702. On this same date and time, counsel for NIR and VP also provided me documents produced in response to a subpoena they had received from Sandpoint Title Insurance which are Bates numbered STI000001-STI000407.

7. On October 26, 2015, Valiant propounded upon VP Interrogatory No. 24 and Requests For Production of Documents [Nos. 11-31]; and upon NIR Requests For Production of Documents [Nos. 9-24] ("Third Discovery Requests). Responses to the Third Discovery Requests were due November 27, 2015. True and correct copies of the Third Discovery Requests are attached hereto as Exhibit L, Exhibit M and Exhibit N, respectively.

8. As of the date of this Declaration, neither VP nor NIR have answered and/or responded to the Third Discovery Requests.

9. On December 1, 2015, I reminded Susan Weeks, counsel for NIR/VP, that Valiant had not received NIR's and VP's responses to the Third Discovery Requests, and requested she advise me as to when I could expect the responses. A true and correct copy of my December 1, 2015 email is attached as Exhibit O.

10. On December 9, 2015, I again asked Ms. Weeks when I could expect to receive NIR's and VP's responses to the Third Discovery Requests. A true and correct copy of my December 9, 2015 email is attached as Exhibit P.

11. As of the date of this Declaration, I have neither heard from Ms. Weeks nor received responses to the Third Discovery Requests.

12. As of the date of this Declaration, NIR has neither served an expert witness disclosure to Valiant nor has NIR supplemented its Answers to Interrogatories or Responses to Requests For Production with information regarding expert witnesses.

13. On November 27, 2015, Valiant was served with VP's Expert Witness Disclosure, a true and correct copy of which is attached hereto as Exhibit E. This Expert Witness Disclosure identified several expert witnesses, but only one was designated as a retained expert: Annette Brule.

14. On or about December 1, 2015, MWSS advised counsel for VP that, with respect to Ms. Brule, the Expert Witness Disclosure did not comply with the requirements of Idaho Rule of Civil Procedure 26(b)(4)(A)(1)(i) or the Court's September 3, 2015 Order Setting Trial and Pretrial Order. MWSS further advised that unless a compliant disclosure was received, Valiant would seek to exclude Ms. Brule. A true and correct copy of MWSS's letter to VP's counsel is attached hereto as Exhibit F.

15. On December 4, 2015, Valiant was served with VP's Supplemental Expert Witness Disclosure, a true and correct copy of which is attached hereto as Exhibit G.

16. On January 26, 2015, Valiant propounded interrogatories and requests for production of documents ("JV First Discovery Requests") upon JV, L.L.C. ("JV"). On March 4, 2014, JV served its Answers and Responses to Valiant Idaho, LLC's First Set of

Discovery Requests (“JV’s First Discovery Responses”). Attached hereto as Exhibit H is a true and correct copy of JV’s First Discovery Responses, including the documents produced therewith. As of the date of this Declaration, JV’s First Discovery Responses have not been supplemented.

17. On October 19, 2015, Valiant propounded upon JV Interrogatories [13-23] and Requests For Admission [5 18] (“JV Second Discovery Requests”).

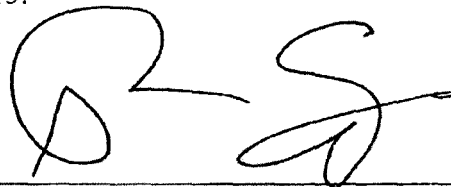
18. On October 26, 2015, Valiant propounded upon JV Requests For Production of Documents [Nos. 9-24] (“JV Third Discovery Requests”).

19. On November 13, 2015, JV served its Answers and Responses to [Valiant’s] Interrogatories [13-23] and Requests For Admission [5-18] and Requests For Production of Documents [9-24], including documents produced therewith (“JV Second/Third Discovery Responses”), a true and correct copy of which is attached hereto as Exhibit I. As of the date of this Declaration, JV’s Second/Third Discovery Responses have not been supplemented.

20. As of the date of this Declaration, JV has not served Valiant with an expert witness disclosure.

I HEREBY CERTIFY AND DECLARE, under penalty of perjury pursuant to the laws of the State of Idaho, that the foregoing is true and correct.

DATED this 15th day of December 2015.



RICHARD L. STACEY

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 15th day of December 2015, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail brucea@ejame.com
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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: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input checked="" 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 sweeks@jvwlaw.net

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Chad M. Nicholson

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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.

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

Case No. CV-2009-01810

DEFENDANT NORTH IDAHO RESORTS,
LLC'S ANSWERS TO
INTERROGATORIES PROPOUNDED BY
VALIANT IDAHO, LLC

COMES NOW Defendant, North Idaho Resorts, LLC, by and through its attorney of record, Susan P. Weeks, of the Firm James, Vernon & Weeks, P.A. and hereby responds to Valiant Idaho, LLC's First Set of Interrogatories as follows:

EXHIBIT A

DEFENDANT NORTH IDAHO RESORTS, LLC'S ANSWERS TO INTERROGATORIES
PROPOUNDED BY VALIANT IDAHO, LLC: 1

4063

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person who prepared or assisted in the preparation of the answers to these Interrogatories (do not identify anyone who simply typed or reproduced the answers).

ANSWER: Richard Vilelli.

INTERROGATORY NO. 2: Separately identify each person who may have knowledge pertaining to this litigation. With respect to each such person identified, describe in detail the facts known or believed to be known by such person and the basis of such knowledge or belief.

ANSWER: Richard Vilelli knows the facts contained in these answers, the facts and circumstances surrounding the sale of the subject property to MDG, the transfer of the property to POBD, subordinations that were executed to subsequent mortgages on the subject property, the execution of lien releases on the subject property, the facts and circumstances regarding the recording of memorandum of the contract of sale and the release and re-recording of the contract of sale, conversations with POB representatives and conversations with Barney Ng regarding the sale to MGD, that Barney Ng had actual knowledge of NIR's claimed interest even after the alleged partial release, and that Barney Ng requested a copy of the purchase and sale agreement and approved of the terms prior to the assumption of Loan No. P0094 by the buyer. Nancy Albanese has knowledge of the recording of the partial termination of the memorandum of contract and re-recording of that document. Charles Reeves is believed to have knowledge of the loans and facts and circumstances regarding the water and sewer system. Jim Berry is believed to have knowledge of JV, LLC's involvement in loans on the Idaho Club. Barney Ng as an agent has knowledge of the loans from R.E. Loans, MF 08 loans, and Pensco loans, the

servicing of the loans by Bar-K, the interrelationships between these 4 entities, a complaint by the SEC that R.E. Loans was utilizing MF 08 to channel money to R.E. Loans to support a Ponzi feeder scheme, the receipt of a cease and desist order issued to R.E. Loans from the California department of finance; the bookkeeping practices of Bar-K, and the bankruptcy filed by R.E. Loans and MF '08. Sandpoint Title is believed to have knowledge regarding the partial release and error in the legal description attached to the partial release. Sandpoint Title is believed to have knowledge of the loan closing for Loan No. P0099. First American Title Co. is believed to have knowledge of the closing of the escrow for the Pensco Loan P0106 and the MF 08 loan P0107. Kathy Groenhout, the bookkeeper for POBD, is believed to have knowledge of the financial transactions of POBD. It is believed Bonner County has knowledge of a motion for contempt brought in R.E. Loans bankruptcy case for violation of the automatic stay in attempting to collect delinquent taxes and the resolution of that motion. It is believed Bonner County has knowledge of the application process for the conditional use permit and the planned unit development and the permits issued and the conditions attached to those permits for the subject property. It is believed Walter Ng, Kelly Ng, and Bruce Horwitz have knowledge of the formation and operation of R.E. Loans. It is believed Walter Ng, Maribel Ng, Barney Ng and Kelly Ng have knowledge of the formation and operation of Bar-K as a loan servicer for R.E. Loans, Pensco Trust fbo Barney Ng and MF 08. It is believed Mackinac and its principal, James A. Weissenborn, has knowledge of R.E. Loans as a chief restructuring officer. Susan Uecker, the liquidating trustee for MF 08, is believed to have knowledge that MF 08 provided financing to POBD and a substantial portion of the cash loan proceeds were used to pay off R.E. Loans and filed a claim in R.E. Loans bankruptcy for return of such funds.

INTERROGATORY NO. 3: Separately identify each person and entity you intend to depose and/or call as a witness at the trial of this matter. With respect to each such person and

entity identified, describe in detail the facts known or believed to be known by such person and/or entity, and the basis of such knowledge or belief.

ANSWER: Objection. This interrogatory seeks attorney work product. Without waiving this objection, no determination has been made at this time regarding persons to depose and/or call as a witness at trial. Without waiving this objection, it is likely that any individual and/or entity identified in Interrogatory No. 2, named in any document sent or received in discovery, or identified by any other party as having knowledge may be deposed or called at trial. A witness list will be provided as required by the Court's scheduling order.

INTERROGATORY NO. 4: Separately identify each document you intend or expect to introduce into evidence at trial. With regard to each such document, state the name and address of the person presently having custody of the document.

ANSWER: : Objection. This interrogatory seeks attorney work product. Without waiving this objection, no determination has been made at this time regarding documents to be introduced at trial. An exhibit list will be provided as required by the Court's scheduling order.

INTERROGATORY NO. 5: Separately identify all expert witnesses who have been contacted either orally or in writing by you or by any person acting on your behalf concerning the events which form the basis of this case.

ANSWER: Objection. This interrogatory seeks to discover information that may not be discovered pursuant to Rule 26(b)(4)(B) as consulting experts are not required to be disclosed. Without waiving this objection, VP has not yet retained an expert witness to testify at trial.

INTERROGATORY NO. 6: Separately identify each person you intend or anticipate calling as an expert witness at the trial of this matter. For each such person identified, state their

educational and professional background, field of expertise, and provide all information identified in Rule 26(b)(4) of the Idaho Rules of Civil Procedure.

ANSWER: NIR has not yet retained an expert witness to testify at trial.

INTERROGATORY NO. 7: If, in preparing your answers to these Interrogatories, you consulted or reviewed any documents, with respect to each such document separately identify the following information:

- a. The title, date, subject matter and present location of the documents consulted; and
- b. The information obtained by you from such document.

ANSWER: No documents were reviewed.

INTERROGATORY NO. 8: If you contend that Valiant or any of its agents has at any time made any admissions against interest with regard to any of the issues or any of the occurrences which are relevant to this action, identify the person making each admission, identify the person(s) to whom each admission was made, and state the substance of each admission.

ANSWER: NIR is unaware of who might be Valiant's agents and is therefore unable to answer this interrogatory. Upon identification of Valiant's agents, VP will supplement its answer this interrogatory. RE Loans, Bar-K, Pensco and MF 08, through its agent, Barney Ng, made statements which are against Valiant's interest. Barney Ng acknowledged and agreed the water and sewer system improvements and infrastructure were not part of the sale to POBD and were not part of the collateral securing the loans.

INTERROGATORY NO. 9: To the extent you assert that the NIR Memorandum of Sale is prior in any right, title or interest to Valiant's Mortgages, identify all facts in support of said

allegation; the name, address and telephone number of any and all persons upon whose testimony NIR's answer is based; and identify with Bates numbers any and all documents you believe support NIR's answer.

ANSWER: Assuming "Valiant's Mortgages" are those Mortgages identified in the definitions, the mortgage identified in I.1 is paid ("2006 RE Loans Mortgage"); the mortgage identified in I.2 is paid ("2007 RE Loans Mortgage") the loan identified in I.3 is paid ("2008 Pensco Mortgage"). The vendor's lien, which Judge Griffin indicated in his decision belonged to a different party than NIR, pre-date the 2008 MF08 Mortgage identified in I.4. Given Judge Griffin's opinion in the Pacific Capital case, the incorrect partial termination of NIR's lien did not affect the vendor's lien since NIR did not have a lien according to Judge Griffin. If Judge Griffin was incorrect and NIR owned the vendor's lien, Barney Ng had actual knowledge of the lien and actual knowledge that POBD had not paid it off.

INTERROGATORY NO. 10: If NIR has a policy for the retention of documents, including, but not limited to, business records, identify all terms of said policy.

ANSWER: NIR has no policy.

INTERROGATORY NO. 11: If any documents in NIR's possession, electronic or otherwise, pertaining in any way to this litigation have been destroyed, deleted or otherwise disposed of, identify which hard copy documents have been disposed of and which electronic files have been deleted or overwritten, and the dates of said destruction, deletion or overwriting.

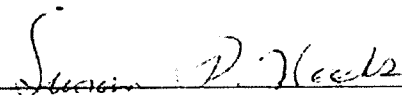
ANSWER: NIR is unaware of any document that was destroyed, deleted or disposed of.

INTERROGATORY NO. 12: If you denied, in whole or in part, any Request For Admission propounded concurrently, identify the Request and all facts in support of your denial, and identify with Bates numbers any and all documents you believe support NIR's denial.

ANSWER: The first amended responses to the Requests for Admission contains this information.

DATED this 24th day of September, 2015.

JAMES, VERNON & WEEKS, P.A.

By 
Susan P. Weeks

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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

DEFENDANTS NORTH IDAHO
RESORTS, LLC'S RESPONSES TO
REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY
VALIANT IDAHO, LLC

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

COMES NOW Defendant, North Idaho Resorts, LLC, by and through its attorney of record, Susan P. Weeks, of the Firm James, Vernon & Weeks, P.A. and hereby responds to Valiant Idaho, LLC's First Set of Requests for Production of Documents as follows:

EXHIBIT B

DEFENDANTS NORTH IDAHO RESORTS, LLC'S RESPONSES TO REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY VALIANT IDAHO, LLC: 1

4070

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Produce all documents, whether electronically stored information or otherwise, that you intend to introduce as exhibits at the trial of this matter and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: Objection. This request seeks attorney work product. Without waiving this objection, no determination has been made at this time regarding exhibits to be introduced at trial.

REQUEST NO. 2: Produce any and all reports, whether electronically stored information or otherwise, prepared by any expert that you have identified in your Answers to Interrogatory Nos. 5 and 6, including, but not limited to, all reports, opinions and conclusions, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: No reports were identified.

REQUEST NO. 3: Produce any and all documents, whether electronically stored information or otherwise, considered by any expert or consultant who may testify as a witness at trial, including, but not limited to, correspondence, drafts, notes, email and memoranda, and all other materials and data, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: No testifying expert was identified in discovery.

REQUEST NO. 4: Produce all documents, whether electronically stored information or otherwise, which support or tend to support, or which otherwise relate to your answer(s) to the Interrogatories propounded concurrently, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: Produced herein are Bates Nos. NIRVP100-1311

REQUEST NO. 5: Produce all correspondence, emails or other communications in written or electronic form relating to the Idaho Club, the Idaho Club Property, or to any issue which is a subject in the underlying litigation between (a) NIR and/or NIR's employees, agents and representatives, and (b) any other party to this litigation.

RESPONSE: Objection. This request is overly broad and unduly burdensome regarding communications relating to the Idaho Club, and the Idaho Club Property. Without waiving this objection, produced herein are Bates Nos. NIRVP100-1311, which relate to any issue which is the subject of this litigation.

REQUEST NO. 6: If you contend that the NIR Memorandum of Sale or any interest claimed by NIR in the Idaho Club Property is senior in right, title or interest to the Mortgages, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. 100-1311.

REQUEST NO. 7: If you contend that the NIR Memorandum of Sale or any interest claimed by NIR in the Idaho Club Property is senior in right, title or interest to the Redemption Deed, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. 100-1311.

REQUEST NO. 8: Produce all additional documents, whether electronically stored information or otherwise, pertaining in any way to the facts, circumstances or issues involved in this litigation, but which are not otherwise responding to Request Nos. 1 through 7, inclusive, herein.

RESPONSE: At this time, there are no additional documents responsive to this request.

DATED this 24th day of September, 2015.

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 24th day of September, 2015:

<input checked="" type="checkbox"/>	U.S. Mail, Postage Prepaid	Gary A. Finney
<input type="checkbox"/>	Hand Delivered	FINNEY FINEY & FINNEY, PA
<input type="checkbox"/>	Overnight Mail	120 E Lake St., Ste. 317
<input type="checkbox"/>	Facsimile: 208-263-8211	Sandpoint, ID 83864
<input checked="" type="checkbox"/>	U.S. Mail, Postage Prepaid	Richard Stacey
<input type="checkbox"/>	Hand Delivered	McConnell Wagner Sykes Stacey PLLC
<input type="checkbox"/>	Overnight Mail	827 East Park Boulevard, Suite 201
<input type="checkbox"/>	Facsimile: 208-489-0110	Boise, Idaho 83712

Christine Elmore

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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.

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

Case No. CV-2009-01810

DEFENDANT VP INCORPORATED'S
ANSWERS TO VALIANT IDAHO, LLC'S
FIRST SET OF INTERROGATORIES

COMES NOW Defendant, VP, Incorporated, by and through its attorney of record, Susan P. Weeks, of the Firm James, Vernon & Weeks, P.A. and hereby responds to Valiant Idaho, LLC's First Set of Interrogatories as follows:

EXHIBIT C

DEFENDANT VP INCORPORATED'S ANSWERS TO VALIANT IDAHO, LLC'S FIRST
SET OF INTERROGATORIES: 1

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person who prepared or assisted in the preparation of the answers to these Interrogatories (do not identify anyone who simply typed or reproduced the answers).

ANSWER: Richard Vilelli.

INTERROGATORY NO. 2: Separately identify each person who may have knowledge pertaining to this litigation. With respect to each such person identified, describe in detail the facts known or believed to be known by such person and the basis of such knowledge or belief.

ANSWER: Richard Vilelli knows the facts contained in these answers, the operation of the water and sewer system, the ownerships of the subject property; subordinations that were executed to subsequent mortgages on the subject property, the execution of lien releases on the subject property, the facts and circumstances regarding the ownership and acquisition of the water and sewer system, conversations with POBD representatives and conversations with Barney Ng regarding the purchase and sale agreement, that Barney Ng requested a copy of the purchase and sale agreement that contained terms excluding the water and sewer system. Charles Reeves is believed to have knowledge of the loans and facts and circumstances regarding the water and sewer system. Jim Berry is believed to have knowledge of JV, LLC's involvement in loans on the Idaho Club. Barney Ng has knowledge of the loans from R.E. Loans, MF 08 loans, and Pensco loans, the servicing of the loans by Bar-K, the interrelationships between these 4 entities, a complaint by the SEC that R.E. Loans was utilizing MF 08 to channel money to R.E. Loans to support a Ponzi feeder scheme, the receipt of a cease and desist order issued to R.E. Loans from the California department of finance; the bookkeeping practices of Bar-K, and the

DEFENDANT VP INCORPORATED'S ANSWERS TO VALIANT IDAHO, LLC'S FIRST SET OF INTERROGATORIES: 2

bankruptcy filed by R.E. Loans and MF '08. Sandpoint Title is believed to have knowledge regarding the partial release and error in the legal description attached to the partial release. Sandpoint Title is believed to have knowledge of the loan closing for Loan No. P0099. First American Title Co. is believed to have knowledge of the closing of the escrow for the Pensco Loan P0106 and the MF 08 loan P0107. Kathy Groenhout, the bookkeeper for POBD, is believed to have knowledge of the financial transactions of POBD. It is believed Bonner County has knowledge of a motion for contempt brought in R.E. Loans bankruptcy case for violation of the automatic stay in attempting to collect delinquent taxes and the resolution of that motion. It is believed Bonner County has knowledge of the application process for the conditional use permit and the planned unit development and the permits issued and the conditions attached to those permits for the subject property. It is believed Idaho Dept. of Environmental Quality has knowledge of the sewer system, its ownership, and the conditions of approval for operation of the sewer system. It is believed that Idaho Dept. of Water Resources has knowledge of the permits for operation of the water system. It is believed Walter Ng, Kelly Ng, and Bruce Horwitz have knowledge of the formation and operation of R.E. Loans. It is believed Walter Ng, Maribel Ng, Barney Ng and Kelly Ng have knowledge of the formation and operation of Bar-K as a loan servicer for R.E. Loans, Pensco Trust fbo Barney Ng and MF 08. It is believed Mackinac and its principal, James A. Weissenborn, has knowledge of R.E. Loans as a chief restructuring officer. Susan Uecker, the liquidating trustee for MF 08, is believed to have knowledge that MF 08 provided financing to POBD and a substantial portion of the cash loan proceeds were used to pay off R.E. Loans and filed a claim in R.E. Loans bankruptcy for return of such funds.

INTERROGATORY NO. 3: Separately identify each person and entity you intend to depose and/or call as a witness at the trial of this matter. With respect to each such person and entity

identified, describe in detail the facts known or believed to be known by such person and/or entity, and the basis of such knowledge or belief.

ANSWER: Objection. This interrogatory seeks attorney work product. Without waiving this objection, it is likely that any individual and/or entity identified in Interrogatory No. 2, named in any document sent or received in discovery, or identified by any other party as having knowledge may be deposed or called at trial. A witness list will be provided as required by the Court's scheduling order.

INTERROGATORY NO. 4: Separately identify each document you intend or expect to introduce into evidence at trial. With regard to each such document, state the name and address of the person presently having custody of the document.

ANSWER: Objection. This interrogatory seeks attorney work product. Without waiving this objection, no determination has been made at this time regarding documents to be introduced at trial. An exhibit list will be provided as required by the Court's scheduling order.

INTERROGATORY NO. 5: Separately identify all expert witnesses who have been contacted either orally or in writing by you or by any person acting on your behalf concerning the events which form the basis of this case.

ANSWER: Objection. This interrogatory seeks to discover information that may not be discovered pursuant to Rule 26(b)(4)(B) as consulting experts are not required to be disclosed. Without waiving this objection, VP has not yet retained an expert witness to testify at trial.

INTERROGATORY NO. 6: Separately identify each person you intend or anticipate calling as an expert witness at the trial of this matter. For each such person identified, state their educational and professional background, field of expertise, and provide all information identified in Rule 26(b)(4) of the Idaho Rules of Civil Procedure.

ANSWER: VP has not yet retained an expert witness to testify at trial.

INTERROGATORY NO. 7: If, in preparing your answers to these Interrogatories, you consulted or reviewed any documents, with respect to each such document separately identify the following information:

- a. The title, date, subject matter and present location of the documents consulted; and
- b. The information obtained by you from such document.

ANSWER: No documents were reviewed.

INTERROGATORY NO. 8: If you contend that Valiant or any of its agents has at any time made any admissions against interest with regard to any of the issues or any of the occurrences which are relevant to this action, identify the person making each admission, identify the person(s) to whom each admission was made, and state the substance of each admission.

ANSWER: VP is unaware of who might be Valiant's agents and is therefore unable to answer this interrogatory. Upon identification of Valiant's agents, VP will supplement its answer this interrogatory. RE Loans, Bar-K, Pensco and MF 08, through its agent, Barney Ng, made statements which are against Valiant's interest. Barney Ng acknowledged and agreed the water and sewer system improvements and infrastructure were not part of the sale to POBD and were not part of the collateral securing the loans.

INTERROGATORY NO. 9: To the extent you assert that the VP Loan Agreement is prior in any right, title or interest to Valiant's Mortgages, identify all facts in support of said allegation; the name, address and telephone number of any and all persons upon whose testimony VP's answer is based; and identify with Bates numbers any and all documents you believe support VP's answer.

ANSWER: Assuming "Valiant's Mortgages" are those Mortgages identified in the definitions, the mortgage identified in I.1 is paid ("2006 RE Loans Mortgage"); the mortgage

identified in I.2 is paid ("2007 RE Loans Mortgage") the loan identified in I.3 were paid ("2008 Pensco Mortgage"). VP's interests pre-date the 2008 MF08 Mortgage identified in I.4. POBD's obligation to transfer the 4 lots to it was reiterated in the VP Loan Agreement, but did not arise for the first time by virtue of the VP Loan Agreement. Further, the legal requirement to transfer the four lots was established before the 2006 RE Loans Mortgage. Besides being included in the purchase and sale agreement, the transfer requirement was included as part of the approved Planned Unit Development and Conditional Use Permit as approved and directed by Bonner County, Idaho Dept. of Environmental Quality and Panhandle Health District as a condition of approval of the subdivision. All plats that were recorded included notice that the water and sewer system were owned by VP.

INTERROGATORY NO. 10: If VP has a policy for the retention of documents, including, but not limited to, business records, identify all terms of said policy.

ANSWER: VP has no policy.

INTERROGATORY NO. 11: If any documents in VP's possession, electronic or otherwise, pertaining in any way to this litigation have been destroyed, deleted or otherwise disposed of, identify which hard copy documents have been disposed of and which electronic files have been deleted or overwritten, and the dates of said destruction, deletion or overwriting.

ANSWER: VP is unaware of any document that was destroyed, deleted or disposed.

INTERROGATORY NO. 12: If you denied, in whole or in part, any Request For Admission propounded concurrently, identify the Request and all facts in support of your denial, and identify with Bates numbers any and all documents you believe support VP's denial.

ANSWER: The first amended responses to the Requests for Admission contains this information.

DEFENDANT VP INCORPORATED'S ANSWERS TO VALIANT IDAHO, LLC'S FIRST SET OF INTERROGATORIES: 6

DATED this 24th day of September, 2015.

JAMES, VERNON & WEEKS, P.A.

By *Susan P Weeks*
Susan P. Weeks

DEFENDANT VP INCORPORATED'S ANSWERS TO VALIANT IDAHO, LLC'S FIRST
SET OF INTERROGATORIES: 7

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 24th day of September, 2015:

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile: 208-489-0110

Richard Stacey
McConnell Wagner Sykes Stacey PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712

Christine Elrose

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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
RESPONSES TO VALIANT IDAHO,
LLC'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

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

COMES NOW Defendant, VP, Incorporated, by and through its attorney of record, Susan P. Weeks, of the Firm James, Vernon & Weeks, P.A. and hereby responds to Valiant Idaho, LLC's First Request for Production of Documents as follows:

EXHIBIT D

DEFENDANT VP INCORPORATED'S RESPONSES TO VALIANT IDAHO, LLC'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS: 1

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Produce all documents, whether electronically stored information or otherwise, that you intend to introduce as exhibits at the trial of this matter and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: Objection. This request seeks attorney work product. Without waiving this objection, no determination has been made at this time regarding exhibits to be introduced at trial.

REQUEST NO. 2: Produce any and all reports, whether electronically stored information or otherwise, prepared by any expert that you have identified in your Answers to Interrogatory Nos. 5 and 6, including, but not limited to, all reports, opinions and conclusions, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: No reports were identified.

REQUEST NO. 3: Produce any and all documents, whether electronically stored information or otherwise, considered by any expert or consultant who may testify as a witness at trial, including, but not limited to, correspondence, drafts, notes, email and memoranda, and all other materials and data, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: No testifying expert was identified in discovery.

REQUEST NO.4: Produce all documents, whether electronically stored information or otherwise, which support or tend to support, or which otherwise relate to your answer(s) to the Interrogatories propounded concurrently, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE: Produced herein are Bates Nos. NIRVP100-1311

REQUEST NO. 5: Produce all correspondence, emails or other communications in written or electronic form relating to the Idaho Club, the Idaho Club Property, or to any issue which is a subject in the underlying litigation between (a) VP and/or VP's employees, agents and representatives, and (b) any other party to this litigation.

RESPONSE: Objection. This request is overly broad and unduly burdensome regarding communications regarding the Idaho Club or Idaho Club Property. Without wavier of this objection produced herewith are communications relating to any issue which is a subject in the underlying litigation as Bates Nos. NIRVP100-1311.

REQUEST NO. 6: If you contend that the VP Loan Agreement or any interest claimed by VP in the Idaho Club Property is senior in right, title or interest to the Mortgages, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. NIRVP100-1311.

REQUEST NO. 7: If you contend that the VP Loan Agreement or any interest claimed by VP in the Idaho Club Property is senior in right, title or interest to the Redemption Deed, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. NIRVP10-1311.

REQUEST NO. 8: If you contend that any portion of the property described in the VP Quitclaim Deeds or any interest claimed by VP in the Idaho Club Property is senior in right, title or interest to the Mortgages, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. NIRVP100-1311.

DEFENDANT VP INCORPORATED'S RESPONSES TO VALIANT IDAHO, LLC'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS: 3

REQUEST NO.9: If you contend that any portion of the property described in the VP Quitclaim Deeds or any interest claimed by VP in the Idaho Club Property is senior in right, title or interest to the Redemption Deed, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE: Produced herein are Bates Nos. NIRVP100-1311.

REQUEST NO. 10: Produce all additional documents, whether electronically stored information or otherwise, pertaining in any way to the facts, circumstances or issues involved in this litigation, but which are not otherwise responding to Request Nos. 1 through 9, inclusive, herein.

RESPONSE: There are no documents responsive to this request at this time.

DATED this 24th day of September, 2015.

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 24th day of September, 2015:

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

U.S. Mail, Postage Prepaid
 Hand Delivered
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 Facsimile: 208-489-0110

Richard Stacey
McConnell Wagner Sykes Stacey PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712

Christine Elmore

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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

VP INC'S EXPERT WITNESS
DISCLOSURE

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

COMES NOW VP, Inc. ("VP") by and through its attorneys of record, James, Vernon & Weeks, P.A., and pursuant to the Order Setting Trial and Pretrial Order entered September 3, 2015, makes the following disclosure of expert witnesses that VP may call to testify at the trial of this action:

EXHIBIT E

1. Rick Lynskey, Title Officer, First American Title Company, 419 North Second Avenue, Sandpoint, ID 83864 (208) 263-6833. Mr. Lynskey was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the closing of the Pensco loan and the MF 08 loan documents and instructions related to the loan, and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

2. Casey Linscott, Escrow officer, First American Title Company, 419 North Second Avenue, Sandpoint, ID 83864 (208) 263-6833. Ms. Linscott was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the closing of the Pensco loan and the MF 08 loan documents and escrow instructions related to the loan, and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

3. Annette Brule, Mortgage Consultant, 1102 W. Mulberry Lane, Coeur d'Alene, ID, will identify all relevant loan documents related to two R.E. Loans loan numbers P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file; the MF '08 bankruptcy file; records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter, and is expected to testify regarding a wrap around mortgage, and the tracing of funds related to the loans based upon the documents reviewed. Ms. Brule is a mortgage consultant and has served in that capacity to several mortgage companies over the past five years. Ms. Brule also has been employed as a mortgage

broker, and has managed mortgage companies. Ms. Brule has no publication within the preceding ten years and has not testified as an expert in the previous four years.

4. Tom Williams, Sandpoint Title, Inc., 120 East Lake Street, Suite 202, Sandpoint Idaho 83864, (208) 263-2222. Mr. Williams was not retained or specially employed to provide expert testimony in this case, but rather is an individual with knowledge of relevant facts not acquired in preparation for trial and has knowledge of the loan documents and escrow instructions related to the loans from R.E. Loans to North Idaho Resorts/VP, Inc. (P0094) and the loan to Pend Oreille Bonner Development (P0099) and is expected to testify regarding items paid at closing and documents and instructions related to the closing of the loans.

DATED this 27th day of November, 2015.

JAMES, VERNON & WEEKS, P.A.

By Susan P. Weeks
Susan P. Weeks

CERTIFICATE OF SERVICE

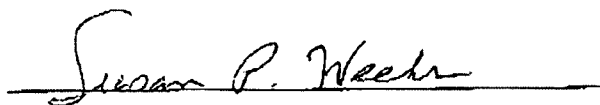
I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 27th day of November, 2015:

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile: 208-489-0110
 electronic mail:
lemieux@mwsslawyers.com

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712



Chad M. Nicholson
nicholson@mwsslawyers.com

December 1, 2015

Susan Weeks
James, Veron & Weeks, PA
1626 Lincoln Way
Coeur d'Alene, ID 83814

Re: Deposition of Annette Brule and Disclosure Supplementation

Dear Ms. Weeks:

I am receipt of VP, Inc.'s ("VP") Expert Witness Disclosure ("Disclosure") and write regarding the disclosure of Annette Brule. This letter is written pursuant to Idaho Rules of Civil Procedure 26(b)(4), 26(e), 37(a)(2) and 37(a)(3), the Court's September 3, 2015 Order Setting Trial and Pretrial Order ("Order") and is intended to alleviate the need for Valiant Idaho, LLC ("Valiant") to file a motion to obtain an expert witness disclosure "in the manner and with the specificity required by I.R.C.P. 26(b)(4)([1])(i)." Rule 26(b)(4)(1)(i), and the Court's Order, requires that VP's Disclosure provide:

... a complete statement of all opinions to be expressed and the basis and reasons therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

VP's Disclosure does not comply with Rule 26(b)(4)(1)(i).

The Disclosure does not identify a single opinion to which Ms. Brule will testify. At best, the Disclosure advises that Ms. Brule will testify on the topics of wrap around mortgages and loan fund tracing. The basis and reasons for the undisclosed opinion(s) are not provided.

EXHIBIT F

Ms. Weeks
December 1, 2015
Page - 2

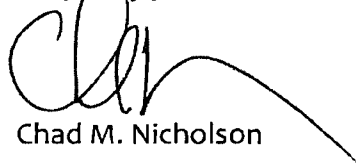
The Disclosure does not identify the data or information considered by Ms. Brule in reaching her opinions. Both the Rule and the Order require that VP specifically identify which of the "relevant documents related to two R.E. Loans loan numbers P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file, the MF '08 bankruptcy file; records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter" were considered by Ms. Brule when forming her opinions.

The Disclosure fails to provide Ms. Brule's qualifications. The disclosure does not state what training or education Ms. Brule has to qualify her as a mortgage consultant, the companies to which she has served as a mortgage consultant, was employed with as a mortgage broker or managed.

The Disclosure fails to state the compensation that Ms. Brule's is to be paid for her testimony.

Given that the Disclosure does not comply with Rule 26(b)(4)(1)(i), or the Order VP must immediately supplement the Disclosure with respect to Ms. Brule. Unless a disclosure that complies with Rule 26(b)(4)(1)(i) is received by our office on or before 5:00 p (MST) on Friday, December 4, 2015, Valiant will move to exclude Ms. Brule as a witness. Assuming that a compliant disclosure is received, please provide me Ms. Brule's availability to be deposed the week of December 7, 2015.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chad M. Nicholson", with a long horizontal flourish extending to the right.

Chad M. Nicholson

CMN:ers
cc: client

Susan P. Weeks, ISB No. 4255
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and 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

VP INC'S SUPPLEMENTAL EXPERT
WITNESS DISCLOSURE

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

COMES NOW VP, Inc. ("VP") by and through its attorneys of record, James, Vernon & Weeks, P.A., and pursuant to the request of Valiant, supplements its retained expert witness disclosure as follows:

3. Annette Brule, Mortgage Consultant, 1102 W. Mulberry Lane, Coeur d'Alene, ID,

EXHIBIT G

A. A statement of opinions to be expressed and the basis and reasons therefore.

Ms. Brulee is expected to testify to the following opinions:

1. Barney Ng had an affiliation with R.E. Loans, Bar-K, Inc. and his family had a relation with Mortgage Fund '08. Bar-K was the loan servicing agent for Mortgage Fund '08.
2. The all-inclusive trust deed, sometimes called a wrap mortgage, used by Mortgage Fund '08 was not typical because there was no subsequent purchaser who was buying the real property from the developer, and no reason to wrap the loans. An all inclusive deed of trust wraps an original loan together with a second mortgage that is carried by the seller to a new buyer. Under an All Inclusive Trust Deed, the buyer makes one large payment. The recipient of the payment, usually either the seller or a servicer that the seller designates, splits the payment up. Part of it goes to the lender on the original mortgage, and the rest goes back to the seller as the payment on the seller's second mortgage. A wrap around mortgage is typically a financing mechanism to allow a seller upon sale of the real property to a subsequent buyer to secure a subsequent deed of trust and shift the burden of paying the first deed of trust owed by the seller to the subsequent buyer.
3. The R. E. Loans loan documents for Loan No. P0099 had an acceleration clause which prohibited other financing on the property without payment of Loan No. P0099, so a wrap loan would have violated the terms of Loan No. P0099.
4. The loan closing statement for the Mortgage Fund '08 loan closing indicates compliance with the requirement that Loan No. P0099 be paid in full.

B. The data and other information considered by the witness in forming the opinions:

Said expert may consider: all loan documents related to two R.E. Loans loan numbers P0094 and P0099, the Pensco Trust loan, the MF '08 loan, including the promissory notes, mortgages, escrow instructions, the R.E. Loans bankruptcy file; the MF '08 bankruptcy file; records of Pend Oreille Bonner Development, deposition transcripts of witnesses, all documents produced in discovery by any party, and all affidavits filed in the matter.

C. Any exhibits to be used as a summary of or in support for the opinions.

Any and all documents produced in discovery, with expert disclosures and any and all deposition transcripts may be used by said expert as a summary of or in support for her opinions.

D. Any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years.

Ms. Brulee is currently a mortgage consultant and has served in that capacity to several mortgage companies over the past five years. Ms. Brule carries an Idaho Mortgage Origination License with the state of Idaho and the National Mortgage Licensing System. Ms. Brule worked in the real estate industry from 1976 to 1989, where she was a licensed residential/commercial realtor and a residential real broker. In 1989 through 1992, Ms. Bruelee became an Idaho licensed mortgage broker, and served as a real estate associate broker and office manager for a mortgage brokerage. From 1992 to the present, Ms. Brule served as a loan originator. Additionally, Ms. Brule was a branch manager of a mortgage company from 1996 to 2000. From 2001 to 2004, she served as a Vice President and branch manager of a mortgage company.

Ms. Brule now serves as a mortgage consultant and has done so for the previous five years. Ms. Brule has no publications.

E. The compensation to be paid for the testimony.

Ms. Brule will bill for reasonable and ordinary cost of time to interview the plaintiffs, review records and/or to testify at a rate of \$100.00 per hour.

F. A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years:

None.

DATED this 4th day of December, 2015.

JAMES, VERNON & WEEKS, P.A.

By Susan P. Weeks
Susan P. Weeks

CERTIFICATE OF SERVICE

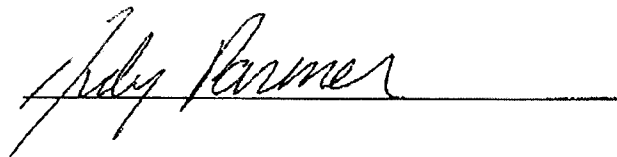
I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 4th day of December, 2015:

U.S. Mail, Postage Prepaid
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 Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

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 electronic mail:
lemieux@mwsslawyers.com

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712



GARY A. FINNEY
 FINNEY FINNEY & FINNEY, P.A.
 Attorneys at Law
 Old Power House Building
 120 East Lake Street, Suite 317
 Sandpoint, Idaho 83864
 Phone: (208) 263-7712
 Fax: (208) 263-8211
 ISB No. 1356

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.,	)	Case No. CV-2009-1810
formerly known as National Golf)	
Builders, Inc., a Nevada	)	JV L.L.C.'S ANSWERS AND
corporation,	)	RESPONSES TO VALIANT
	)	IDAHO, LLC'S FIRST SET OF
Plaintiff,	)	DISCOVERY REQUESTS TO JV
	)	L.L.C.
v.)	
)	
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,)	
Idaho corporation; T-O)	
ENGINEERS, INC., fka Toothman-)	

EXHIBIT H

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 1 through X,)

Defendants.)

AND RELATED COUNTERCLAIMS,)
CROSS-CLAIMS, AND THIRD-PARTY)
COMPLAINTS)

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

Plaintiff,)

v.)

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

Defendants.)

AND RELATED COUNTERCLAIMS,)
CROSS-CLAIMS, AND THIRD-PARTY)
COMPLAINTS)

VALIANT IDAHO, LLC, an Idaho)
limited liability company,)

Third Party)

Plaintiff,)

v.)

PEND ORIELLE BONNER DEVELOPMENT)
HOLIDINGS, 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; CRISTINE)
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.)

JV L.L.C., an Idaho limited)
liability company,)

Defendant and)
Cross-Claimant against all of)
the Defendants and)
Third Party Plaintiff,)

v.)
)
)
 VALIANT IDAHO, LLC, an Idaho)
 limited liability company;)
 V.P., INC., an Idaho)
 corporation; RICHARD A.)
 VILLELLI, a married man; MARIE)
 VICTORIA VILLELLI, a married)
 woman; VILLELLI ENTERPRISES,)
 INC., a California corporation;)
 RICHARD A. VILLELLI, as TRUSTEE)
 OF THE RICHARD ANTHONY VILLELLI)
 AND MARIE VICTORIA VILLELLI)
 REVOCABLE TRUST; THE IDAHO CLUB)
 HOMEOWNERS ASSOCIATION, INC.,)
 an Idaho corporation; the)
 entity named in Attorney Toby)
 McLaughlin's Notice of Unpaid)
 Assessment as PANHANDLE)
 MANAGEMENT, INCORPORATED, an)
 Idaho corporation; and HOLMBERG)
 HOLDINGS, LLC, a California)
 limited liability company,)
)
)
 Third Party)
 Defendants.)
)
)

COMES NOW JV L.L.C., (hereinafter "JV") and pursuant to I.R.C.P. 33, 34 and 36, Answers and Responds to VALIANT IDAHO, LLC'S (hereinafter VALIANT) FIRST SET OF DISCOVERY REQUESTS TO JV L.L.C., dated January 26, 2015, as follows:

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that Valiant's Mortgages are senior in right, title and interest to any interest claimed by JV in the Idaho Club Property as defined herein.

ANSWER TO REQUEST FOR ADMISSION NO. 1:

Denied. Valiant has no "mortgages" as the mortgagee. Valiant is only an assignee of mortgages to actual mortgagees, and Valiant takes its assignments subject to all defense and the Idaho Club Property, as defined in Paragraph 35 of the Cross-Claim.

REQUEST FOR ADMISSION NO. 2: Admit that any interest claimed by JV under the JV mortgage is junior to the Mortgages.

ANSWER TO REQUEST FOR ADMISSION NO. 2:

Denied. JV holds and owns the first priority recorded Mortgage, on real estate known as Moose Mountain, lying south of Highway 200, recorded October 24, 1995 as Instrument No. 474746, records of Bonner County, Idaho, and it is a purchase money mortgage held by JV as Vendor, excepting platted lots for which JV executed a Partial Satisfaction of Mortgage.

REQUEST FOR ADMISSION NO. 3: Admit that any interest claimed by JV in the Idaho Club Property is junior to the Redemption Deed.

ANSWER TO REQUEST FOR ADMISSION NO. 3:

Denied. The Redemption Deed is of no force or effect as Valiant had no right of redemption. The real estate is vested in POBD, JV disclaims any interest in the real estate, Idaho Club Property, lying north of Highway 200.

REQUEST FOR ADMISSION NO. 4: Admit that JV subordinated the JV Mortgage to the Mortgages.

ANSWER TO REQUEST FOR ADMISSION NO. 4:

Denied. The "Mortgages" are defined in Paragraph I Page 5 of the Requests, and more specifically:

1. The 2006 and 2007 RE Loans Mortgages are fully paid, released and discharged of record, by Satisfaction of Mortgage recorded June 8, 2007, Instrument No. 730445, JV Defense Exhibit A.
2. The 2007 RE loans Mortgage(s) are fully paid and discharged. See Closing/Settlement statements of 7/31/2008 and 8/1/2008, JV Defense Exhibits G and H.
3. The 2008 Pensco Mortgage gave no consideration or value and the money shows to be from Mortgage Fund 08.
4. The 2008 Mortgage Fund 08 Mortgage was without consideration and value for the dollar amount stated in the mortgage. The loan funds were retained and never disbursed, see JV Defense Exhibits G and H.

Any purported subordination by JV is rescinded for material breach of contract, and the JV principals had no knowledge of signing any subordination(s) to Pensco and Mortgage Fund 08 in the time period of August 2008. JV never heard of such entities, and JV was never given a copy of any subordinations until James Berry was deposed in the Bonner County Case No. CV-

2011-135. Any such subordination(s) were obtained by fraud, and are of no force or effect.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person who prepared or assisted in the preparation to these Interrogatories (do not identify anyone who simply typed or reproduced the answers).

ANSWER TO INTERROGATORY NO. 1:

James Berry, William Berry, and JV's attorney Gary Finney.

INTERROGATORY NO. 2: Separately identify each person who may have knowledge pertaining to this litigation. With respect to each such person identified, described in detail the facts known or believed to be known by such person and the basis of such knowledge or belief.

ANSWER TO INTERROGATORY NO. 2:

Richard Villelli - The principal of North Idaho Resorts, VP Inc., Villelli Enterprises is the original purchases from JV for Moose Mountain, approximately 600+ acres, lying south of Highway 200. Mr. Villelli acquired Moose Mountain by deed from JV to VP Inc., and Mr. Villelli in various named capacities gave the purchase money vendor's lien first recorded Mortgage to JV in 1995. He operated and managed as Hidden Lakes golf course, lying north of Highway 200. He gave a mortgage on Hidden Lakes (north of Highway 200) to Barney NG's entity R.E. Loans in 2004. Mr. Villelli coming in late 2004 or early 2005 commenced

negotiations through Charles Reeves or associates, to sell all of the real estate, both north and south of Highway 200 to an entity of MGNV (Monteray Group Nevada) which resulted in three (3) purchase sales and contracts being the first, the second, and a final third amended contract for purchase and sale. POBD assumed the Vilelli entity (VP) debt and mortgage to RE Loans, which is ultimately paid off. POBD also assumed the "Berry Note" which is the 1995 Mortgage to JV, which has not been paid and is \$1.5 million plus interest, fees and costs are still owing. POBD still owes the Vilelli entities (VP) for the unpaid JV Mortgage and indebtedness and VP is secured by the NIR (VP) recorded Memorandum of Contract, recorded 6/19/2006 as Instrument No. 706475, and as a Vendors purchase money lien of second priority behind only the 1995 Mortgage to JV.

He is also to testify to his negotiations to sell the Hidden Lakes golf course, Moose Mountain (south of Highway 200) and the "lakefront" i.e. real estate at Trestle Creek to the entity MGD, MGNLV) and then to the successor entity Pend Oreille Bonner Development. POBD contracted, as part of the purchase price (\$15.8 to 16 million) to assume the existing RE Loan (\$8/9 million) and the existing "Barney Note" which was the 1995 Mortgage to JV on Moose Mountain, in the approximate sum of \$2.65 million. Vilelli's entities (VP Inc., NIR, and Vilelli Enterprises) secured the POBD purchase price with a notice of

contract, recorded June 19, 2000. POBD still owes the indebtedness it assumed as part of the stated purchase price, which is the 1995 JV Mortgage.

James Berry/William Berry - They are father and son, and are the member/managers of JV L.L.C. JV is the original seller (October 1995) to VP Inc., and JV holds the first recorded Mortgage on all of the Moose Mountain portion of the Idaho Club, less approximately 60 platted lots that JV released by Partial Satisfaction of Mortgages as POBD sold lots. JV is owed \$1.5 million plus interest, fees and costs which is approximately in excess of \$2.5 million to date. The JV member/managers will testify that RE Loans is paid off and has no mortgage indebtedness to foreclose. Also, that Mortgage Fund 08 never held a mortgage until August 2008, and Mortgage Fund 08's August closing/settlement statement, through First American Title, shows the first loan and the second loan as paid off. The August 2008 loan by Mortgage Fund 08 was never made and the loan proceeds were retained and never paid out. Consequently, POBD made no loan payments and POBD did not continue to pay JV, causing JV to foreclose on its 1995 first recorded vendor's purchase money mortgage. The JV member/managers were always told that Barney Ng's entity, RE Loans, was entirely financing POBD. POBD, Mr. Chuck Reeves, represented to James Berry, that POBD was getting a new loan from Barney Ng (RE Loans) of

approximately \$25,000,000.00, perhaps up to \$35 million, and that POBD would use the new loan proceeds to complete the Idaho Club project and to pay JV. This was false and misrepresented, but it caused JV to give a Third Subordination Agreement, recorded 6/24/2008, Instrument No. 753907, with POBD (Chuck Reeves). No such loan was every made and JV's agreement to subordinate is rescinded for misrepresentation and also for material breach of contract. RE Loans subsequently filed a federal bankruptcy. By law the interest of RE Loans/Barney Ng became the property of the bankruptcy Trustee, in any. Likewise Mortgage Fund 08 filed bankruptcy and declared no asset, property, or mortgage interest/lien on the Moose Mountain real estate. Further, Mortgage Fund 08 never made any loan to POBD. The August 2008 lenders and borrowers settlement/closing shows Mortgage Fund 08 paid in full on all mortgages/loans. The settlement/closing further shows Mortgage Fund 08 loaning 2.7 million and simultaneously being paid 2.7 million. Mortgage Fund 08 never funded or loaned any further money and it is shown as "retained loan funds" which were never paid out or disbursed (\$12,257,174.32, JV's Defense Exhibits H and G).

POBD was obligated to bring JV's indebtedness mortgage current and paid down to 1.5 million buy by July 31, 2008, which required POBD to pay about \$323,915 to the JV escrow collection at Panhandle Escrow No. 2067429. James Berry and William Berry

were called to First American Title to sign papers for the payment of \$317,809 (approximately). First American had the JV members/managers sign a Subordination to Mortgage Fund 08 and Pensco Trust - custodian Barney Ng. JV member/managers were not told they were signing a Subordination Agreement, nor were they given any copy of the Subordination Agreement. James Berry did not know about or see the Subordination Agreement to Mortgage Fund 08 and Pensco Trust until it was shown to him at his deposition in the Pacific National Bank action, foreclosing on Trestle Creek. JV rescinds the purported Subordination agreement of August 2008 for misrepresentation, fraud and material breach of contract.

Charles Reeves - the manager of POBD, to testify that his dealings were only and always with Barney Ng/RE Loans. POBD assumed the 1995 Mortgage to JV and also assumed a 2004 (Instrument No. 646455) Villelli entity loan to RE Loans. The Villelli 2004 loan was fully paid off by POBD at the 6/19/2006 sale closing and settlement. RE Loans gave a Satisfaction Mortgage dated June 23, 2008, recorded August 6, 2008, Instrument No. 756408, records of Bonner County.

POBD contracted with Villelli entities, VP Inc., NIR, Villelli Enterprises to assume and pay VP's 1995 Mortgage on Moose Mountain (less the released lots), which POBD did not pay and POBD breached its contract. POBD still owes VP Inc. \$1.5

million in principal plus interest, fees and costs, totaling approximately \$2.5 million. The Villelli entities secured performance by POBD of the "Berry Note" the JV 1995 mortgages by a recorded Memorandum of Contract, recorded June 19, 2006, which is the actual closing date of the purchase by POBD pursuant to a Third Amended Purchase and Sale Agreement. All parties to the action had actual and constructive notice of JV's unpaid first lien/ 1995 mortgage, and of the Villelli Entities interests of vendor and the 6/19/2006 recorded Memorandum of Contract.

Rick Lynskey - of First America Title - to testify about the recorded instruments from June 19, 2006 to the trial date, effecting Moose Mountain real estate, lying south of Highway 200.

Kathy "?" - the bookkeeper for POBD at the Idaho Club, to testify as to the monetary transactions of POBD with Barney Ng for all of the entities Re Loans, Mortgage Fund 08, Pensco Trust and Bar K.

Tom Williams - Manager of Sandpoint Title Insurance, the closing agent of the purchase and sale from VP/Villelli Enterprises/NIR to furnish the closing documents for the June 19, 2006 sale transaction, the payoff of Villelli's 2004 note and mortgage to RE Loans and the 2006 RE loan to POBD; and also the closing documents for the 2007 RE Loan loan/mortgage from

POBD. These documents need to be obtained by a Subpoena for production of documents.

Casey Linscott - The closing officer of First American Title, Sandpoint, as to the August 2008 loan/mortgage pay off of 1st and 2nd loans of \$21,200,000 and \$2.7 and the new loans from MF08 which was "unfunded" and retained by MF08 and was never loaned, paid out, or disbursed by MF08 to POBD. The settlement documents show a payoff of \$2,700,000.00 2nd loan from MF08; however there was never a note, mortgage or second note/mortgage payable to MF08 from POBD. The closing agent for RE Loans, MF08, and Pensco Trust were all the same entity as a Barney Ng entity which was Bar-K. The MF08 mortgage (2008) and settlement statement show a \$2.7 million debt/mortgage to MF08 and also show the same \$2.7 million debt/loan/mortgage to Pensco Trust; however Pensco Trust made no such loan as the money appears to come from MF08 through Bar-K as the loan was being disguised and moved out of MF08 because MF08 and RE were both headed to bankruptcy both of which did occur.

Alan Kiebert - Surveyor, SEA Northwest, Hope, Idaho 208-265-4802 - to identify maps and legal descriptions on the Documents involved.

INTERROGATORY NO. 3: Separately identify each person and entity you intend to depose and/or call as a witness at the trial of this matter. With respect to each such person and

entity identified, describe in detail the facts known or believed to be known by such person and/or entity, and the basis of such knowledge or belief.

ANSWER TO INTERROGATORY NO. 3:

These are the same witnesses and persons identified in Answer No. 2 above.

INTERROGATORY NO. 4: Separately identify each document you intend or expect to introduce into evidence at trial. With regard to each such document, state the name and address of the person presently having custody of the document.

ANSWER TO INTERROGATORY NO. 4:

These are the same documents already attached and identified in JV's Memorandum and Affidavit(s) in opposition to Valiant's pending Motion for Summary Judgment. The documents from Sandpoint Title (2006 & 2007) are not yet produced nor are the documents from First American Title for the August 2008 loan(s)/mortgage(s). These documents will be obtained by a Subpoena Duces Tecum.

INTERROGATORY NO. 5: Separately identify all expert witnesses who have been contracted either orally or in writing by you or by any person acting on your behalf concerning the events which form the basis of this case.

ANSWER TO INTERROGATORY NO. 5:

Rick Lynskey of First American Title, and Alan Kiebert, Surveyor. These personas are "fact" witnesses, and are not testifying to "opinions".

INTERROGATORY NO. 6: Separately identify each person you intend or anticipate calling as an expert witness at the trial of this matter. For each such person identified, state their educational and professional background, field of expertise, and provide all information identified in Rule 26(b)(4) of the Idaho Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 6:

Rick Lynskey of First American Title is to testify not as to his "opinion" as an expert, but to identify documents of record. Alan Kiebert, Surveyor, to furnish maps, surveys, plats to identify location of real estate described in all of the recorded Documents.

INTERROGATORY NO. 7: If, in preparing your answers to these Interrogatories, you consulted or reviewed any documents, with respect to each such document separately identify the following information:

- A. The title, date, subject matter and present location of the documents consulted; and
- B. The information obtained by you from such document.

ANSWER TO INTERROGATORY NO. 7:

The documents consulted and reviewed are all the documents reference by Attorney Sykes and Charles Reeves in support of Valiant's Motion for Summary Judgment, and the documents furnished and attached to JV's Opposition Memorandum and James Berry's Affidavits, and the documents furnished by Chuck Reeve's deposition and document delivery.

INTERROGATORY NO. 8: If you contend that Valiant or any of its agents has at any time made any admissions against interest with regard to any of the issues or any of the occurrences which are relevant to this action, identify the person making each admission, identify the person(s) to whom each admission was made, and state the substance of each admission.

ANSWER TO INTERROGATORY NO. 8:

The admissions against interest are Valiant's communication emails to the Bonner County Tax Collector, concerning its Redemption and Redemption Deed, all of which were furnished in JV's Opposition to Valiant's Motion for Summary Judgment.

INTERROGATORY NO. 9: To the extent you assert that the JV Mortgage is prior in any right, title or interest to Valiant's Mortgages, identify all facts in support of said allegation; the name, address and telephone number of any and all person upon whose testimony JV's answer is based; and identify with Bates numbers any and all documents you believe support JV's answer.

ANSWER TO INTERROGATORY NO. 9:

James Berry. The documents are those furnished and identified in JV's Memorandums and Affidavits Opposing Valiant's Motion for Summary Judgment, and Charles Reeve's deposition and documents.

INTERROGATORY NO. 10: If JV has a policy for the retention of documents, including, but not limited to, business records, identify all terms of said policy.

ANSWER TO INTERROGATORY NO. 10:

JV does not have a policy, but James Berry keeps the files and records of all documents furnished to him for JV.

INTERROGATORY NO. 11: If any documents in JV's possession, electronic or otherwise, pertaining in any way to this litigation have been destroyed, deleted or otherwise disposed of, identify which hard copy documents have been disposed of and which electronic files have been deleted or overwritten, and the dates of said destruction, deletion or overwriting.

ANSWER TO INTERROGATORY NO. 11:

None.

INTERROGATORY NO. 12: If you denied, in whole or in part, any Request for Admission propounded concurrently, identify the Request and all facts in support of your denial, and identify with Bates numbers any and all documents you believe support JV's denial.

ANSWER TO INTERROGATORY NO. 12:

These are all the documents already identified and furnished in JV's opposition Memorandum and Affidavits in response to Valiant's Motion for Summary Judgment.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Produce all documents, whether electronically stored information or otherwise, that you intend to introduce as exhibits at the trial of this matter and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

These are the same as have previously been identified and furnished to Valiant.

REQUEST FOR PRODUCTION NO. 2: Produce any and all reports, whether electronically stored information or otherwise, prepared by any expert that you have identified in your Answers to Interrogatory Nos. 5 and 6, including, but not limited to, all reports, opinions and conclusions, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

None for experts.

REQUEST FOR PRODUCTION NO. 3: Produce any and all documents, whether electronically stored information or otherwise, considered by any expert or consultant who may

testify as a witness at trial, including, but not limited to, correspondence, drafts, notes, email and memoranda, and all other materials and data, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

None for experts.

REQUEST FOR PRODUCTION NO. 4: Produce all documents, whether electronically stored information or otherwise, which support or tend to support, or which otherwise relate to your answer(s) to the Interrogatories propounded concurrently, and specifically identify the Bates number(s) for each document responsive to this Request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

These have already been identified and furnished in JV's Opposition to Valiant's Motion for Summary Judgment.

REQUEST FOR PRODUCTION NO. 5: Produce all correspondence, emails or other communications in written or electronic form relating to the Idaho Club, the Idaho Club Property, or to any issue which is a subject in the underlying litigation between (a) JV and/or JV's employees, agents and representatives, and (b) any other party to this litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

None, except those previously identified and furnished.

REQUEST FOR PRODUCTION NO. 6: If you contend that the JV Mortgage or any interest claimed by JV in the Idaho Club Property is senior in right, title or interest to the Mortgages, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

These documents are those identified by JV in opposition to and affidavits responding to Valiant's Motion for Summary Judgment.

REQUEST FOR PRODUCTION NO. 7: If you contend that the JV Mortgage or any interest claimed by JV in the Idaho Club Property is senior in right, title or interest to the Redemption Deed, produce all documents, whether electronically stored information or otherwise, which support or tend to support your contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

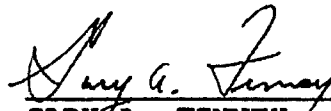
Valiant did not have a right of redemption, nor did it furnish a written notice of redemption, and its Redemption Deed is invalid.

REQUEST FOR PRODUCTION NO. 8: Produce all documents, whether electronically stored information or otherwise, pertaining in any way to the facts, circumstances or issues involved in this litigation, but which are not otherwise responding to Request Nos. 1 through 7, inclusive, herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Proof of the Fraud, is that MF08, LLC secretly tried to rescue the rapidly collapsing entity called R.E. Loans LLC. MF08 LLC fraudulently claimed to have purchased loans from RE Loans. The persons committing the MF08 LLC frauds were named as Walter NG, Kelly NG and Bruce Horwitz. See the attached U.S. Securities and Exchange Commission Litigation Release No. 23059/August 4, 2014.

DATED this 7TH day of March, 2015.



GARY A. FINNEY
Attorney at Law

VERIFICATION

STATE OF IDAHO)
 : s.s.
COUNTY OF BONNER)

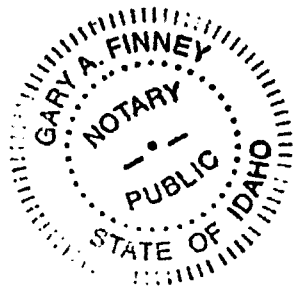
I, James Berry, as a Member/Manager of JV L.L.C., first being duly sworn upon oath depose and say the following:

I am the Member/Manager of Defendant JV L.L.C. in this case and I have read the JV L.L.C.'S ANSWERS AND RESPONSES TO VALIANT IDAHO, LLC'S FIRST SET OF DISCOVERY REQUESTS TO JV L.L.C. dated the 4 day of March, 2015, and know the contents therein stated and believe the same to be true.

JV L.L.C.

James Berry
By: James Berry
Its: Member/Manager

SUBSCRIBED AND SWORN to before me this 4 day of March 2015.



Gary A. Finney
Notary Public-State of Idaho
Residing at Sandpoint
My Commission Expires Oct 14, 2017

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was delivered by first class mail, postage prepaid, this 4 day of March, 2015, and was addressed as follows:

Richard Stacey/Jeff Sykes
MCCONNELL WAGNER SYKES & STACEY PLLP
755 W. Front St., Ste.200
Boise, ID 83702
[Attorney for R.E. LOANS, LLC & VALIANT IDAHO LLC]

and, I hereby certify that a true and correct copy of the foregoing was delivered via facsimile, this 4 day of March, 2015, and was addressed as follows:

Richard Stacey/Jeff Sykes
MCCONNELL WAGNER SYKES & STACEY PLLP
755 W. Front St., Ste.200
Boise, ID 83702
[Attorney for R.E. LOANS, LLC & VALIANT IDAHO LLC]
Via Facsimile: (208) 489-0110

Bruce A. Anderson
Ford Elsaesser
ELSAESSER JARZABEK ANDERSON ELLIOTT & MACDONALD, CHTD.
320 E. Neider Ave, Suite 102
Coeur d'Alene, ID 83815
[Attorneys for SAGE HOLDINGS, LLC, DAN JACOBSON, and STEVEN G. LAZAR]
Via Facsimile: (208) 667-2150

Brent C. Featherston
FEATHERSTON LAW FIRM, CHTD.
113 S. Second Avenue
Sandpoint, ID 83864
[Attorney for PENSICO TRUST CO. CUSTODIAN FBO BARNEY NG; and MORTGAGE FUND '08 LLC]
Via Facsimile: (208) 263-0400

Susan Weeks
Steven C. Wetzel
JAMES, VERNON & WEEKS, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814
Via Facsimile: (208) 664-1684
[Attorney for NORTH IDAHO RESORTS, LLC, V.P. INC, & FOR JV'S THIRD PARTY DEFENDANTS]

By: 

**REQUEST FOR PRODUCTION
NO. 8**

U.S. SECURITIES AND EXCHANGE COMMISSION

Litigation Release No. 23059 / August 4, 2014

Securities and Exchange Commission v. Walter Ng, Kelly Ng, Bruce Horwitz, and The Mortgage Fund, LLC, Civil Action No. C-13-0895 (N.D. Cal. filed Feb. 28, 2013)

San Francisco Bay Area Real Estate Fund Managers Settle Fraud Claims

The Securities and Exchange Commission today announced that Kelly Ng and Walter Ng, their affiliated investment advisory firm The Mortgage Fund, LLC, and Bruce Horwitz agreed to resolve fraud charges against them, which fully resolves the Commission's litigation. In the settlement, Kelly Ng, Horwitz, and The Mortgage Fund, LLC will pay a total of \$5,205,367 and Kelly Ng and Walter Ng will be barred from the securities industry. The SEC filed a complaint against the Ngs, Horwitz and the firm in federal court in Oakland, California in 2013, alleging that they defrauded investors in their real estate fund called Mortgage Fund '08 LLC (MF08) by secretly using its assets to rescue an older, rapidly collapsing fund called R.E. Loans, LLC.

According to the SEC's complaint, the Ngs and Horwitz promoted MF08 in the midst of the 2008 financial crisis as a new opportunity to invest in conservatively underwritten commercial real estate loans secured by deeds of trust. But the Ngs and their advisory firm, The Mortgage Fund LLC, immediately began transferring money raised by MF08 to R.E. Loans so that they could afford distributions to investors in that fund. From December 2007 to March 2008, the Ngs transferred almost \$39 million from MF08 to R.E. Loans. They later attempted to justify the transfers by claiming MF08 had purchased three loans from R.E. Loans that totaled around \$39 million.

The SEC further alleged that both the Ngs and Horwitz lured investors into MF08 by making false claims about its performance and the R.E. Loans fund's performance. What investors did not know was that both R.E. Loans and MF08 began to experience significant and dramatic borrower defaults in 2008. Despite the funds' rapidly disintegrating portfolios, the Ngs and Horwitz repeatedly assured investors that R.E. Loans and MF08 were performing well and the underlying loans were safe and secure.

Walter Ng, Kelly Ng, Horwitz, and The Mortgage Fund, LLC, without admitting or denying the SEC's allegations, all consented to the entry of final judgments, which the court entered on August 1, 2014. Under the terms of the settlements, Kelly Ng and the Ngs' firm will pay a total of \$4,480,025 in disgorgement, prejudgment interest, and civil monetary penalties and Horwitz will pay \$725,342. The Commission intends to ask the Court to authorize the transfer of any disgorgement, interest, and penalty payments collected to the MF08 Liquidating Trustee for distribution to MF08 investors. All four agreed to be permanently enjoined from violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder. Kelly Ng, Walter Ng, and The Mortgage Fund further agreed to be permanently enjoined from violating Sections 206(1) and (2) of the Investment Advisers Act of 1940.

GARY A. FINNEY
 FINNEY FINNEY & FINNEY, P.A.
 Attorneys at Law
 Old Power House Building
 120 East Lake Street, Suite 317
 Sandpoint, Idaho 83864
 Phone: (208) 263-7712
 Fax: (208) 263-8211
 ISB No. 1356

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.,	)	Case No. CV-2009-1810
formerly known as National Golf)	
Builders, Inc., a Nevada	)	JV L.L.C.'S ANSWERS AND
corporation,	)	RESPONSES TO VALIANT
	)	IDAHO, LLC'S
Plaintiff,	)	INTERROGATORIES [13-23]
	)	AND REQUESTS FOR
v.	)	ADMISSION [5-18] AND
	)	REQUESTS FOR PRODUCTION
PEND OREILLE BONNER	)	OF DOCUMENTS [9-24]
DEVELOPMENT, LLC, a Nevada	)	PROPOUNDED BY VALIANT
limited liability company; R.E.	)	IDAHO, LLC UPON JV, L.L.C
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-)	

EXHIBIT I

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 1 through X,)

Defendants.)

AND RELATED COUNTERCLAIMS,)
CROSS-CLAIMS, AND THIRD-PARTY)
COMPLAINTS)

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

Plaintiff,)

v.)

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

Defendants.)

AND RELATED COUNTERCLAIMS,)
CROSS-CLAIMS, AND THIRD-PARTY)
COMPLAINTS)

VALIANT IDAHO, LLC, an Idaho)
limited liability company,)

Third Party)

Plaintiff,)

v.)

PEND ORIELLE BONNER DEVELOPMENT)
HOLIDINGS, 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; CRISTINE)
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; MONTAHELO 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.)

JV L.L.C., an Idaho limited)
liability company,)

Defendant and)
Cross-Claimant against all of)
the Defendants and)
Third Party Plaintiff,)

v.)
)
)
 VALIANT IDAHO, LLC, an Idaho)
 limited liability company;)
 V.P., INC., an Idaho)
 corporation; RICHARD A.)
 VILLELLI, a married man; MARIE)
 VICTORIA VILLELLI, a married)
 woman; VILLELLI ENTERPRISES,)
 INC., a California corporation;)
 RICHARD A. VILLELLI, as TRUSTEE)
 OF THE RICHARD ANTHONY VILLELLI)
 AND MARIE VICTORIA VILLELLI)
 REVOCABLE TRUST; THE IDAHO CLUB)
 HOMEOWNERS ASSOCIATION, INC.,)
 an Idaho corporation; the)
 entity named in Attorney Toby)
 McLaughlin's Notice of Unpaid)
 Assessment as PANHANDLE)
 MANAGEMENT, INCORPORATED, an)
 Idaho corporation; and HOLMBERG)
 HOLDINGS, LLC, a California)
 limited liability company,)
)
 Third Party)
 Defendants.)
)

COMES NOW JV L.L.C., (hereinafter "JV") and pursuant to I.R.C.P. 33, 34 and 36, Answers and Responds to VALIANT IDAHO, LLC'S (hereinafter VALIANT) INTERROGATORIES [13-23] AND REQUESTS FOR ADMISSIONS [5-18] PROPOUNDED BY VALIANT IDAHO, LLC UPON JV, L.L.C., dated October 19, 2015, and REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY VALIANT IDAHO, LLC UPON JV, L.L.C. [NOS. 9-24], dated October 26, 2015, as follows:

REQUESTS FOR ADMISSION & INTERROGATORIES

REQUEST FOR ADMISSION NO. 5: Admit that the real property described in the RE Loans Legal Description Exhibit is real property encumbered by the RE Loans Mortgage, the Pensco Mortgage, the MF08 Mortgage and/or the Redemption Deed. [INSERT FOOTNOTE]

ANSWER TO REQUEST FOR ADMISSION NO. 5: Denied. This request is too general and is not sufficiently stated to identify the documents involved. JV specifically explains its denial to this request by stating that as to R.E. Loans:

The Mortgage to R.E. Loans recorded March 15, 2007, Loan No. P0099, Escrow No. 49214NA, which is Exhibit "D" to the Affidavit of Charles W. Reeves, dated 12 November 2014, has an Exhibit "A" legal description which describes:

Section A - Parcels 1 through 13, which describes of real estate lying north of Highway 200, including platted lots and the golf course that was formerly known as Hidden Lakes.

Section B - Parcels 1 through 5, which describes real estate platted lots in First Addition and in Second Addition to Hidden Lakes, lying north of Highway 200.

Section C - Parcels 1 through 2 which describes the large acreage known as Moose Mountain, all lying south of Highway 200.

Section D - Parcels 1 through 3 which describes the Idaho Resort area of real estate lying near Trestle Creek as lake front on Lake Pend Oreille.

Subsequent to the Mortgage to R.E. Loans of 2007, POBD sold many parcels of real estate and platted lots, which were released by partial satisfaction of the Mortgage. Valiant does not identify or exclude those parcels/lots from the 2007 Mortgage legal description. The correct and accurate legal description for the RE Mortgage is as setforth in said Mortgage, LESS, Except and Excluding actual Lots sold and conveyed to Third Parties as identified and recorded by partial release of said mortgage.

INTERROGATORY NO. 13: To the extent you denied Request For Admission ("Request") No. 5, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

a. Identify any real property described within the RE Loans Legal Description Exhibit which you contend is not encumbered by the RE Loans Mortgage;

ANSWER: The 2007 RE Loans Mortgage is paid, so it encumbers no property. The RE Loan indebtedness amount was extinguished by

RE's Satisfaction of Mortgage recorded 8/6/2008, Instrument No. 756408. Further the 2008 note and mortgage Loan No. P1070 from POBD to MF08, Loan No. P0107 (\$21,980,000) amount, if any, owed to Pensco are both included in the MF08 Note and Mortgage which all-inclusive documents are Exhibit "I" and "J", attached to the Affidavit of Charles W. Reeves, dated 12 November 2014, submitted by Valiant. The all-inclusive Note, Exhibit "I" states on page 2 that both the 2007 RE Loans Mortgage No. 0099 is the "First Included Note", and "Second Included Note" is the 2008 note/mortgage to Pensco Trust (2,700,000.00) Loan No. 0106. The Exhibit "I" clearly states the unpaid balance of said Loan NO. P0107 includes the unpaid balances of both the 2007 RE Loan, No. P0099 and the Pensco 2008 Mortgage, Loan No. P0106. The Exhibit "I", Loan Note P0107, page 3 of 7, states that Lender prefers to be secured by a first mortgage. On page 3, paragraph 1 of the all-inclusive note (Exhibit "I"), the Lender (MF08) shall pay the installments of principal and interest as they become due on the INCLUDED NOTES. The 2008 MF08 all-inclusive note and mortgage paid off the included RE Loans 2007 Mortgage Loan No. P0099 and the 2008 note/mortgage to Pensco, Loan No. P0106. The loan closing Borrower's Settlement Statements, Exhibit "G", show both of said loans as "Pay-off".

b. Identify any real property described within the RE Loans Legal Description Exhibit which you contend is not encumbered by the Pensco Mortgage;

ANSWER: None, both the 2007 RE Loans Mortgage Loan No. P0099 and the 2008 Pensco Mortgage, Loan No. P0106 are paid off and included in the MF08 all-inclusive note and mortgage. All of the property in the RE Loans 2007 Mortgage is paid - off and is unencumbered and all of the property described in the Pensco Mortgage is paid off.

c. Identify any real property described within the RE Loans Legal Description Exhibit which you contend is not encumbered by the MF08 Mortgage;

ANSWER: None, both the 2007 RE Loans Mortgage Loan No. P0099 and the 2008 Pensco Mortgage, Loan No. P0106 are paid off and included in the MF08 all-inclusive note and mortgage. All of the property in the RE Loans 2007 Mortgage is paid - off and is unencumbered and all of the property described in the Pensco Mortgage is paid off.

d. Identify any real property described within the RE Loans Legal Description Exhibit which you contend is not encumbered by the Redemption Deed;

ANSWER: The RE Loans 2007 Mortgage is paid off and is discharged from said Mortgage by the Valiant Redemption Deed if Valiant had a statutory right of redemption. No one redeemed from Valiant and the time for redemption is expired. If Valiant had no right of redemption then the real estate remains in title to Bonner County. JV claims that RE and Valiant had no statutory right of redemption.

e. Identify any real property which you contend is encumbered by one or more of the Valiant Encumbrances but omitted from the RE Loans Legal Description Exhibit;

ANSWER: Valiant is an assignee of 3 Mortgages; RE Loans, Pensco and MF08. Each Mortgage has legal descriptions attached and all 3 Mortgages encumber different real estate. The legal description for each of the 3 mortgages is as described in the mortgage, LESS, SAVE, and Except the actual Lots sold and released by recorded partial release of mortgage.

f. Identify any defect(s) that you believe exists in the legal description set forth on the RE Loans Legal Description Exhibit;

ANSWER: JV does not claim a "defect" in RE Loans Mortgage legal descriptions, but the 2007 RE Loans Mortgage is paid off.

g. Identify, by legal description if possible, any real property that you identified in your answer to Interrogatory No. 13[a.-e.]; and

ANSWER: Not possible.

h. Identify all documents which you contend support your denial of Request No. 5 and your answer to Interrogatory No. 13[a.-f.].

ANSWER: The documents are the 3 Mortgages and the 2008 Loan Closing Settlement Statements, and the 2008 all-inclusive Note and the All-Inclusive Mortgage to MF08.

REQUEST FOR ADMISSION NO. 6: Admit that the 186 lots/parcels separately described on the Lot/Parcel Legal Descriptions Exhibit comprise the same real property that is described in the RE Loans Legal Description Exhibit.

ANSWER TO REQUEST FOR ADMISSION NO. 6: Denied.

INTERROGATORY NO. 14: To the extent you denied Request No. 6, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

a. Identify all differences and discrepancies between the real property described in the Lot/Parcel Legal Descriptions Exhibit and the real property described in the RE Loans Legal Description Exhibit;

ANSWER: JV does not claim any difference or discrepancy in legal descriptions, but RE Loans 2007 Mortgage is paid-off and hence it encumbers no real property.

b. Identify any lot/parcel identified on the Lot/Parcel Legal Descriptions Exhibit that is not also included in the legal description in the RE Loans Legal Description Exhibit;

ANSWER: JV contends the RE 2007 Mortgage is paid off and encumbers no real estate.

c. Identify any real property that is part of the legal description in the RE Loans Legal Description Exhibit but is not identified as all or a portion of a parcel in the Lot/Parcel Legal Descriptions Exhibit;

ANSWER: The RE Loans Mortgage is paid off and discharged, so all of the legal descriptions are not within the RE Loans Mortgage. In addition, the Tax Deed to Bonner County extinguished POBD's 2007 Mortgage to RE.

d. Identify, by legal description if possible, any real property that you identified in your answer to Interrogatory No. 14[b.-c.];

ANSWER: The entire legal description of the lot/parcel legal descriptions and the RE Loans Mortgage legal descriptions, but the legal descriptions are not encumbered by the 2007 RE Loan Mortgage.

e. Identify any known parcel that is included within the legal description on the RE Loans Legal Description Exhibit but is not identified as a distinct parcel on the Lot/Parcel Legal Descriptions Exhibit;

ANSWER: JV cannot identify such parcel.

f. Identify any parcel identified in Lot/Parcel Legal Descriptions Exhibit that is not included within the legal description in the RE Loans Legal Description Exhibit;

ANSWER: JV cannot identify such parcel.

g. Identify any parcel identified on the Lot/Parcel Legal Descriptions Exhibit which you contend is described incorrectly on said Exhibit; and

ANSWER: None.

h. Identify all documents which you contend support your denial of Request No. 6 and your answer to Interrogatory No. 14[a.-g.].

ANSWER: The 2007 RE Mortgage, the 2008 Pensco Mortgage, and the 2008 MF08 Mortgage all contain attached exhibits of the real estate encumbered. Those are "legal" descriptions and the substantial 186 parcels of Mr. Shafer cannot change, or substitute, or create new legal descriptions. In addition, the Tax Deed to Bonner County discharged all of the mortgages,

subject to the statutory right of redemption. RE assigned to Valiant, which was not entitled to be recorded, and because RE Mortgage was paid-off Valiant's Redemption was invalid. RE's assignment by Power of Attorney was not entitled to be recorded until the Power of Attorney was first recorded.

REQUEST FOR ADMISSION NO. 7: Admit that all of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are encumbered by the RE Loans Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 7: Denied.

INTERROGATORY NO. 15: To the extent you denied Request No. 7, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

- a. Identify each lot/parcel by its parcel number, as set forth on the Lot/Parcel Legal Descriptions Exhibit, which you contend is not encumbered by the RE Loans Mortgage; and
- b. Identify all documents which you contend support your denial of said Request and your answer to Interrogatory No. 15.

ANSWER A & B: The 2007 RE Mortgage is paid off. Also, Bonner County took title to all of the POBD real estate by Tax Deed, which "discharged" any and all prior mortgages, subject to statutory right of redemption. The ownership of the real estate is vested in JV by its Redemption Deed. Valiant did not have a right of redemption. The real estate described in Valiant's Redemption Deed remains vested in Bonner County. By statute, JV by paying the delinquent taxes on the real estate it redeemed, results in JV being subrogated to the position of Bonner County.

REQUEST FOR ADMISSION NO. 8: Admit that all of the real property described on the RE Loans Legal Description Exhibit is encumbered by the RE Loans Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 8: Denied.

INTERROGATORY NO. 16: To the extent you denied Request No. 8, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

- a. Identify any real property described on the RE Loans Legal Description Exhibit which you contend is not encumbered by the one or more of the parcels identified on the Lot/Parcel Legal Descriptions Exhibit;
- b. Identify the legal description of all real property identified in your answer to Interrogatory No. 16[a.]; and
- c. Identify all documents which you contend support your denial of Request No. 8 and your answer to Interrogatory No. 16.

ANSWER A, B & C: RE Loans Mortgage is paid off and all of the real estate vested in Bonner County, by Tax Deed, subject to

statutory right of redemption within 14 months! JV validly redeemed the real estate in its Redemption Deed. Valiant had no statutory right of redemption. The 14 months to redeem has expired.

REQUEST FOR ADMISSION NO. 9: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are not encumbered by the Pensco Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 9: Admit.

REQUEST FOR ADMISSION NO. 10: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are encumbered by the Pensco Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 10: Admit.

INTERROGATORY NO. 17: Identify each parcel on the Lot/Parcel Legal Descriptions Exhibit that you acknowledge is encumbered by the Pensco Mortgage.

ANSWER TO INTERROGATORY NO. 17:

The real estate encumbered by the Pensco Mortgage is the encumbered parcels of that Mortgage, described in its Exhibit "A". The Pensco Mortgage intentionally omitted Parcel 20 which are Lots 5, 6, 7, and 8 of Block 1 and Lots 1 and 2 of Block 2, Golden Tees 8th Addition.

REQUEST FOR ADMISSION NO. 11: Admit that the Pensco Mortgage encumbers all of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit, except for the following:

Parcel 1 Parcel 101

Parcel 14 Parcel 102

Parcel 15 Parcel 103

Parcel 16 Parcel 104

Parcel 32 Parcel 105

Parcel 33 Parcel 106

Parcel 37 Parcel 107

Parcel 38 Parcel 109

Parcel 39 Parcel 112

Parcel 40 Parcel 122

Parcel 59 Parcel 132

Parcel 62 Parcel 133

Parcel 67 Parcel 141
Parcel 82 Parcel 142
Parcel 83 Parcel 143
Parcel 84 Parcel 164
Parcel 85 Parcel 168
Parcel 91 Parcel 169

Parcel 170

ANSWER TO REQUEST FOR ADMISSION NO. 11: Admit, except the Pensco Mortgage encumbers no property, as it is paid-off and included in the 2008 MF08 Mortgage. The "parcels" described in this request are not legal descriptions of any real estate. These parcels are only referencing many by the person who made the request up.

INTERROGATORY NO. 18: To the extent you denied Request No. 11, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

- a. Identify each lot/parcel by its parcel number, as set forth on the Lot/Parcel Legal Descriptions Exhibit, which you contend is not encumbered by the Pensco Mortgage; and
- b. Identify all documents which you contend support your denial of Request No. 11 and your answer to Interrogatory No. 18.

ANSWER TO INTERROGATORY NO. 18: Not applicable.

REQUEST FOR ADMISSION NO. 12: Admit that the Pensco Legal Description Exhibit identifies all real property encumbered by the Pensco Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 12: Admit; however, the Pensco Mortgage legal descriptions are set forth in in its Exhibit "A".

INTERROGATORY NO. 19: To the extent you denied Request No. 12, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

- a. Identify all real property that is encumbered by the Pensco Mortgage but not identified on the Pensco Legal Description Exhibit;
- b. Identify all real property identified on the Pensco Legal Description Exhibit that is not encumbered by the Pensco Mortgage;
- c. Identify the legal description of all real property identified in your answer to Interrogatory No. 19[a.-b.]; and

d. Identify all documents which you contend support your denial of Request No. 12 and your answer to Interrogatory No. 19.

ANSWER TO INTERROGATORY NO. 19: Not applicable.

REQUEST FOR ADMISSION NO. 13: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are not encumbered by the MF08 Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 13: Admit.

REQUEST FOR ADMISSION NO. 14: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are encumbered by the MF08 Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 14: Admit. MF08 made no loan of money POBD.

INTERROGATORY NO. 20: Identify each parcel on the Lot/Parcel Legal Descriptions Exhibit that you acknowledge is encumbered by the MF08 Mortgage.

ANSWER TO INTERROGATORY NO. 20: No real estate is encumbered by the MF08 Mortgage of August 2008 as MF08 failed to fund any of the \$12,257,174.82 "Retained Loan Funds".

REQUEST FOR ADMISSION NO. 15: Admit that the MF08 Mortgage encumbers all of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit, except for the following:

Parcel 1 Parcel 105

Parcel 14 Parcel 106

Parcel 15 Parcel 107

Parcel 16 Parcel 109

Parcel 59 Parcel 112

Parcel 62 Parcel 122

Parcel 67 Parcel 132

Parcel 82 Parcel 133

Parcel 83 Parcel 141

Parcel 84 Parcel 142

Parcel 85 Parcel 143

Parcel 91 Parcel 164

Parcel 101 Parcel 168

Parcel 102 Parcel 169

Parcel 103 Parcel 170

Parcel 104

ANSWER TO REQUEST FOR ADMISSION NO. 15: Admit, but no money was loaned to POBD to be encumbered by the MF08 Mortgage of 2008. These "Parcels" are not legal descriptions of real estate, these parcels are just reference names by the person that made them up.

INTERROGATORY NO. 21: To the extent you denied Request No. 15, identify all facts and information upon which you base your denial of said Request(s), including, but not limited to, the following:

- a. Identify each lot/parcel by its parcel number, as set forth on the Lot/Parcel Legal Descriptions Exhibit, which you contend is not encumbered by the MF08 Mortgage; and
- b. Identify all documents which you contend support your denial of said Request and your answer to Interrogatory No. 21.

ANSWER TO INTERROGATORY NO. 21: Not applicable.

REQUEST FOR ADMISSION NO. 16: Admit that the MF08 Legal Description Exhibit identifies all real property encumbered by the MF08 Mortgage.

ANSWER TO REQUEST FOR ADMISSION NO. 16: Denied. MF08 made no loan of money to POBD and therefore the MF08 Mortgages does not secure any indebtedness.

INTERROGATORY NO. 22: To the extent you denied Request No. 16, identify all facts and information upon which you base your denial of said Request, including, but not limited to, the following:

- a. Identify all real property that is encumbered by the MF08 Mortgage but not identified on the MF08 Legal Description Exhibit;

ANSWER: The real property is as described in the MF08 actual recorded Mortgage.

- b. Identify all real property identified on the MF08 Legal Description Exhibit that is not encumbered by the MF08 Mortgage;

ANSWER: All of it.

- c. Identify the legal description of all real property identified in your response to Interrogatory No. 22[a.-b.]; and

ANSWER: The legal description of all of the real property is as described in the MF08 Mortgage.

d. Identify all documents which you contend support your denial of Request No. 16 and your answer to Interrogatory No. 22.

ANSWER: The All-Inclusive Mortgage of 2008, Loan No. P0107.

REQUEST FOR ADMISSION NO. 17: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are not encumbered by the Redemption Deed.

ANSWER TO REQUEST FOR ADMISSION NO. 17: Admit in part and deny in part. The Redemption Deed is not an "encumbrance" it is title vesting. Since Valiant had no right of redemption on the RE Mortgage, title to that real estate remains in Bonner County by Tax Deed.

REQUEST FOR ADMISSION NO. 18: Admit that some of the lots/parcels identified on the Lot/Parcel Legal Descriptions Exhibit are encumbered by the Redemption Deed.

ANSWER TO REQUEST FOR ADMISSION NO. 18: Denied. The real estate redeemed by JV described in its Redemption Deed is unencumbered as Bonner County Tax Deed eliminated all encumbrances, subject to the statutory right of redemption. JV exercised its statutory right of redemption and obtained its Redemption Deed. JV made the first redemption and only valid redemption.

INTERROGATORY NO. 23: Identify each parcel on the Lot/Parcel Legal Descriptions Exhibit that you acknowledge is encumbered by the Redemption Deed.

ANSWER TO INTERROGATORY NO. 23: None are encumbered by Valiant's Redemption Deed. If Valiant had a valid statutory right to redeem it is the owner of the redeemed real estate. JV claims Valiant had no statutory right to redeem.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 9: Produce all agreements entered into between Pend Oreille Bonner Development, LLC ("POBD") and Pend Oreille Bonner Development Holdings, Inc. ("POBD Holdings") on the one hand, and JV, L.L.C. ("JV") and/or James Berry and/or William Berry on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Produced and identified.

REQUEST NO. 10: Produce all agreements entered into between JV and any other person and/or entity that are related to the Idaho Club Property in any way and/or related to the claims and disputes of any of the parties in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: The agreements are the recorded Subordination Agreement, the recorded Second Subordination Agreement, and the Third Amendment to Indebtedness

and to Real Estate Security and Subordination Agreement recorded 6/24/2009 as Instrument No. 753907.

REQUEST NO. 11: Produce all documents evidencing JV's purchase of any real property comprising all or a portion of the Idaho Club development from VP, Incorporated ("VP").

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: JV did not purchase from VP. VP purchased from JV in October 1995 and VP gave the Purchase Money 1995 Mortgage to JV.

REQUEST NO. 12: Produce all documents evidencing JV's purchase of any real property comprising all or a portion of the Idaho Club development from any other person or entity.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: The real estate was purchased from Eugena McGhee, James Berry's Aunt. The remainder was purchased from Denny Shields, both over 40 years ago. JV has no documents except the recorded deeds from said parties.

REQUEST NO. 13: Produce all documents evidencing payments made by JV to VP or any other person or entity pursuant to any purchase and sale agreement produced in response to Request Nos. 11 and 12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: JV did not make payments to VP.

REQUEST NO. 14: Produce all agreements pursuant to which JV sold any real property now comprising all or a portion of the Idaho Club development.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: The documents are the 1995 Note from VP to JV, secured by the Mortgage recorded October 1995. These have already been furnished to Valiant.

REQUEST NO. 15: Produce all documents securing the amounts owed to JV pursuant to the agreements produced in response to Request No. 14, regardless of whether secured by mortgages, deeds of trust or otherwise.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: The Secured Promissory Note of October 24, 1995 and the Mortgage recorded October 24, 1995, Instrument # 474746 have been furnished to Valiant.

REQUEST NO. 16: Produce all documents evidencing payments received by JV for the sale of real property subject to the agreements produced in response to Request No. 14, including, but not limited to, ledgers, bank statements, loan transaction reports and any other documents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: The payments from VP to JV, and the payments by POBD to JV are listed and described in the Panhandle Escrow No. 2067429, a copy of which has been furnished to Valiant.

REQUEST NO. 17: Produce all documents modifying or changing the terms of any agreement produced in response to Request Nos. 10, 11, 12, 14 and 15, including, but not limited to, mortgages, subordination agreements, mortgage modifications and deeds of trust.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: The agreements are changed by documents identified above, all have been furnished to Valiant.

REQUEST NO. 18: Produce all documents evidencing any agreements by and between JV and the Bonner County Tax Assessor's office for the redemption of real property comprising all or a portion of the Idaho Club development.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Redemption Deed to JV recorded July 7, 2014 as Instrument No. 861430 and recorded 8/22/2014 as Instrument No. 863295. The Notice of Redemption by JV to the Bonner County Treasurer, dated 7/1/2014, a copy of which is Defendant's Exhibit "L" by JV.

REQUEST NO. 19: Produce all communications arising out of or in any way related to JV's attempts to redeem real property comprising all or a portion of the Idaho Club development from the Bonner County Tax Assessor, including, but not limited to, any communications from JV, James Berry, William Berry and/or counsel for the same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: JV has no dealings with the Bonner County Tax Assessor. JV's redemption was through the Bonner County Treasurer/Tax Collector.

REQUEST NO. 20: Produce all communications between JV, James Berry, William Berry and counsel for the same on the one hand, and North Idaho Resorts, LLC ("NIR"), VP, Richard Villelli and/or counsel for the same on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: Object to producing communications between counsel, as those are protected by the attorney-client privilege. There are no "communications" that are discoverable.

REQUEST NO. 21: Produce all communications between JV, James Berry, William Berry and counsel for the same on the one hand, and R.E. Loans, LLC, Pensco Trust Co., Mortgage Fund '08 LLC, Bar K, Inc. and/or counsel for the same on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: There are no such communications, except through documents on file in this action.

REQUEST NO. 22: Produce all communications or other documents in any way related to the claims and defenses of the parties in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: These documents are the documents already produced by JV as EXHIBITS to its opposition to Valiant's Motions and the documents listed and

furnished as JV's EXHIBIT LIST. Further, JV and VP entered a Settlement Agreement in this action on file in the Clerk's record.

REQUEST NO. 23: Produce all communications between JV, James Berry, William Berry and/or counsel for any of the same on the one hand, and any owner of Idaho Club real property, including homeowners, lot owners and/or counsel for the same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: The communications are those in Action CV-2011-2284 vs. JV, et. al, which were between JV's counsel and the Home Owner's Association, Counsel Attorney Toby McLaughlin, on file in the Clerk's record.

REQUEST NO. 24: Produce all documents evidencing any agreement between VP and JV wherein VP obtained and/or retained any sanitary water and/or sewer rights and/or easements relating to the same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: JV developed the first 29 Lots along the Hidden Lakes Golf Course, and JV developed the water system and the sewer system for the Golf Course and these platted Lots. JV then developed the land above the County Road as the Highlands. The sewer systems were sold by JV to Joe Lapham's entity ESI Inc. The water system was acquired by VP as part of its purchase from JV. VP further expanded the water and sewer systems. JV cannot locate any documents at this time, but is making effort and will supplement with documents if able to do so. The documents being provided herewith are:

- a) Bill Of Sale and Warranty and Indemnification of October 20, 1995
- b) Agreement to Release Right of First Refusal Upon Payment, Agreement for Payment on Profit Sharing Agreement and to Release Upon Payment, and Modifications to promissory Note and Real Estate Mortgage dated February 7, 2005
- c) A list of JV L.L.C.'s Documents and Exhibits - copies of which Valiant has already received

VERIFICATION

STATE OF IDAHO)
 : s.s.
COUNTY OF BONNER)

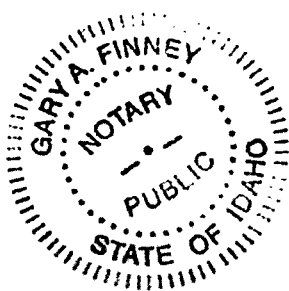
I, James Berry, as a Member/Manager of JV L.L.C., first being duly sworn upon oath depose and say the following:

I am the Member/Manager of Defendant JV L.L.C. in this case and I have read the JV L.L.C.'S ANSWERS AND RESPONSES TO VALIANT IDAHO, LLC'S INTERROGATORIES [13-23] AND REQUESTS FOR ADMISSION [5-18] AND REQUESTS FOR PRODUCTION OF DOCUMENTS [9-24] PROPOUNDED BY VALIANT IDAHO, LLC UPON JV, L.L.C dated the 12 day of November, 2015, and know the contents therein stated and believe the same to be true.

JV L.L.C.

James Berry
By: James Berry
Its: Member/Manager

SUBSCRIBED AND SWORN to before me this 12 day of November 2015.



Gary A. Finney
Notary Public-State of Idaho
Residing at Sawport
My Commission Expires Oct 14, 2017

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was delivered by first class mail, postage prepaid, this 13th day of November, 2015, and was addressed as follows:

Richard Stacey/Jeff Sykes
MCCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, ID 83712
[Attorney for R.E. LOANS, LLC & VALIANT IDAHO LLC]

and, I hereby certify that a true and correct copy of the foregoing was delivered via facsimile, this 13th day of November, 2015, and was addressed as follows:

Richard Stacey/Jeff Sykes
MCCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, ID 83712
[Attorney for R.E. LOANS, LLC & VALIANT IDAHO LLC]
Via Facsimile: (208) 489-0110

Susan Weeks
Steven C. Wetzel
JAMES, VERNON & WEEKS, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814
Via Facsimile: (208) 664-1684
[Attorney for NORTH IDAHO RESORTS, LLC, V.P. INC, & FOR
JV'S THIRD PARTY DEFENDANTS]

By: 