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IN THE

**SUPREME COURT
OF THE
STATE OF IDAHO**

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

Valiant Idaho, LLC
Cross-Claimant/Respondent

vs.

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

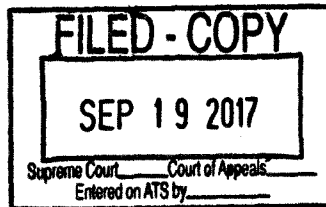
CLERK'S RECORD ON APPEAL

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

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44583

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
RESPONSE AND REBUTTAL TO
VP, INC.'S CLOSING ARGUMENT**

Honorable Barbara A. Buchanan

COMES NOW, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and files its Closing Argument Rebuttal.

I.
INTRODUCTION

As this Court has repeatedly reiterated, there are only two questions remaining to be resolved in this case:

1. Was the 2007 RE Loans, LLC (“RE Loans”) note paid-off at the Mortgage Fund ’08 LLC (“MF08”) loan closing on August 6, 2008?
2. Was the Pensco Trust Co. f/b/o Barney Ng (“Pensco”) note paid-off at the MF08 loan closing?

The evidence submitted at trial was undisputed. There can be no doubt that neither the RE Loans note nor Pensco note were paid off on August 8, 2008. This was established so clearly that Third Party Defendant VP, Inc. (“VP”) has altogether abandoned its argument that a payoff occurred at the MF08 loan closing. Moreover, Cross-Defendant JV, LLC (“JV”) devoted 42 of its 46-page Post Trial Memorandum and Argument (“JV Memorandum”) to arguments unrelated to this issue.

As predicted in Valiant’s Closing Argument, VP and JV now argue that RE Loans and Pensco were paid off for entirely different reasons. It should now be obvious that the arguments raised by VP and JV to defeat summary judgment were a sham and their new arguments are not any better. Regardless, Valiant has established beyond a preponderance of the evidence that, as of May 26, 2016, it is still owed: (1) \$3,153,332.74 pursuant to the RE Loans note, including *per diem* interest of \$1,417.94 accruing thereafter until judgment is entered; (2) \$316,015.37 in operating losses and remediation costs recoverable pursuant to the RE Loans mortgage; (3) \$9,859,130.21 pursuant to the Pensco note, including *per diem* interest of \$4,197.74 accruing thereafter until

judgment is entered; and (4) \$7,618,519.79 pursuant to the MF08 note, including *per diem* interest of \$3,244.28 accruing thereafter until judgment is entered. The arguments set forth in JV's Memorandum and VP's Closing Argument ("VP's Argument") have no basis in fact or law and should be rejected.

VP and JV each filed separate closing arguments. This brief shall respond only to those arguments set forth in VP's Argument. Another brief will be filed concurrently responding to JV's Memorandum.

II. **ARGUMENT**

A. The Arguments Set Forth In VP's Introductory Section Should Be Rejected.

VP's Argument begins with an introductory section purporting to set forth a series of undisputed facts in this case. However, VP interjects several arguments into this section related to the validity of Valiant's interest in the RE Loans note and mortgage and its ability to foreclose said mortgage in this case. These arguments are nothing more than thinly veiled attempts to rejuvenate arguments that VP lost on summary judgment and should be rejected.

1. RE Loans Executed An Allonge To Valiant.

VP asserts that an allonge from RE Loans to Valiant was never executed or admitted into evidence apparently in an attempt to imply that the transfer from RE Loans to Valiant may be invalid. This argument is completely unrelated to this Court's determination whether the RE Loans note and the Pensco note have been satisfied. Moreover, this Court has already determined on summary judgment that the RE Loans mortgage is a binding mortgage validly

transferred to Valiant. See Memorandum Decision & Order Granting Valiant Idaho, LLC's Motion For Summary Judgment Against JV, LLC, North Idaho Resorts, LLC and VP, Incorporated entered April 14, 2015 ("1st SJ Decision"). Regardless, VP materially misrepresents the evidence submitted into evidence at trial. In fact, the allonge from RE Loans to Valiant was actually admitted into evidence at trial. Valiant's Trial Exhibit ("Tr.Ex.") 69A. Like all of the arguments VP has made throughout this case, this argument has no basis in fact or law.

2. **Valiant Had No Obligation to Declare VP in Default Under the RE Loans Loan Agreement.**

VP asserts that Wells Fargo never declared the principal of the note due and payable pursuant to the RE Loans mortgage apparently in an attempt to imply that Valiant is not entitled to foreclosure. Again, this issue was already decided on summary judgment. The Court has already determined that POBD is in default under the RE Loans, Pensco and MF08 Notes and mortgages, such that Valiant is entitled to foreclosure. Regardless, VP badly misinterprets the loan documents in making this argument.

Article 3.1 of the Mortgage states that, upon occurrence of an "Event of Default," "Mortgagee *may* declare the entire principal of the Note then outstanding to be due and payable immediately, and, notwithstanding the stated maturity in the Note . . . the principal amount of the Note shall become immediately due and payable." Tr.Ex. 1, p. 11 (emphasis added). However, *an event of default automatically occurs if*: "The Mortgagor shall fail to pay interest or the principal amount of the Note when due, or any fee or other amount payable under the Note, hereunder or under either of the Other Mortgages, on the due date thereof." *Id.* at Article 2.1, p. 11. Moreover, Article 3.11 expressly states, "In the event of an Event of Default under any of the Note,

this Mortgage or the Other Mortgages, Mortgagee may foreclose or exercise any right or remedy provided hereunder.” *Id.*, pp. 13-14.

Undisputed trial testimony and evidence establishes that Pend Oreille Bonner Development, LLC’s (“POBD”) final payment to repay the RE Loans loan was made on or about November 23, 2009. Tr.Exs. 65A, 66. Mr. Reeves testified that no further payments were made thereafter by POBD. The maturity date of the RE Loans note was March 7, 2009. Tr.Ex. 1, p. 1. As such, POBD was already in default on the date POBD made its last payment.^{1/} RE Loans (and then Valiant after RE Loans’ interests had been assigned) were contractually entitled to declare an Event of Default and foreclose due to POBD’s nonpayment any time after March 7, 2009. However, neither RE Loans nor Valiant were ever required to make such a declaration under the terms of the mortgage. Both the mortgage and Idaho law allowed them to simply file a foreclosure action, which is exactly what Valiant did in this case. VP’s argument regarding RE Loans’ failure to declare a default has no basis in fact or law.

3. **Barney Ng Did Not Testify That Kelly Ng Misappropriated Any Funds.**

VP asserts that Barney Ng testified that his brother was lying and hiding money in an attempt to imply that Kelly Ng may have misappropriated funds that were paid by POBD. This assertion completely mischaracterizes Mr. Ng’s testimony.

^{1/} On October 16, 2012, a single payment of \$96,901.09 was wired to Wells Fargo by Sandpoint Title on POBD’s behalf. This payment was insufficient to pay the outstanding interest that had accrued against said note as of that date and did not cure POBD’s default.

Barney Ng testified that RE Loans was required to advise Wells Fargo of every loan it made after RE Loans and Wells Fargo entered into the collateral assignment. Tr.Ex. 7. He testified that his brother lied to him because Kelly did not disclose that certain loans were kept secret from Wells Fargo. Mr. Ng also testified that the profits from these undisclosed loans were paid to investors instead of Wells Fargo as required under the collateral assignment. Mr. Ng further testified that these matters were completely unrelated to the loan between POBD and RE Loans. It is undisputed that Wells Fargo was fully aware of and was collaterally assigned all right, title and interest in the RE Loans note and mortgage. No testimony was elicited at trial suggesting that his brother or father have ever failed to account for funds paid by a borrower towards the repayment of any loan, specifically including the loans from RE Loans, Pensco and MF08 that are the subject of this litigation.

B. Valiant Has Met Its Burden Of Proof.

VP argues that Valiant has attempted to shift the burden of proof to VP. However, nothing could be further from the truth. Valiant met its burden by proving beyond a preponderance of the evidence that the notes from RE Loans and Pensco remain unsatisfied. As explained in Valiant's Closing Argument, this evidence is virtually undisputed.

Valiant concurs that "the party seeking foreclosure has the burden of establishing the existence of the debt and default on that debt." *U.S. Bank Nat. Ass'n N.D. v. CitiMortgage, Inc.*, 157 Idaho 446, 451 (2014). The burden of proving an affirmative defense, however, rests upon the party who advances the affirmative defense. *Id.* Payment is an affirmative defense which must be affirmatively plead according to the Idaho Rules of Civil Procedure. I.R.C.P. Rule 8(c). This procedural rule, with respect to the affirmative defense of payment, has been specifically

considered and enforced by the Idaho Court of Appeals. *Nguyen v. Bui*, 146 Idaho 187 (2008) (holding that a party must set forth in his or her pleading any affirmative defenses to the other party's pleading, *including the defense of payment* (emphasis added)). The standard of proof for the claims and affirmative defenses in this case is the preponderance of the evidence standard. *Pearson v. Weiser*, 69 Idaho 253, 259-261 (1949).

Based upon Idaho law, it was incumbent upon Valiant in its case-in-chief to establish it is more probable than not that it is still owed amounts pursuant to the RE Loans and Pensco notes. In order for VP to prevail on its affirmative defense of payment, it is then incumbent upon VP to submit sufficient evidence to prove it is more probable than not that POBD has already been paid in full. Valiant has clearly met its burden of proof whereas VP has not.

Both on summary judgment^{2/} and at trial, Valiant submitted undisputed testimonial evidence from the lender (Barney Ng on behalf of RE Loans and Pensco) and the borrower (Charles Reeves on behalf of POBD) to establish that RE Loans and Pensco loaned sums to POBD which have not been repaid. Mr. Reeves and Mr. Ng both testified at trial that RE Loans loaned POBD a total of \$21,200,000.00, of which \$278,147.65 in principal has not been paid; and that Pensco loaned POBD a total of \$2,700,000.00, of which POBD never repaid a single penny. Moreover, both on summary judgment and at trial, Valiant submitted invoices that POBD received from Bar K, Inc. ("BarK") ("RE Loans Invoices") in the ordinary course showing the exact same amounts are still due and owing. Tr.Exs. 64, 65, 65A. At trial, Mr. Reeves testified that the RE Loans Invoices were

^{2/} The evidence submitted on summary judgment is relevant because Valiant had already met its burden of proof prior to trial. Unless the evidence Valiant submitted on summary judgment was excluded, VP was aware that it needed to submit evidence affirmatively proving it was paid. VP knowingly pursued this case to trial without any evidence to meet its burden of proof.

reviewed and reconciled by POBD each month. He authenticated the handwriting of POBD's bookkeeper (Kathy Groenhout), who wrote notes on each invoice reconciling payments made by POBD and calculating accruing interest payments owed by POBD on each Invoice. *Id.* Mr. Ng authenticated BarK's accounting records for the RE Loans loan that also show a principal balance owed of \$278,147.65. Tr.Ex. 66. Mr. Reeves also authenticated a *pro forma* spreadsheet he gave to potential lenders on behalf of POBD in 2011 for purposes of seeking to refinance. Tr.Ex. 105. The *pro forma* spreadsheet also shows a principal balance owed to RE Loans of \$278,147.65 and to Pensco of \$2,700,000.00. Valiant plainly met its burden of proof in this case.

C. **VP Failed To Meet Its Burden Of Proving That The Notes Valiant Obtained From RE Loans Or Pensco Have Been Repaid.**

As explained hereinabove, once Valiant has met its burden of proof with respect to the existence of POBD's debt, VP has the burden of proving any affirmative defenses. The only affirmative defense argued by VP in this case is the defense of payment. VP fell woefully short of meeting its burden of proof.

1. **VP Failed to Submit Any Accounting Records Showing That the Notes From RE Loans and Pensco Were Satisfied.**

VP contends that certain accounting records from POBD, Lend Inc., and Wells Fargo were not submitted into evidence at trial and that this somehow establishes that the notes from RE Loans and Pensco were actually paid. This argument ignores VP's burden of proof.

Charles Reeves and Barney Ng both testified concerning the amounts that POBD borrowed from RE Loans and Pensco and the amounts that are still owed pursuant to these loans. Mr. Reeves is responsible for managing POBD's day-to-day operations, including its financing obligations. Mr. Ng is a member of RE Loans and managed the day-to-day operations of

its loan servicer (BarK). The money Pensco loaned to POBD also came from Mr. Ng's bank account. The testimony of Mr. Reeves and Mr. Ng was sufficient by itself for Valiant to meet its burden of proof. No accounting records were necessary. Nonetheless, in an abundance of caution, Valiant did submit a variety of accounting records from POBD and BarK to ensure it met its burden of proof.

If VP believes there are other accounting records generated by POBD^{3/}, Lend, Inc.^{4/}, BarK^{5/}, Wells Fargo^{6/}, or any other entity involved in financing the Idaho Club showing the notes from RE Loans or Pensco were satisfied, VP bore the burden of submitting these documents into evidence at trial. If POBD, Lend, Inc., BarK or Wells Fargo had any documents showing that RE Loans and Pensco were paid, VP certainly would have obtained these records in discovery and admitted them into evidence at trial. No such evidence was submitted because these records simply do not exist. As VP failed to submit any evidence whatsoever supporting its affirmative defense that the notes from RE Loans and Pensco have been satisfied, its arguments that the RE Loans note and Pensco note have been satisfied are frivolous and without any basis in fact or law.

^{3/} VP asserts that Charles Reeves testified that he could not locate any of POBD's accounting records. This blatantly misstates Mr. Reeves' testimony. He testified concerning hundreds of pages of accounting records that he produced in discovery, including, but not limited to, those documents admitted into evidence as Plaintiff's Exhibits 63, 64, 65, and 65A. These invoices were sent to POBD from Bar-K but POBD used them to reconcile POBD payments and calculate accrued interest payments as described in the handwriting on these documents. The handwriting on these invoices and POBD's use of them to reconcile payments and calculate interest makes these documents part of POBD's accounting records. Mr. Reeves also testified that additional accounting records were stored on Kathy Groenhout's computer, which cannot be located. Neither VP nor JV ever sought to obtain discovery of POBD's backup tapes for this computer.

^{4/} Neither VP nor JV ever sought any discovery from Lend, Inc.

^{5/} Neither VP nor JV ever sought any discovery from BarK.

^{6/} Neither VP nor JV ever sought any discovery from Wells Fargo.

2. Tr.Ex. 66 Establishes That the RE Loans Note Was Not Satisfied.

VP argues that Tr.Ex. 66 somehow establishes that the RE Loans note was satisfied.

To the contrary, both the Exhibit and Barney Ng's testimony concerning said Exhibit establish that the note from RE Loans has not been repaid.

Tr.Ex. 66 is a "Payment History Detail Report" from BarK. Mr. Ng testified that BarK used this report to track payments from POBD and that it shows each payment and the manner in which the payments were applied to interest and principal. Tr.Ex. 66 shows that, after subtracting all payments made by POBD, Valiant is still owed a total principal balance of \$278,147.65. This is the same principal amount Charles Reeves testified is owed.

The Payment History Detail Report also includes a column entitled "Other." There are entries totaling \$1,699,890.18 listed under this column heading. VP contends that these entries identify amounts that were wrongly withheld from POBD by Wells Fargo. However, this argument is pure speculation. Mr. Ng was not asked a single question concerning the meaning of this column or the entries in this column at trial. Moreover, neither Mr. Ng nor anyone else testified that this column identifies amounts retained by Wells Fargo or otherwise withheld from POBD. To the contrary, both Mr. Reeves and Mr. Ng testified that RE Loans and Wells Fargo released insurance proceeds and other amounts that otherwise could have been used to pay-down the amounts

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owed to RE Loans in order to provide POBD operating capital and funding to pay its construction obligations.^{7/} The undisputed evidence establishes that POBD still owes a principal balance of \$278,147.65 on the note from RE Loans.

As VP bears the burden of proving the notes Valiant obtained from RE Loans and Pensco were satisfied, it was incumbent upon VP to elicit testimony or submit documentary evidence establishing that the amounts in the “Other” column were actually withheld from POBD. As VP failed to elicit said testimony or submit said evidence, its arguments with respect to Tr.Ex. 66 are without any basis in fact or law.

3. Payments Received Pursuant to the Collateral Assignments to EaglePointe Have Been Properly Applied to Reduce POBD’s Debt Pursuant to the RE Loans Note.

VP contends the RE Loans note was somehow satisfied because three (3) promissory notes and deeds of trust from EaglePointe Construction & Management, Inc. (“EaglePointe”) were assigned from POBD to RE Loans. VP acknowledges that a collateral assignment cannot constitute a payment, but intentionally misstates the testimony of Mr. Reeves and Mr. Ng and blatantly misconstrues the MF08 Loan Agreement (Tr.Ex. 21) in arguing that the assignment to RE Loans was a complete assignment rather than a collateral assignment.

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^{7/} This testimony is consistent with the terms of the Second Amendment to Loan Agreement (Tr.Ex. 22), which allowed POBD to draw excess funds from the Development Account for operating costs and to pay for the costs of construction. *See Id.* at Section 10.i, p. 2. However, no evidence was admitted at trial suggesting that any excess funds were ever paid or deposited into the Development Account, and it is pure speculation to conclude that the amounts identified in the “Other” column were ever deposited in said Account.

The evidence with respect to the EaglePointe lots was undisputed. Charles Reeves testified that in August of 2008, POBD sold three (3) lots to EaglePointe (Lot 16, Block 2 ["Lot N1"]; Lot 4, Block 9 ["Lot D3"]; and Lot 7, Block 2 ["Lot A6"]). Tr.Exs. 113, 114, 115. EaglePointe paid POBD a total of \$673,640.00 at closing (Lot N1 - \$234,250.00; Lot D3 - \$224,215.00; and Lot A6 - \$215,175.00). *Id.* POBD also accepted seller carry-back notes and seller deeds of trust securing the remaining balance of \$527,410.00 (Lot N1 - \$110,000.00; Lot D3 - \$177,500; and Lot A6 - \$240,500). *See* JV's Exhibits X, BB, Z. Entries dated August 23, 2007 on the RE Loans Invoices and dated August 30, 2007 on BarK's Payment History Detail Report show payments that POBD received from EaglePointe at closing were paid to RE Loans and credited against the balance on said loan. Tr.Exs. 65A, 66. Mr. Reeves and Mr. Ng testified that additional entries on the RE Loans invoices dated May 12, 2008, August 1, 2008, and October 7, 2008 identify interest only payments totaling \$33,660.00 that were paid by EaglePointe and credited against the RE Loans loan balance. Tr.Ex. 65A. Corresponding entries for these interest payments can be found on the Payment History Detail Report as entries dated May 12, 2008, July 30, 2008, and October 7, 2008. Tr.Ex. 66. Mr. Reeves and Mr. Ng testified they were unaware of any further payments that were made by EaglePointe in repayment of the seller carry back notes and deeds of trust. However, the president of Sandpoint Title testified that one of these lots was sold by EaglePointe in 2012, which resulted in an additional payment being wired directly to Wells Fargo in the amount of \$96,901.99. In accordance with the terms of the RE Loans note, this payment has been credited first to outstanding interest and other charges then due and payable to RE Loans. Tr.Ex. 3, p. 2. As such, this payment did not reduce the principal balance POBD owed on the

RE Loans note. See Declaration of William Haberman in Support of [Valiant's] Closing Argument filed on or about April 14, 2016, Ex. A.

VP asserts that the balance owed by EaglePointe at the closing in August 2008 should have been credited against the balance POBD owed to RE Loans because “the assignments were complete assignments and not a collateral assignment as was given to Wells Fargo.” In addition to failing to cite to any authority whatsoever to support its contention that this distinction is somehow meaningful, VP blatantly misrepresents the agreement between the parties.

No evidence was submitted at trial suggesting the parties intended anything other than a collateral assignment. Mr. Reeves and Mr. Ng both testified that the seller carry back notes and deeds of trust were collaterally assigned to secure the remaining amounts owed by EaglePointe. Moreover, the MF08 Loan Agreement memorializes the agreement between the parties as follows:

- a. Borrower acknowledges that it previously sold three lots commonly described as Marketing Lot A6 - Lot 7, Block 2; Marketing Lot D3 - Lot 4, Block 9; and Marketing Lot N1 - Lot 16, Block 2, and that Borrower carried back three promissory notes (“Seller Carry- Back Notes”), each secured by a deed of trust from the buyer of these three lots (“Seller Carry-Back Deeds of Trust”). Borrower further acknowledges that it previously assigned the Seller Carry-Back Notes and Seller Carry-Back Deeds of Trust to R.E. Loans, LLC, **as collateral securing a prior loan from R.E. Loans, LLC to Borrower.**
- b. Borrower agrees that if and when the loan in favor of R.E. Loans, LLC is paid off, R.E. Loans, LLC shall assign these three Seller Carry-Back Notes and Deeds of Trust to Lender as additional personal property **collateral** securing the Loan.

- c. **The value of the Seller Carry-Back Notes will NOT be credited to principal or interest due under Borrower's Note to Lender unless and until Lender receives actual payments of cash from the makers of the Seller Carry-Back Notes.** Payments on the Seller Carry-Back Notes, when received by Lender, will be credited to Borrower's Note to Lender as follows:

...

Tr.Ex. 21, Section 11, VAL001317 (emphasis added).

The evidence is clear that the parties never intended that the value of the Seller Carry-Back Notes be credited to the principal or interest due under the RE Loans' note until EaglePointe made cash payments. It cannot be reasonably argued that POBD or RE Loans ever intended the Seller Carry-Back Notes and Deeds of Trust to be anything other than collateral assignments to secure the amounts owed. There is also no evidence that EaglePointe made any other payments that have not been accounted for. As such, VP's arguments regarding the EaglePointe lots are without basis in fact or law.

4. **Tr.Ex. 107 is Consistent With the Evidence Admitted at Trial.**

VP argues that because Tr.Ex. 107 shows Idaho Club lot sales totaling over \$45 Million, this proves that the RE Loans note must have been paid-off. This argument ignores mathematics, the fact that there have been multiple loans for the construction and development of the Idaho Club, and VP's burden of proof.

Richard Villelli testified he was the original owner of the Idaho Club and that he borrowed \$8,000,000.00 from RE Loans for development purposes on or about March 19, 2004. JV Exhibit DD. According to the loan documents, this loan was identified as Loan Number V0104. *Id.* Moreover, VP admitted a mortgage and note secured by mortgage between RE Loans and

Pend Oreille Bonner Development Holdings, Inc. ("POBDH") into evidence. These documents memorialized a loan in the amount of \$20,500,000.00 ("Loan No. P0094"). VP Exhibits 19-20. Mr. Ng testified that this loan was obtained for the purposes of designing and constructing the Idaho Club. On or about March 6, 2007, POBD borrowed an additional \$21,200,000.00 from RE Loans ("Loan No. P0099") for purposes of developing the Idaho Club. Tr.Exs. 1-3. Loan No. P0099 is the loan from RE Loans that is the subject of this dispute. *Id.* The subordination agreement between JV and Pacific Capital Bank, N.A. ("FNB") further makes mention of a loan between POBD and FNB dated March 7, 2008 in the amount of \$5,000,000.00. Tr.Ex. 30A. Although the loan number for this loan is not identified, it is obviously not related to Loan No. P0099. Mr. Reeves and Mr. Ng each testified there were other loans obtained during the course of development of the Idaho Club from entities including Sage Holdings, LLC and Mountain West Bank, among others. The dollar amount of these loans was not admitted into evidence at trial because these loans are not relevant to the issue to be decided in this trial. Nonetheless, undisputed evidence was submitted at trial establishing there were loans likely totaling substantially more than, but could not be less than \$54,700,000.00 for construction and development of the Idaho Club. Even if none of the proceeds from the lot sales identified on Tr.Ex. 107 were used to pay for the design and construction of the Idaho Club development, these lot sales are insufficient to pay all the loans obtained by Villelli, POBDH and POBD (\$45,519,615.00 < \$54,700,000.00).

More importantly, VP bears the burden of proving the note from RE Loans was satisfied. It is incumbent upon VP to identify which of the lot sales generated proceeds that should have been, but were not applied to the RE Loans note. Its argument with respect to Tr.Ex. 107 falls woefully short of meeting this burden. VP's arguments concerning Tr.Ex. 107 are without any basis in fact or law.

5. **Richard Vilelli Failed to Identify Any Lots Whose Proceeds Were Used to Satisfy the RE Loans or Pensco Notes.**

VP asserts that over three million dollars in lot sales are unaccounted for on the Payment History Detail Report (Tr.Ex. 66) and RE Loans Invoices, and argues this proves the note from RE Loans was satisfied.

Mr. Vilelli originally testified on direct that over three million dollars in lot sales was unaccounted for; however, VP failed to submit any documentary evidence whatsoever to support this testimony. Moreover, on cross-examination Mr. Vilelli could actually only identify three lots that were unaccounted for. He testified that there were three lots transferred to Chip and Debra Bowlby ("Bowlby Lots") in late December 2007 that were not accounted for on the Payment History Detail Report or the RE Loans Invoices. Tr.Exs 116-118. Mr. Reeves explained on rebuttal that the Bowlby Lots should not have been accounted for on the Payment History Detail Report or the RE Loans Invoices because they were never subject to the mortgage recorded pursuant to Loan No. P0099. (Tr.Ex. 1). To the contrary, the Bowlby Lots were only subject to the mortgage ("2006 RE Mortgage") recorded pursuant to Loan No. P0094 (VP Exhibit 20). Two of the Bowlby Lots were released from the 2006 RE Mortgage on March 21, 2007. Tr.Ex. 119. The remaining

Bowlby Lot was released by satisfaction of the 2006 RE Mortgage recorded June 8, 2007. Tr.Ex. 120. The testimony of Charles Reeves was undisputed.

As previously explained, Mr. Ng testified that the Payment History Detail Report only accounts for payments POBD made towards the repayment of Loan No. P0099. Moreover, Mr. Ng and Mr. Reeves testified that the RE Loans Invoices only show payments made pursuant to Loan No. P0099. As such, neither would or should show any payments made related to the Bowlby Lots. These payments are shown on the payment history detail report and invoices for Loan No. P0094, which are not relevant to the questions at issue in this trial. There is no credible evidence that any lot sales were unaccounted for. VP's argument in this regard is without any basis in fact or law.

6. Barney Ng's Testimony Was Credible.

VP blatantly misstates the testimony of Mr. Ng in an attempt to impeach his credibility. Mr. Ng did not testify that RE Loans' bankruptcy disclosure statement indicates that the MF08 loan paid-off the loan from RE Loans. To the contrary, Mr. Ng testified only that he could not recall what was stated on the disclosure statement. He further refused to speculate as to what the disclosure statement said because counsel for VP did not provide it to him for his review at trial. Moreover, this disclosure statement was not admitted into evidence. This is another example of VP's complete disregard for the facts and evidence at issue in this case.^{8/}

^{8/} It should be reiterated that VP has completely abandoned its argument that RE Loans was paid-off at the MF08 loan closing. None of the arguments raised in its closing argument were raised at summary judgment or ever disclosed in discovery in this case. VP's only mention of its former argument is now as a basis to try to impeach the credibility of Mr. Ng's testimony.

Mr. Ng's testimony was credible and largely undisputed. Moreover, it was consistent with all of the documents that were generated by POBD and BarK in the ordinary course of business long before this litigation was contemplated. VP did not submit an iota of evidence or testimony showing even a single accounting error by RE Loans, BarK or Lend, Inc. There is absolutely nothing to support VP's contention that Mr. Ng's testimony was not credible. VP's arguments concerning his credibility are without any basis in fact or law.

7. **Charles Reeves's Testimony Was Credible.**

VP also misrepresents the evidence in an attempt to attack the credibility of Mr. Reeves. VP asserts Mr. Reeves's testimony is not credible because the bookkeeper's last notations show the RE Loans note was satisfied and no POBD accounting records were produced. VP also argues that Mr. Reeves's testimony was inconsistent with the testimony of Tom Williams. Each of these contentions are flatly false.

The last notations made by Kathy Groenhout on the final RE Loans Invoice do not indicate in any way that RE Loans was paid-off. To the contrary these records show that an additional interest payment of \$4,881.75 was due and owing to RE Loans. Tr.Ex. 65, pp. Reeves001386-389. It is axiomatic that POBD would not be calculating interest payments owed towards a loan that had already been satisfied.

VP also inaccurately asserts that Mr. Reeves failed to produce POBD's accounting records. Mr. Reeves produced hundreds of pages of accounting records to the parties in this case. He had no legal obligation to produce these records a second time at trial. Mr. Reeves did testify that he has been unable to locate his bookkeeper's computer that may contain additional accounting records. However, this is hardly surprising given that she is now suffering from a

traumatic brain disease and POBD has been insolvent since 2010 (more than six years). VP never sought to obtain discovery for POBD's backup tapes for this computer.

Finally, Mr. Reeves's testimony was consistent with the testimony of Tom Williams. Mr. Williams testified that one of the EaglePointe lots was sold on October 16, 2012. Pursuant to this sale, Sandpoint Title wired \$96,901.09 directly to Wells Fargo. As it was wired directly to Wells Fargo, Mr. Reeves was unaware of this payment. This is the only payment to Wells Fargo of which Mr. Williams was aware. This payment has now been credited against the amounts owed by POBD.

Mr. Reeves's testimony is consistent with the business records of POBD and BarK that were admitted into evidence. VP failed to admit an iota of testimony or evidence showing accounting errors in these documents. There is no evidence to support VP's contention that Mr. Reeves's testimony was not credible. VP's arguments concerning his credibility are without any basis in fact or law.

8. Valiant Acknowledges That VP is the Record Owner of Four Lots That Were Quitclaimed to It by POBD in 2013.

VP argues it is the record owner of four lots that are part of the Idaho Club development. This argument is unnecessary. It was determined on summary judgment that POBD quitclaimed these lots to VP on or about September 20, 2013 without payment of any consideration. Rather, VP coerced POBD into transferring these lots hoping they would not be included in any foreclosure proceedings brought by lenders. The quitclaim deeds were not recorded in the Bonner County Recorder's Office until May 20, 2014. As such, VP's interest in these lots was determined to be junior to Valiant's as a matter of law. *See* 1st SJ Decision.

9. Valiant is Entitled To Include Remediation Costs in Its Judgment.

As set forth in Valiant's Closing Argument, Valiant, as the assignee of RE Loans, Pensco and MFF08, is entitled to include the amounts it has incurred to repair, cleanup and detoxify the encumbered property as part of its loan amounts. As the RE Loans mortgage has been determined to be in a first priority position, the costs Valiant incurred to remediate the diesel leak discovered on the property should be secured by the RE Loans mortgage.

VP acknowledges that Valiant is entitled to recover these amounts pursuant to the Valiant mortgages, but argues that Valiant should not recover these amounts because VP did not have an opportunity to conduct discovery related to the leak. William Haberman testified that the leak was discovered only days prior to the trial and the remediation work was still ongoing as of the date of the trial. Valiant only seeks to recover those costs actually incurred prior to the date of the trial. Moreover, at trial counsel for VP had the opportunity to ask Mr. Haberman any questions that it wanted concerning when and how this leak was discovered and who might be responsible. VP chose not to ask any of these questions.

10. VP Does Not Contest That Valiant is Entitled to Recover Its Operating Losses.

During trial, William Haberman testified that Valiant, as the mortgagee, has operated the golf course as a going concern in order to maintain the golf course property and to prevent it from being wasted and devaluing the saleable lots subject to the mortgage. VP does not dispute that Valiant is entitled to recover these losses pursuant to the Valiant mortgages.

11. **VP Does Not Dispute That Valiant is Owed \$2,700,000.00 in Principal Pursuant to the Pensco Note.**

VP's closing argument does not direct this Court to an iota of documentary or testimonial evidence or even pose a single argument that the Pensco note was satisfied. VP's defenses with respect to the Pensco note were clearly frivolous and without any basis in fact or law.

D. VP's Defenses Are Frivolous And Without Any Basis In Fact Or Law.

As repeatedly emphasized in Valiant's Closing Argument, the trial of this matter was limited to the singular issue of whether the notes Valiant obtained from RE Loans and Pensco were satisfied. Thru multiple motions for summary judgment, motions to reconsider, and other associated motions, VP provided only one argument as its basis for contending that the RE Loans and Pensco notes have been satisfied. VP always asserted that these notes were paid-off at the closing of the MF08 loan on August 6, 2008. Moreover, VP failed to ever identify any other argument in pretrial discovery or pretrial briefing. Throughout this case, VP has blatantly misinterpreted documents, misstated testimony, and offered arguments that are without any basis in fact or law. VP's tactics in this case were consciously undertaken by its counsel for the purpose of harassing Valiant, delaying its efforts to foreclose on the real property secured by its mortgages, and needlessly increasing the costs of litigation. During trial, VP failed to offer a scintilla of evidence that supported its preposterous argument that the notes from RE Loans and Pensco were paid-off at the MF08 loan closing. As set forth in Valiant's Closing Argument, it was mathematically impossible for this to have occurred. Counsel for VP certified in each pleading setting forth this argument that it was well grounded in fact and warranted by existing law. I.R.C.P. Rule 11(a)(1). It was because of

counsel's repeated protestations that these arguments were legitimized and Valiant's summary judgment denied. It is now obvious that VP's arguments were frivolous and without any basis in fact or law. Valiant will seek sanctions and fees against VP and its counsel for this conduct after judgment is entered in this case.

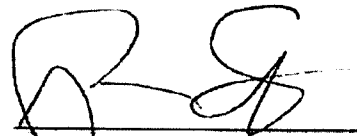
III. CONCLUSION

Based upon the foregoing, Valiant's Closing Argument, and the testimony and evidence submitted at trial, Valiant requests an order declaring that it is entitled to final judgment in accordance with this Court's prior Summary Judgment Orders and awarding Valiant: (a) damages against POBD pursuant to the 2007 RE Loans note in the amount \$3,409,794.61, plus interest thereon at a rate of \$1,417.94 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the 2007 RE Loans Mortgage; (b) damages against POBD pursuant to the Pensco note in the amount \$9,590,474.85, plus interest thereon at a rate of \$4,197.74 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the Pensco Mortgage, and (c) damages against POBD pursuant to the MF08 note in the amount \$7,410,885.87, plus interest thereon at a rate of \$3,244.28 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the MF08 Mortgage.

DATED this 26th day of May 2016.

McCONNELL WAGNER SYKES & STACEY ^{PLLC}

BY: _____


Richard L. Stacey
Attorneys For Valiant Idaho, LLC

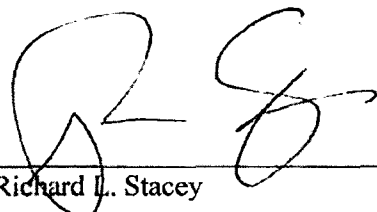
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of May 2016, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
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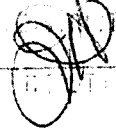
The Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864



Richard L. Stacey

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S RESPONSE
AND OBJECTIONS TO
JV, L.L.C.'S POST-TRIAL
MEMORANDUM AND ARGUMENT**

Honorable Barbara A. Buchanan

COMES NOW, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and files its Response and Objections to JV, L.L.C.’s Post-Trial Memorandum and Argument.

I.
INTRODUCTION

As this Court is well aware, in advance of the trial Valiant filed multiple motions for summary judgment and North Idaho Resorts, LLC (“NIR”), VP, Incorporated (“VP”) and JV, L.L.C. (“JV”) (collectively, “Defendants”) filed multiple motions to reconsider the Court’s decision affirming Valiant’s right to foreclose the 2007 RE Loans Note and Mortgage, Pensco Note and Mortgage, and MF08 Note and Mortgage (collectively, “Valiant Notes and Mortgages”). Following a hearing on all of the motions, on October 30, 2015, this Court issued its Memorandum Decision & Order Re: Motions Heard on October 23, 2015 (“October Ruling”) making it unequivocally clear that there were only two remaining questions of fact to be resolved at trial:

1. Was the 2007 RE Loans Note paid-off at the closing of the MF08 Note?
2. Was the Pensco Note paid-off at the closing of the MF08 Note?

As is set forth in Valiant’s Closing Argument (“Closing Argument”) filed on or about April 14, 2016, Valiant presented uncontroverted evidence of the amounts owed by Pend Oreille Bonner Development, LLC (“POBD”) on each of the Valiant Notes and Mortgages, and that POBD was in default on each Note and Mortgage. There was no evidence presented at trial by JV or VP that either the 2007 RE Loans Note or the Pensco Note were paid-off at the closing of the MF08 Note which occurred August 6, 2008.

JV and VP utterly failed to put on *any* admissible evidence whatsoever to support their specious claims that either the 2007 RE Loans Note or the Pensco Note were paid-off at the closing of the MF08 Note. JV and VP were in possession of the records from the escrow company unequivocally demonstrating that no such pay-off occurred. Unfortunately, instead of acknowledging that these records established there is no factual or legal bases for their arguments as ethically required, counsel for JV and VP misleadingly avoided the efficient and proper resolution of this matter on summary judgment by insisting that the “pay-off” notation on a settlement statement from the MF08 closing meant the 2007 RE Loans Note and Pensco Note had been paid-off. This is particularly egregious given that: (1) anyone who understands the basic math found in the closing ledgers would have known that was not the case; and (2) these documents were not produced to Valiant until the date of hearing when opposing counsel knew it was too late for the documents to be used in support of Valiant’s motion for summary judgment.

After intentionally misleading this Court into denying Valiant’s Third Summary Judgment Motion filed September 25, 2015 on the basis that there was supposedly a material issue of fact as to whether the 2007 RE Loans Note and Pensco Note had been paid-off at the closing of the MF08 Note, JV and VP now seek to improperly change the narrative altogether. At trial—and now in their closing memoranda—JV and VP have raised entirely new theories as to how and when the 2007 RE Loans Note and Pensco Note could have possibly been paid-off. In so doing, JV and VP completely ignored the express instructions of this Court, the repeated admonitions of this Court, and have only added insult to injury to the aggrieved, rightful owner of the 2007 RE Loans Note and Pensco Note by delaying the relief to which Valiant is entitled: *Foreclosure of the Mortgages securing these Notes.*

Although JV and VP persist in using their respective closing briefs to argue the 2007 RE Loans Note was paid in some fashion—other than through the MF08 closing—they once again distort the record and fail to address the key evidence in the record that belies their assertions. It is therefore not surprising that JV and VP fail to offer a single citation to legal authority, but instead offer murky and incoherent argument based on supposed evidence offered at the trial. Valiant presented uncontroverted evidence of the amounts loaned under the terms of the 2007 RE Loans Note, Pensco Note and MF08 Note; accounted for all payments made to both principal and interest on all three Notes; set forth proof of the principal balances due and owing under the terms of the 2007 RE Loans Note, the Pensco Note and the MF08 Note; and set forth all accrued interest.

In its rambling, incoherent 46-page Post Trial Memorandum and Argument (“Memorandum”) diatribe, JV attempts to reiterate the entire chronology of events that gave rise to three notes and mortgages sought to be foreclosed by Valiant. Additionally, JV seeks to revive arguments that have already been ruled on and rejected by this Court on multiple summary judgments and motions to reconsider. None of JV’s arguments serve to defeat Valiant’s claims, and only seek to obfuscate the unrebutted evidence offered by Valiant at trial, both on the narrow issue to which the trial was supposed to have been limited and in response to all of the new theories that both JV and VP now seek to raise after failing to disclose them in discovery.

JV and VP have each filed separate closing arguments. This brief responds only to those arguments raised by JV in its Memorandum. Another brief will be filed concurrently responding to VP’s closing argument.

II. ARGUMENT

A. Valiant Has Met Its Burden Of Proof.

Valiant met its burden by proving beyond a preponderance of the evidence that the notes from RE Loans and Pensco remain unsatisfied. As explained in Valiant's Closing Argument, this evidence is virtually undisputed.

"The party seeking foreclosure has the burden of establishing the existence of the debt and default on that debt." *U.S. Bank Nat. Ass'n N.D. v. CitiMortgage, Inc.*, 157 Idaho 446, 451 (2014). The burden of proving an affirmative defense, however, rests upon the party who advances the affirmative defense. *Id.* Payment is an affirmative defense which must be affirmatively plead according to the Idaho Rules of Civil Procedure. I.R.C.P. Rule 8(c). This procedural rule, with respect to the affirmative defense of payment, has been specifically considered and enforced by the Idaho Court of Appeals. *Nguyen v. Bui*, 146 Idaho 187 (2008) (holding that a party must set forth in his or her pleading any affirmative defenses to the other party's pleading, *including the defense of payment* (emphasis added)). The standard of proof for the claims and affirmative defenses in this case is the preponderance of the evidence standard. *Pearson v. Weiser*, 69 Idaho 253, 259-261 (1949).

Based upon Idaho law, it was incumbent upon Valiant in its case-in-chief to establish it is more probable than not that it is still owed amounts pursuant to the RE Loans and Pensco notes. In order for JV to prevail on its affirmative defense of payment, it is then incumbent upon JV to submit sufficient evidence to prove it is more probable than not that POBD has already been paid in full. Valiant has clearly met its burden of proof whereas JV has not.

Both on summary judgment^{1/} and at trial, Valiant submitted undisputed testimonial evidence from the lender (Barney Ng on behalf of RE Loans and Pensco) and the borrower (Charles Reeves on behalf of POBD) to establish that RE Loans and Pensco loaned sums to POBD which have not been repaid. Mr. Reeves and Mr. Ng both testified at trial that RE Loans loaned POBD a total of \$21,200,000.00, of which \$278,147.65 in principal has not been paid; and that Pensco loaned POBD a total of \$2,700,000.00, of which POBD never repaid a single penny. Moreover, both on summary judgment and at trial, Valiant submitted invoices that POBD received from Bar K, Inc. (“BarK”) (“RE Loans Invoices”) in the ordinary course showing the exact same amounts are still due and owing. Tr.Exs. 64, 65, 65A. At trial, Mr. Reeves testified that the RE Loans Invoices were reviewed and reconciled by POBD each month. He authenticated the handwriting of POBD’s bookkeeper (Kathy Groenhout), who wrote notes on each invoice reconciling payments made by POBD and calculating accruing interest payments owed by POBD on each Invoice. *Id.* Mr. Ng authenticated BarK’s accounting records for the RE Loans loan that also show a principal balance owed of \$278,147.65. Tr.Ex. 66. Mr. Reeves also authenticated a *pro forma* spreadsheet he gave to potential lenders on behalf of POBD in 2011 for purposes of seeking to refinance. Tr.Ex. 105. The *pro forma* spreadsheet also shows a principal balance owed to RE Loans of \$278,147.65 and to Pensco of \$2,700,000.00. Valiant plainly met its burden of proof in this case.

^{1/} The evidence submitted on summary judgment is relevant because Valiant had already met its burden of proof prior to trial. Unless the evidence Valiant submitted on summary judgment was excluded, JV was aware that it needed to submit evidence affirmatively proving it was paid. JV knowingly pursued this case to trial without any evidence to meet its burden of proof.

B. The 2007 RE Loans Note Was Never Satisfied.

JV argues the 2006 RE Loans Note was paid-off at the closing of the 2007 RE Loans Note and the amount due on the 2006 RE Loans Note cannot be included as part of the principal balance owed under the 2007 RE Loans Note. Memorandum, pp. 1-17.^{2/} JV's arguments have no basis in fact or law. It is undisputed that POBD used the loan it obtained from RE Loans on March 6, 2007 to pay-off a prior loan from RE Loans that was entered into on May 31, 2006 and to obtain additional financing in the amount of \$15,100,000.00. At the time the 2006 RE Loans Note was paid-off by the 2007 RE Loans loan, it had a principal balance of \$6.1 Million. However, JV fails to cite to any legal authority or to provide any factual bases as to how or why this is relevant to the questions remaining unresolved in this case.

As was testified to by Barney Ng, at the time of closing the 2007 RE Loans Note, no cash was transferred by RE Loans to RE Loans; that was unnecessary because RE Loans was the only lender. The initial advance on the 2007 RE Loans Note (\$6.1 Million) became part of the 2007 RE Loans Note. JV's assertion that the \$6.1 Million initial advance is somehow not owed under the 2007 RE Loans Note is incredible. JV's reconciliation of the 2007 RE Loans Note [Memorandum, pp. 13-14] actually confirms Valiant's proof that the total amount loaned under the 2007 RE Loans Note was \$21,200,000.00 (\$6.1 Million initial advance and \$15.1 Million in additional draws).

^{2/} JV bases its argument primarily on JV's Exhibit P, which JV alleges is a reconciliation of the 2007 RE Loans Note. There was no testimony presented at trial to authenticate or even explain what Exhibit P was or who created it. Charles Reeves specifically testified that neither he nor POBD created JV's Exhibit P and that it was not POBD's business record as asserted by JV.

Moreover, JV subordinated to both the 2006 and 2007 RE Loans Notes and Mortgages, the Pensco Note and Mortgage, and the MF08 Note and Mortgage.^{3/} It should be noted that JV's argument is the very same argument JV made in opposition to Valiant's motions for summary judgment.^{4/} This argument was rejected by the Court and, thus, was not even an issue to be resolved at trial.^{5/}

C. The 2007 RE Loans Note Was Not Paid-Off By The EaglePointe Purchases.

JV argues the 2007 RE Loans Note was paid-off because of the three notes and deeds of trust granted by EaglePointe Construction & Management, Inc. ("EaglePointe") to purchase three lots. Memorandum, pp. 18-22. JV, without any authority or basis in law, argues the total amount of the down payments made by EaglePointe, plus the amounts remaining under the carry-back notes and deeds of trust had to be credited against the principal balance of the 2007 RE Loans Note. This assertion is incorrect and not in accord with the testimony at trial. The testimony at trial by both Mr. Ng and Charles Reeves was that EaglePointe purchased three lots and made down payments on those lots. The down payments were credited against the 2007 RE Loans Note. Three carry-back notes and deeds of trust were issued by EaglePointe in favor of RE Loans. It was agreed that any payments made against those loans by EaglePointe would be credited against the 2007 RE

^{3/} These records are all before the Court on Valiant's first motion for summary judgment. See Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion For Summary Judgment filed on or about January 16, 2015, Exs. 7-9.

^{4/} This argument was raised by JV in its Objection and Memorandum in Opposition to [Valiant's] Third Motion For Summary Judgment and [JV's] Motion to Strike Valiant's Third Motion For Summary Judgment and Notice of Hearing For October 23, 2015 at 1:30 p.m. filed on or about October 13, 2015, and was rejected by this Court in its October Ruling.

^{5/} JV makes reference to Defendant's Exhibit H—"Seller's Closing Statement"—an exhibit never admitted into evidence at trial.

Loans Note. Both Messrs. Ng and Reeves testified that the payments made by EaglePointe were credited against the 2007 RE Loans Note and the balance of the EaglePointe notes were uncollected.

The testimony of Mr. Reeves and Mr. Ng is consistent with the agreement of the parties memorialized in the MF08 loan documents. See Valiant Trial Exhibit (“Tr.Ex.”) 21, VAL001317 (“11. Three Seller Carry-Back Notes And Seller Carry-Back Deeds of Trust.”). The MF08 Loan Agreement specifically provided:

- a. Borrower acknowledges that it previously sold three lots commonly described as Marketing Lot A6 - Lot 7, Block 2; Marketing Lot D3 - Lot 4, Block 9; and Marketing Lot N1 - Lot 16, Block 2, and that Borrower carried back three promissory notes (“Seller Carry- Back Notes”), each secured by a deed of trust from the buyer of these three lots (“Seller Carry-Back Deeds of Trust”). Borrower further acknowledges that it previously assigned the Seller Carry-Back Notes and Seller Carry-Back Deeds of Trust to R.E. Loans, LLC, **as collateral securing a prior loan from R.E. Loans, LLC to Borrower.**
- b. Borrower agrees that if and when the loan in favor of R.E. Loans, LLC is paid off, R.E. Loans, LLC shall assign these three Seller Carry-Back Notes and Deeds of Trust to Lender as additional personal property **collateral** securing the Loan.
- c. **The value of the Seller Carry-Back Notes will NOT be credited to principal or interest due under Borrower’s Note to Lender unless and until Lender receives actual payments of cash from the makers of the Seller Carry-Back Notes.** Payments on the Seller Carry-Back Notes, when received by Lender, will be credited to Borrower’s Note to Lender as follows:
...

Tr.Ex. 21, Section 11, VAL001317 (emphasis added).

During trial, an issue was raised that a loan closed and Wells Fargo was paid sums under one of the notes. Valiant recognized the payment and it was credited against the interest due in accordance with the 2007 RE Loans Note.

JV's arguments that additional amounts should have been credited against the RE Loans note because of the collateral assignment of the EaglePointe lots is without any basis in fact or law.

D. JV's Arguments Concerning The Assignments To Valiant Of The Valiant Notes And Mortgages, And Issues Concerning The Tax Redemption Deeds Were Resolved On Summary Judgment.

JV argues the 2007 RE Loans Mortgage was assigned to Valiant by a power of attorney which was invalid for purposes of recordation. Memorandum, pp. 22-24. This argument was raised on summary judgment and this Court rejected JV's argument.^{6/} This issue was not litigated at trial.

JV argues it owns, free and clear, the real estate described in its tax redemption deed. *Id.*, pp. 24-29. Again, this was an issue raised by JV in opposition to motions for summary judgment and in JV's motions for reconsideration, and rejected by this Court.^{7/} This was not an issue litigated at trial.

^{6/} JV raised this argument in JV's First Supplemental Memorandum in Opposition to [Valiant's] Motion For Summary Judgment filed on or about February 27, 2015 ("JV's 1st Supp. SJ Opposition"), and thereafter rejected by this Court in its Memorandum Decision and Order Granting [Valiant's] Motion For Summary Judgment Against JV, L.L.C., North Idaho Resorts, L.L.C and VP, Incorporated entered April 14, 2015 ("1st SJ Decision"). It is further noteworthy that JV repeatedly raised this same argument in subsequent motions to reconsider and motions for summary judgment. Although the Court has rejected this argument on each occasion it has been raised. JV continues to ignore the Court's decisions.

^{7/} This issue was raised by JV in its Memorandum in Opposition to [Valiant's] Motion For Summary Judgment filed on or about February 2, 2015 ("JV's SJ Opposition"), and thereafter rejected by this Court in its 1st SJ Decision. It is further noteworthy that JV repeatedly raised this same argument in subsequent motions to reconsider and motions for summary judgment. Although the Court has rejected this argument on each occasion it has been raised. JV continues to ignore the Court's decisions.

JV argues POBD still owes JV for the unpaid 1995 JV mortgage. *Id.*, pp. 33-34. Frankly, Valiant does not understand JV's argument at all. Whether any money is owed by POBD to JV on an unpaid 1995 mortgage was not at issue in this case. The issues in this case involve Valiant's foreclosure of Valiant's Notes and Mortgages, and, specifically, whether the 2007 RE Loans Note and Pensco Note were paid-off at the closing of the MF08 Note.

E. Neither The 2007 RE Loans Note Nor The Pensco Note Nor The MF08 Note Were Paid-Off.

JV argues that the terms of the MF08 Note evidence that the 2007 RE Loans Note and Pensco Note were paid in full and discharged. *Id.*, pp. 34-41. This argument is without any basis in fact or law. The MF08 loan documents specifically set forth the nature of the transaction—it is an all-inclusive mortgage which included the 2007 RE Loans Note and Mortgage and the Pensco Note and Mortgage. Tr.Exs. 17, 18, 19, 21. There was no evidence presented at trial that any of the loans were paid-off. To the contrary, both Charles Reeves and Barney Ng testified, and their testimony was un rebutted, that none of the loans were paid-off. They also testified to the principal amounts owed under each Note. The escrow officer for the loan closing also testified that the RE Loans Note and the Pensco Note could not have been paid-off at the MF08 loan closing. She testified that \$2,975,000.00 was deposited into escrow by Pensco and MF08 and that \$2,975,000.00 was disbursed to parties out of escrow. Ms. Linscott testified neither RE Loans nor Pensco received any of these disbursements. Ms. Linscott's testimony is substantiated by the title company's records that were admitted into evidence at trial. *See* Tr.Exs. 33, 36, 38, 39, 41, 42, 43, 45, 47, 50, 51, 53, 54. Finally, as explained in Valiant's Closing Argument, it is mathematically impossible that RE Loans and

Pensco were paid out of the MF08 loan closing. JV's arguments in this regard are totally frivolous and without any basis in fact or law.

F. All Priority Issues Were Decided On Summary Judgment.

JV argues that its loans have priority over the Valiant Notes and Mortgages. This was an issue resolved on summary judgment.^{8/} This Court ruled that the Valiant Notes and Mortgages have priority over JV, VP and NIR. These issues were not litigated at trial.

G. Both Barney Ng And Charles Reeves Were Credible Witnesses.

JV argues that neither the testimony of Charles Reeves nor Barney Ng was credible and, apparently, their testimony should be totally disregarded. Neither the testimony of Mr. Reeves nor Mr. Ng should be disregarded. First, neither JV nor VP offered any competing testimony to rebut the testimony of Mr. Reeves or Mr. Ng. Second, both testified unequivocally to the amounts owed under the RE Loans Note, the Pensco Note and the MF08 Note. Both accounted for draws tendered under those Notes and payments made toward those Notes. While both Messrs. Reeves and Ng should be compensated at the end of this foreclosure, neither's testimony was incredible. To the contrary, both Mr. Reeves's and Mr. Ng's testimony was reasoned and corroborated the terms of the Notes, Mortgages and loan agreements, the amounts loaned under the Notes, and the payments made toward the Notes. JV's arguments that neither Mr. Reeves nor Mr. Ng should be believed is without merit.

^{8/} JV raised this issue in its SJ Opposition and it was thereafter rejected by the Court in its 1st SJ Decision.

H. JV's Defenses Are Frivolous And Without Any Basis In Fact Or Law.

As repeatedly emphasized in Valiant's Closing Argument, the trial of this matter was limited to the singular issue of whether the notes Valiant obtained from RE Loans and Pensco were satisfied. Thru multiple motions for summary judgment, motions to reconsider, and other associated motions, JV provided only one argument as its basis for contending that the RE Loans and Pensco notes have been satisfied. JV always asserted that these notes were paid-off at the closing of the MF08 loan on August 6, 2008. Moreover, JV failed to ever identify any other argument in pretrial discovery or pretrial briefing. Throughout this case, JV has blatantly misinterpreted documents, misstated testimony, and offered arguments that are without any basis in fact or law. JV's tactics in this case were consciously undertaken by its counsel for the purpose of harassing Valiant, delaying its efforts to foreclose on the real property secured by its mortgages, and needlessly increasing the costs of litigation. During trial, JV failed to offer a scintilla of evidence that supported its preposterous argument that the notes from RE Loans and Pensco were paid-off at the MF08 loan closing. As set forth in Valiant's Closing Argument, it was mathematically impossible for this to have occurred. Counsel for JV certified in each pleading setting forth this argument that it was well grounded in fact and warranted by existing law. I.R.C.P. Rule 11(a)(1). It was because of counsel's repeated protestations that these arguments were legitimized and Valiant's summary judgment denied. It is now obvious that JV's arguments were frivolous and without any basis in fact or law. Valiant will seek sanctions and fees against JV and its counsel for this conduct after judgment is entered in this case.

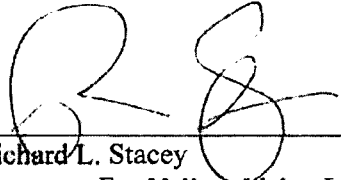
III.
CONCLUSION

Based upon the foregoing, Valiant's Closing Argument, and the testimony and evidence submitted at trial, Valiant requests an order declaring that it is entitled to final judgment in accordance with this Court's prior Summary Judgment Orders and awarding Valiant: (a) damages against POBD pursuant to the 2007 RE Loans note in the amount \$3,409,794.61, plus interest thereon at a rate of \$1,417.94 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the 2007 RE Loans Mortgage; (b) damages against POBD pursuant to the Pensco note in the amount \$9,590,474.85, plus interest thereon at a rate of \$4,197.74 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the Pensco Mortgage, and (c) damages against POBD pursuant to the MF08 note in the amount \$7,410,885.87, plus interest thereon at a rate of \$3,244.28 *per diem* from April 15, 2016 until judgment has been entered, the entirety of which is secured by the MF08 Mortgage.

DATED this 26th day of May 2016.

McCONNELL WAGNER SYKES & STACEY ^{PLLC}

BY:



Richard L. Stacey
Attorneys For Valiant Idaho, LLC


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of May 2016, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 checked="" 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 checked="" type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

With two (2) copies via U.S. Mail to:

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



Richard L. Stacey

CLERK OF DISTRICT COURT
BONNER JUDICIAL DIST.

RECEIVED

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,)

v.)

PEND OREILLE BONNER DEVELOPMENT,)
company, et al.,)

Defendants.)

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

CASE NO. CV-2009-0001810

MEMORANDUM DECISION)
AND ORDER re: court trial)
held on January 28 and 29,)
and March 16 and 17, 2016)

A court trial was held in this matter on January 28 and 29, and March 16 and 17, 2016. Valiant Idaho, LLC (hereafter, "Valiant") was represented by Richard L. Stacey and Jeff R. Sykes, of MCCONNELL WAGNER SYKES & STACEY, PLLC. JV, LLC (hereafter, "JV") was represented by Gary A. Finney, of FINNEY FINNEY & FINNEY, P.A. VP, Incorporated (hereafter, "VP") was represented by Susan P. Weeks and Daniel M. Keyes, of JAMES, VERNON & WEEKS, P.A. JV and VP are referred to collectively hereafter as "defendants."

I. ISSUE PRESENTED

The purpose of the trial was to adjudicate the single issue remaining in this case, i.e., whether a first position loan (Loan No. P0099) from RE Loans, LLC (“RE Loans”) to Pend Oreille Bonner Development, LLC (“POBD”) and a second position loan (Loan No. P0106) from Pensco Trust Co. (“Pensco”) to POBD were satisfied.

The defendants argue that these loans were satisfied at the closing of a third position wrap loan (Loan No. P0107) from Mortgage Fund ‘08 (“MF08”) to POBD, or some time thereafter. Valiant contends that these loans have never been satisfied, and that Valiant is owed the unpaid principal and interest due on Loan No. P0099, Loan No. P0106, and Loan No. P0107.

II. BACKGROUND

This case has a lengthy history, but for purposes of the limited issue for trial, it is helpful to remember that on August 19, 2014, Valiant filed a Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure, seeking to foreclose mortgages granted to RE Loans, Pensco and MF08 by POBD, which secured promissory notes made by POBD. Those mortgages were assigned to Valiant; and in January 2015, Valiant moved for summary judgment that its mortgages against POBD’s real property located in Bonner County, Idaho (i.e., the Idaho Club property), were senior in right and priority to any interest in the property claimed by JV, North Idaho Resorts, LLC (hereafter, “NIR”)¹, and VP. Valiant’s motion for summary judgment spurred motion practice for the remainder of 2015. Valiant filed multiple motions for summary judgment. JV, VP, and NIR filed multiple motions for reconsideration. Eventually, all the issues in this case were resolved except whether Loan No. P0099 and Loan No. P0106 were satisfied.

In their motions for reconsideration, the defendants relied upon the Borrower’s Settlement Statement and Borrower’s Final Settlement Statement (*Plaintiff’s Ex. 11 and Ex. 33*)

to argue that Loan No. P0099 and Loan No. P0106 were paid off at the closing of Loan No. P0107. The Settlement Statements were the only evidence to support the defendants' position, and the Court found their wording to be sufficiently ambiguous to create an issue of fact for trial:

At the summary judgment hearing, counsel for Valiant utilized the MF08 loan documents to clarify how the MF08 loan was disbursed and how it was funded. Valiant reconciled the figures from the loan documents with those on the Borrower's Final Settlement Statement dated August 8, 2008 to support its argument that the 2007 RE Loans Note (Loan No. P0099) and the Pensco Note (Loan No. P0106) have not been satisfied. Upon consideration of this evidence, the Court acknowledges the strength of Valiant's arguments in this regard. Nevertheless, **it appears that conflicting inferences may be drawn from the terms on Ex. H: 'Payoff Second Note – Loan No. P0099 – Mortgage Fund '08 LLC c/o Bar K, Inc. . . . Payoff Second Note – Loan No. P0106 – Mortgage Fund '08 c/o Bar K, Inc. ...'** Does 'payoff' in this context mean the loans have been, or have yet to be, paid off? Although this Court may grant the summary judgment despite the possibility of conflicting inferences, in this case, it will not do so.

Memorandum Decision & Order re: Motions Heard on October 23, 2015 (filed October 30, 2015), at p 15 (citations omitted). (Emphasis supplied).

At trial, the Court wanted "to see and hear additional evidence on the issue of whether or not these loans have been satisfied, including testimony from the title company that issued the Settlement Statements." *Memorandum Decision and Order Granting in Part Reconsideration of the July 21, 2015 Memorandum Decision & Order* (filed September 4, 2015), at p. 3.

III. BURDEN OF PROOF

"In general, the party seeking foreclosure has the burden of establishing the existence of the debt and default on that debt. See I.C. § 45-1505." *U.S. Bank Nat. Ass'n N.D. v. CitiMortgage, Inc.*, 157 Idaho 446, 451, 337 P.3d 605, 610 (2014). On November 20, 2014, pursuant to a stipulation between Valiant and POBD, this Court entered an "Order on Stipulation

¹ North Idaho Resorts, LLC, was not involved in the trial.

to Entry of Judgment Against Pend Oreille Bonner Development, LLC,” finding that POBD is in material breach of the 2007 RE Loans Note, Pensco Note, and MF08 Note.

With the default of POBD having already been established, the burden on Valiant at trial is only to establish the existence of the disputed debts, as well as the amounts owing thereon.

IV. UNDISPUTED FACTS

There are certain undisputed facts that are pertinent to the issue of whether Loan No. P0099 and Loan No. P0106 were satisfied. Each of these facts is undisputed because it (a) has already been adjudicated in one of this Court’s prior summary judgment decisions; or (b) was completely uncontroverted at trial. These facts include, but are not limited to the following:

A. Loan No. P0099 (2007 RE Loans Note)

1. On March 6, 2007, RE Loans and POBD entered into agreement for Loan No. P0099, whereby RE Loans agreed to loan POBD \$21,200,000.00. *Plaintiff’s Ex. 3*. POBD executed a Note Secured by Mortgage (“2007 RE Loans Note”) evidencing the loan agreement. *Plaintiff’s Ex. 2*. The 2007 RE Loans Note was secured by a Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing (“2007 RE Loans Mortgage”), recorded on March 15, 2007, in the Bonner County, Idaho, Recorder’s Office.² *Plaintiff’s Ex. 1*. The 2007 RE Loans Note was also secured by a UCC Financing Statement (“2007 RE Loans UCC-1”).³ *Plaintiff’s Ex. 4*. Loan No. P0099, 2007 RE Loans Note, 2007 RE Loans Mortgage, and 2007 RE Loans UCC-1, are referred to collectively herein as the “P0099 Loan Documents.”

2. On July 17, 2007, the P0099 Loan Documents were collaterally assigned (“Collateral Assignment”) to Wells Fargo Foothill, LLC (“Wells Fargo”).⁴ *Plaintiff’s Ex. 7*. Pursuant to the

² All documents referred to herein as recorded, were recorded in the Bonner County, Idaho, Recorder’s Office.

³ UCC Financing Statement, recorded March 15, 2007.

⁴ Collateral Assignment of Mortgage and Loan Documents, recorded July 31, 2007.

Collateral Assignment, RE Loans transferred to Wells Fargo all of its right, title and interest in and to the P0099 Loan Documents. *Id.*, p. VAL00345, ¶ 1.

3. On June 30, 2014, Wells Fargo collaterally reassigned the P0099 Loan Documents back to RE Loans.⁵ *Plaintiff's Ex. 70.*

4. On July 1, 2014, RE Loans assigned the P0099 Loan Documents to Valiant.⁶ *Plaintiff's Ex. 72.*

5. Valiant has a first priority lien against all real property encumbered by the 2007 RE Loans Mortgage.

B. Loan No. P0106 (Pensco Note)

1. On August 1, 2008, Pensco and POBD entered into an agreement for Loan No. P0106, whereby Pensco agreed to loan POBD \$2,700,000.00. POBD executed a Note Secured by Mortgage ("Pensco Note") evidencing the loan agreement. *Plaintiff's Ex. 15.* The Pensco Note was secured by a Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing ("Pensco Mortgage"), recorded on August 6, 2008 in the Bonner County, Idaho, Recorder's Office. *Plaintiff's Ex. 16.* The Pensco Mortgage and Pensco Note are referred to collectively herein as the "P0106 Loan Documents."

2. On June 20, 2014, Pensco contractually agreed to assign Valiant its interest in the P0106 Loan Documents. *Plaintiff's Ex. 75.*

3. On July 7, 2014, the P0106 Loan Documents were assigned to Valiant.⁷ *Plaintiff's Ex. 78 and Ex. 80.*

⁵ Reassignment of Collateral Assignment of Mortgage and Loan Documents, recorded July 7, 2014.

⁶ Assignment of Mortgage Note and Redemption Right, recorded July 7, 2014.

⁷ Assignment of Mortgage, Note & Security Interest, recorded July 8, 2014.

4. Valiant has a second priority lien against all real property encumbered by both the Pensco Mortgage and the 2007 RE Loans Mortgage; and a first priority lien against any real property encumbered by the Pensco Mortgage, but not by the 2007 RE Loans Mortgage.

C. Loan No. P0107 (MF08 Note)

1. On August 1, 2008, MF08 and POBD entered into an agreement for wrap Loan No. P0107, whereby MF08 agreed to loan POBD up to \$21,980,000.00. *Plaintiff's Ex. 21*. POBD executed an All Inclusive Note Secured by Mortgage ("MF08 Note") evidencing the loan agreement. *Plaintiff's Ex. 17*. The MF08 Note was secured by an All Inclusive Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing ("MF08 Mortgage"), recorded on August 6, 2008 in the Bonner County Recorder's Office. *Plaintiff's Ex. 18*. The MF08 Note and the MF08 Mortgage were also secured by a UCC Financing Statement ("MF08 UCC-1").⁸ *Plaintiff's Ex. 20*. Loan No. P0107, MF08 Note, MF08 Mortgage, and MF08 UCC-1 are referred to collectively herein as the "P0107 Loan Documents."

2. On July 10, 2014, the P0107 Loan Documents were assigned to Valiant.⁹ *Plaintiff's Ex. 83 and Ex. 85*.

3. Valiant has a third priority lien against all real property encumbered by the MF08 Mortgage, Pensco Mortgage, and 2007 RE Loans Mortgage; a second priority lien against the real property encumbered by the MF08 Mortgage and Pensco Mortgage; and a first priority lien against the real property encumbered only by the MF08 Mortgage.

D. Valiant's Redemption of the Idaho Club Property

1. On July 7, 2014, Valiant paid Bonner County \$1,665,855.14 to redeem certain real property subject to the RE Loans Mortgage, Pensco Mortgage, and/or MF08 Mortgage.¹⁰

⁸ UCC Financing Statement, recorded August 6, 2008.

⁹ Assignment of Mortgage Note & Security Agreement, recorded July 15, 2014.

Plaintiff's Ex. 73. A legal description of the real property redeemed by Valiant is identified on an attachment to the Redemption Deed executed by the Bonner County Treasurer and recorded on July 8, 2014 in the Bonner County, Idaho, Recorder's Office. *Id.*

2. The amount Valiant paid to redeem is incorporated into the 2007 RE Loans Note, secured by the 2007 RE Loans Mortgage, and entitled to the priority date of the 2007 RE Loans Mortgage (i.e., March 15, 2007). *Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion for Summary Judgment Against JV LLC, North Idaho Resorts, LLC, and VP Incorporated* (filed April 14, 2015), at p. 17.

3. Valiant's interest in the portion of the Idaho Club Property described in the Redemption Deed is senior to any right, title, and interest of JV and VP in the property described in the Redemption Deed. *Id.*

E. The Record Owner of the Idaho Club Property.

1. POBD is the record owner of all real property subject to the P0099 Loan Documents, P0106 Loan Documents, and P0107 Loan Documents (i.e., the Idaho Club property) pursuant to a Warranty Deed recorded on July 28, 2006, in the Bonner County, Idaho, Recorder's Office. *Plaintiff's Ex. 95.*

2. Valiant's 2007 RE Loans Mortgage, Pensco Mortgage and MF08 Mortgage are senior in right, title and interest in the Idaho Club Property to any claim to the Idaho Club Property by JV and VP. *Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion for Summary Judgment Against JV LLC, North Idaho Resorts, LLC, and VP Incorporated* (filed April 14, 2015), at p. 17.

¹⁰ Redemption Deed recorded July 8, 2014, and re-recorded August 22, 2014.

V. DISCUSSION

A. Loan Nos. P0099 and P0106 Were Not Satisfied at the Closing of Loan No. P0107.

JV and VP have argued that Loan No. P0099 and Loan No. P0106 were satisfied with funds disbursed at the MF08 (Loan No. P0107) loan closing; but the undisputed testimony of Barney Ng, Charles Reeves, and Casey Linscott, as well as the P0107 Loan Documents and other documents that were recorded as part of the Loan No. P0107 closing, establish that the 2007 RE Loans Note and the Pensco Note could not have been satisfied at this closing.

1. The Testimony of Barney Ng

(a) Mr. Ng's Testimony re: His Personal Knowledge of the Loans

Barney Ng testified that he had a twenty-five (25) percent interest in a limited liability company (B-4 Partners, LLC) that was the manager for RE Loans, but had no managing authority in that company. Mr. Ng was also the president of Bar K, Inc. ("Bar K") from August 1975 to September 2009. During that time, Bar K brokered, negotiated, and serviced loans. Mr. Ng testified that Bar K brokered and serviced Loan No. P0099 and Loan No. P0107, and that it serviced Loan No. P0106. He personally brokered Loan No. P0106, because he owned the self-directed IRA that was used to fund that loan. The borrower for all three loans was POBD.

Mr. Ng testified that as the loan servicer, Bar K would oversee the Idaho Club project and physically inspect the project periodically to see the progress. Because these were construction loans, Bar K would ensure each loan was performing as contracted; oversee requests for draws; process principal and interest payments, and disbursements through the "mortcare" software system. As president of Bar K, Mr. Ng was ultimately responsible for, and was familiar with all of Bar K's business functions, and he reviewed all loan documents generated by Bar K.

Mr. Ng testified that because Loan No. P0106 was funded from his self-directed IRA, any loan repayments did not go directly to him, but went through Pensco Trust Co., the pension plan administrator. Mr. Ng also testified that since the amounts loaned to POBD pursuant to Loan No. P0106 were obtained from his self-directed retirement account, he had direct personal knowledge of all amounts disbursed by Pensco, and of POBD's failure to repay these amounts.

Based upon his personal knowledge, Mr. Ng testified that it is mathematically impossible for Loan No. P0099 and Loan No. P0106 to have been paid off at the closing of Loan No. P0107.

(b) Mr. Ng's Testimony re: Loan No. P0099 (2007 RE Loans Note) and Loan No. P0107 (MF08 Note)

Mr. Ng testified that MF08 loaned POBD a total of \$2,050,000.00 when Loan No. P0107 closed on August 6, 2008. However, of this amount \$1,150,000.00 was paid to Wells Fargo outside of escrow, which reduced POBD's debt to RE Loans on Loan No. P0099 from \$7,322,325.18 to \$6,172,325.18. This payment and/or balance is reflected on several exhibits admitted into evidence at trial, including but not limited to the following: the Borrower's Funding Authorization and Agreement (*Plaintiff's Ex. 19*, p. VAL001311); multiple invoices POBD received from Bar K titled Calculations of Amounts Due under Loans ("RE Invoices") (*Plaintiff's Ex. 65*, pp. REEVES001326, 001329, 001332, 001336, 001340, 001344-46, 001357, 001362, 001364, and 001366-69) (*see* entries dated 08/06/08); the invoice sent via facsimile on December 4, 2009 by Bar K to POBD ("Final RE Invoice") (*Plaintiff's Ex. 65A*, p. REEVES001134 (*see* entry dated 08/06/08)); the Bar K payment history detail report ("Payment History Detail Report") showing principal and interest payments paid by POBD (*Plaintiff's Ex. 66*, p. REEVES000626 (*see* entry date 8/1/2008 / 8/6/2008)); the check from MF08 to Bar K

(*Plaintiff's Ex. 100*); and Wells Fargo's escrow instructions to First American Title Company ("First American") (*Plaintiff's Ex. 13*).

Mr. Ng testified that the amounts loaned by MF08 included the following charges, which reduced the funds available for disbursal: (a) a commission/fee due to Bar K in the amount of \$279,500.00; (b) document drafting and other charges in the amount of \$11,000.00; and (c) attorney's fees and administrative charges in the amount of \$15,000.00. These charges are reflected on the Borrower's Funding Authorization and Agreement (*Plaintiff's Ex. 19*, p. VAL001312) and MF08 Note (*Plaintiff's Ex. 17*, p. VAL001072). These charges and the payment to Wells Fargo reduced the amount available for disbursal by MF08 at closing, as follows:

Table 1

MF08 Loan Amount	\$ 2,050,000.00
Less payment to Wells Fargo Out of escrow	- \$ 1,050,000.00
Less Bar K commission/fee	- \$ 279,500.00
Less document drafting and other charges	- \$ 11,000.00
Less attorney's fees and administrative charges	- \$ 15,000.00
Total Amount Available for Disbursal at Closing:	\$ 545,000.00

(c) Mr. Ng's Testimony re: Loan No. P0106 (Pensco Note)

Mr. Ng testified that Pensco loaned POBD a total of \$2,700,000.00 when Loan No. P0106 closed on August 6, 2008. The amounts loaned by Pensco included the following charges, which reduced the amounts available for disbursal: (a) points retained by Pensco in the amount of \$189,000.00; and (b) three (3) months of prepaid interest to Pensco in the amount of

\$81,000.00. These amounts are reflected on the Borrower's Funding Authorization and Agreement (*Plaintiff's Ex. 19*, p. VAL001311, 001312) and Pensco Note (*Plaintiff's Ex. 15*, p. VAL001374). These charges reduced the amount available for disbursal by Pensco at closing, as follows:

Table 2

Pensco Loan Amount	\$ 2,700,000.00
Less points retained by Pensco	- \$ 189,000.00
Less three (3) months prepaid interest to Pensco	- \$ 81,000.00
Total Amount Available for Disbursal at Closing:	\$ 2,430,000.00

(d) Mr. Ng's Testimony re: Total Amount Disbursed at Closing

Mr. Ng testified that the total amount that was disbursed at the closing of Loan No. P0107 was \$2,975,000.00 (i.e., \$545,000 (Table 1) + \$2,430,000.00 (Table 2)). This is the same amount identified on the Borrower's Authorization and Funding Agreement (*Plaintiff's Ex. 19*, p. VAL001312) as "NET PROCEEDS" and identified on First American's File Balance Sheet (*Plaintiff's Ex. 36*, p. FATCO000684) as "Deposits to Bank."

(e) Mr. Ng's Testimony re: Impossibility of Pay Off at MF08 Closing

The testimony of Mr. Ng about the calculations set forth above make it clear that the 2007 RE Loans Note (Loan No. P0099) and Pensco Note (Loan No. P0106) could not have been paid off at the closing of the MF08 Note (Loan No. P0107). On August 6, 2008, RE Loans was still owed a total of \$6,172,325.18 (after the payment of \$1,150,000.00 was made from MF08 to Wells Fargo outside of escrow) and Pensco was owed a total of \$2,700,000.00. Thus, the total amount required to pay off the 2007 RE Loans Note and the Pensco Note was \$8,872,325.18, but the total amount available for disbursal by MF08 at closing was only \$545,000.00.

Further, the combined amounts disbursed by Pensco and MF08 at closing were insufficient to pay off the 2007 RE Loans Note (Loan No. P0099). RE Loans was owed a total of \$6,172,325.18 on August 6, 2008 (after the payment of \$1,050,000.00 was made from MF08 to Wells Fargo outside of escrow), and the combined total amount disbursed by MF08 (\$545,000.00) and Pensco (\$2,430,000.00) on this date was only \$2,975,000.00.¹¹

2. The Testimony of Casey Linscott

(a) Ms. Linscott's Testimony re: Her Personal Knowledge of the Loans

Casey Linscott testified that she is the escrow officer for First American Title Company in Sandpoint, Idaho, and has worked in that capacity for about twenty-four (24) years. As an escrow officer at a loan closing, she acts as an uninterested third party who facilitates an escrow transaction between a seller and a buyer or a lender and a borrower based on instructions. She testified that as part of her job, she accounts for payments that are made into escrow, disbursements paid out of escrow, and any charges assessed by the title company. She also reviews the title company's paperwork related to the loan closing, records documents that come out of the closing, and if necessary, obtains lien releases that are required pursuant to the closing.

Ms. Linscott testified that she was in charge of the closing of Loan No. P0106 and Loan No. P0107 that took place on August 6, 2008, and that she has personal knowledge of each disbursement that was made as part of the MF08 loan closing.

(b) Ms. Linscott's Authentication of the File Balance Sheet (Plaintiff's Ex. 36)

Ms. Linscott authenticated First American's File Balance Sheet and other closing documents. She testified that the File Balance Sheet shows all funds that were received into

¹¹ The \$2,975,000.00 disbursed by MF08 and Pensco on August 6, 2008 was the only amount that these two lenders ever disbursed to POBD. *See Plaintiff's Ex. 63 and Ex. 64.* Hence, Loan No. P0099 could not have been paid off by amounts funded by MF08 and Pensco on August 6, 2008, or at any time thereafter.

escrow and all disbursements that were paid out of escrow as part of the MF08 and Pensco loan closings on August 6, 2008. *Plaintiff's Ex. 36*, pp. FATCO000684, 000685. She testified that First American did not disburse any funds to RE Loans/Wells Fargo or Pensco as part of either closing.

The File Balance Sheet shows that First American received funds from MF08 totaling \$545,000.00, and funds from Pensco totaling \$2,430,000.00. *Id.*, p. FATCO000684. Thus, the total amount deposited into escrow was \$2,975,000.00. *Id.*, pp. FATCO000684, 000685. This is the exact same amount that Barney Ng testified MF08 and Pensco disbursed.

According to the File Balance Sheet, the following disbursements and charges totaling \$2,975,000.00 were paid by First American out of escrow: (a) a check paid to POBD in the amount of \$69,274.66; (b) a check paid to the Bonner County Tax Collector in the amount of \$123,447.23 to pay the balance of 2007 taxes on all parcels; (c) a check paid to Panhandle Escrow Company in the amount of \$317,809.11 for payment of amounts owed to JV; (d) a check paid to Peak Sand and Gravel in the amount of \$250,000.00; (e) a check paid to JV in the amount of \$30,000.00; (f) a check paid to Independent Escrow in the amount of \$530,000.00 to pay down Account # 81014; (g) a check paid to Panhandle State Bank in the amount of \$15,000.00 to pay a bank fee on Sage Holdings' Account; (h) a check for \$80.00 paid to the Nevada Secretary of State's Office for UCC filing fees; (i) First American paid itself closing fees/charges totaling \$39,389.00; (j) a wire transfer to ACI Northwest, Inc. in the amount of \$1,400,000.00 to pay off a lien; and (k) a wire transfer to Genesis Golf Builders, Inc. in the amount of \$200,000.00 to pay off a lien. *Id.*, p. FATCO000685. These items correspond exactly to the amounts listed on the MF08 Borrower's Final Settlement Statement under "Title/Escrow

Charges to:" and "Disbursements Paid: ". *Plaintiff's Ex. 33*. Ms. Linscott testified that she prepared the Borrower's Final Settlement Statement for the MF08 closing.

(c) Ms. Linscott's Testimony re: Impossibility of Pay Off at MF08 Closing

Ms. Linscott testified it is her job to make sure that the amounts paid into escrow and the amounts disbursed out of escrow match exactly. She made sure that \$2,975,000.00 was paid into escrow and that \$2,975,000.00 was paid out of escrow in accordance with the disbursements and charges identified on the File Balance Sheet. None of the disbursements or charges was paid to RE Loans or to Pensco to satisfy Loan No. P0099 and/or Loan No. P0106; every single penny of the amounts that were disbursed at the MF08 (Loan No. P0107) closing went to other entities.

(d) Ms. Linscott's Testimony re: MF08 Borrower Settlement Statements (Plaintiff's

Ex. 11 and Ex. 33)

On direct examination by Richard Stacey, Casey Linscott testified as follows:

- Q. I guess, specifically, Ms. Linscott, let's look at it two line items there, one of them says up above in the new loan section. **It says pays off first loan number P0099. Off to the side it says \$6,172,325.18.** You see where it says that?
- A. Yes.
- Q. Do you see that?
- A. Yeah, I do.
- Q. **And that says payoff first loan. Did you do anything to payoff that first loan as part of your loan closing?**
- A. No.
- Q. **Underneath it, it says, payoff second note loan number P0106 Mortgage Fund '08, and off to the right-hand side, it says in an amount of \$2,700,000.** Do you see where it says that?
- A. I do.
- Q. **With respect to that loan, did you do anything as part of the loan closing to payoff that second note?**

A. **No, I did not.**

Trial Transcript, at pp. 402-403 (Day 2, January 29, 2016). (Emphasis supplied).

This testimony by Ms. Linscott refers to the entries on Plaintiff's Ex. 11 and Ex. 33 which read:

Payoff First Note - Loan No. P0099 - Mortgage Fund '08 LLC c/o Bar K, Inc.	6,172,325.18
Payoff Second Note - Loan No. P0106 - Mortgage Fund '08 LLC c/o Bar K, Inc.	2,700,000.00

At the conclusion of motion practice, this Court was left with the conflicting inference of whether 'Payoff' in the context of these two entries means the loans have been, or have yet to be, paid off. See *Memorandum Decision & Order re: Motions Heard on October 23, 2015* (filed October 30, 2015), at p 15. In this regard, the Court finds the testimony of Ms. Linscott that she did nothing at the MF08 loan closing to pay off either Loan No. P0099 or Loan No. P0106 to be credible and uncontroverted. Further, in light of the testimony of Barney Ng, *supra*, it is clear that the values 6,172,325.18 and 2,700,000.00 directly to the right of each entry represent the amounts still owing on Loan No. P0099 and Loan No. P0106, respectively.

3. The Testimony of Charles Reeves

(a) Testimony of Mr. Reeves re: His Personal Knowledge of the Loans

Charles Reeves testified that his partners, Chip Bowlby and Tom Merschel, collectively owned seventy-five (75) percent and he owned twenty-five (25) of Pend Oreille Bonner Development Holdings, Inc., which was the managing member of POBD. Charles Reeves signed the loan documents in this case, on behalf of POBD, because he was the president of Pend Oreille Bonner Development Holdings, Inc.

Mr. Reeves was the project manager for the Idaho Club. He testified that he was personally responsible for the day-to-day operations of POBD, including design, construction and development, as well as sales and marketing, and accounting. Mr. Reeves was also involved

in the financing of the project, which included negotiating and executing loan agreements with lenders and supervising the bookkeeping tasks performed by POBD's bookkeeper, Kathy Groenhout. Mr. Reeves testified that he is personally familiar with the invoices POBD received from Bar K and the amount of outstanding debt POBD owes pursuant to Loan No. P0099, Loan No. P0106, and Loan No. P0107. Mr. Reeves testified that neither Loan No. P099 nor Loan No. P0106 were satisfied at the MF08 loan closing.

(b) Mr. Reeves Authentication of RE Invoices (Plaintiff's Ex. 65 and 65A)

Mr. Reeves authenticated the RE Invoices and the Final RE Invoice, which identify the amounts owed by POBD to RE Loans as of August 6, 2008. *Plaintiff's Ex. 65* and *Ex. 65A*. Specifically, the Final RE Invoice, which Reeves testified was the final reconciliation from Bar K, shows every payment POBD made during the course of the loan that reduced the principal balance owed to RE Loans. *Plaintiff's Ex. 65A*. It shows that RE Loans/Wells Fargo received a payment on behalf of POBD in the amount of \$1,150,000.00 on August 6, 2008, reducing the principal balance owed from \$7,322,325.18 to \$6,172,325.18. *Id.*, REEVES001134. This Final RE Invoice shows the exact same payment identified in the Borrower's Funding and Authorization Agreement (*Plaintiff's Ex. 19*).

Further, the Final RE Invoice also shows that RE Loans received ten (10) additional payments from POBD between August 7, 2008 (the day after Loan No. P0106 and Loan No. P0107 closed) and November 23, 2009. *Plaintiff's Ex. 65A*, pp. REEVES001134, 001135. POBD would not have continued to make payments to RE Loans if the 2007 RE Loans Note (Loan No. P0099) had been paid off at the MF08 loan closing.

Charles Reeves testified that the RE Invoices are a compilation of some of the invoices POBD received from Bar K that were used to calculate the interest payments owed to RE Loans.

Plaintiff's Ex. 65. On each invoice, there is a vendor stamp and handwriting (and also, on some invoices, there are typed calculations) which show POBD's method of calculating and tracking monthly interest payments due to RE Loans. *Id.* This exhibit establishes that RE Loans was not paid off at the August 6, 2008 loan closing, because the stamps and handwriting on certain RE Invoices show that POBD continued to calculate the interest payments due to RE Loans after Loan No. P0106 and Loan No. P0107 closed on August 6, 2008. Specifically, the invoices Bates numbered REEVES001325-001382 show the interest calculations POBD continued to make from August 22, 2008, through at least November 1, 2009. *Id.* POBD would not have continued to calculate interest payments if the 2007 RE Loans Note (Loan No. P0099) had been paid off at the closings of Loan No. P0107 and Loan No. P0106.

(c) Mr. Reeves Authentication of Pensco Invoices (Plaintiff's Ex. 64)

Mr. Reeves authenticated the invoices (titled Calculations of Amounts due Under Loans) that Bar K sent to POBD pursuant to Loan No. P0106 ("Pensco Invoices"). *Plaintiff's Ex. 64.* These invoices identify the amounts owed by POBD to Pensco as of August 6, 2008. *Id.* The Pensco Invoices also include POBD's stamp and handwritten calculations (and also, on some, typed calculations) of the interest payments due each month. *Id.* However, these invoices show that POBD never repaid any of the amounts borrowed from Pensco. *Id.* Mr. Reeves confirmed the accuracy of the Pensco Invoices by testifying that POBD borrowed \$2,700,000.00 from Pensco and that POBD has never repaid any of this amount.

(d) Mr. Reeves Testimony re: Three EaglePointe Construction Lots

Mr. Reeves testified that three lots were purchased from POBD by EaglePointe Construction & Mgmt, Inc. ("EaglePointe"). The three paydowns from these lot sales are shown on the Final RE Invoice under 08/23/07. *Plaintiff's Ex. 65A*, p. REEVES001113. These

paydowns correspond to the disbursement entries titled "Pay on Loan #P0099 to R.E. loans, LLC Bar K, Inc." on the Seller's Settlement Statements. *Plaintiff's Ex. 114 and Ex. 115*. For each lot, EaglePointe paid a portion of the sales price in cash, and issued a carryback note to POBD for the remaining amount. POBD assigned the three notes to RE Loans. The payments on those notes (from EaglePointe to POBD) are shown as paydowns on the Final RE Invoice. Specifically, there were four payments made on those notes (identified as P0102, P0103, P0104). *Plaintiff's Ex. 65A*, p. REEVES001134. Reeves testified that no other payments were made.

(e) Mr. Reeves Testimony re: Insurance Proceeds

Mr. Reeves testified that the insurance proceeds for the clubhouse fire that occurred at the Idaho Club are shown as paydowns on the Final RE Invoice under 05/05/09 (\$966,416.64), 07/02/09 (\$2,640,474.03), 10/28/09 (\$984,098.56), and 11/23/09 (\$358,598.59). *Plaintiff's Ex. 65A*, p. REEVES001134, 001135. Mr. Reeves testified that insurance checks were not made out to POBD, but to entities which had a lien or security interest in the property. For example, a check for \$1,000,000.00 was issued by Greenspan Adjusters International, Inc. to Bar K on October 26, 2009. *Plaintiff's Ex. 65*, p. REEVES001385. This one million dollars is equal to the value of the two 11/1/09 entries of \$15,901.44 (interest) and \$984,098.56 (principal) on the P0099 Payment History Detail. *Plaintiff's Ex. 66*, p. VAL000627. Also, the principal amount of \$984,098.56 is shown as paydown on 10/28/09 on the Final RE Invoice. *Plaintiff's Ex. 65A*, p. REEVES001135. Therefore, the Final RE Invoice shows the proceeds that were directed to Bar K to pay down the 2007 RE Loans Note.

(f) Mr. Reeves Testimony re: Amounts Owed by POBD

Mr. Reeves testified that, as of the date of trial, POBD owes Valiant the principal balance of \$278,147.65 on Loan No. P099. *Plaintiff's Ex. 65A*, p. REEVFES001135. POBD owes

Valiant the principal balance of \$2,700,000.00 on Loan No. P0106. *Plaintiff's Ex. 64*, p. REEVES000235. POBD has never repaid any principal or interest on the amounts that it borrowed from Pensco. Regarding Loan No. P0107, Mr. Reeves testified that POBD borrowed \$2,000,500.00 from MF08. *Plaintiff's Ex. 63*, p. REEVES000241. POBD has not made any principal or interest payments on the amounts that it borrowed from MF08.

The invoices do not show the interest that has accrued on the loans.

4. Evidence from Other Closing Documents

Numerous documents from the closings of Loan No. P0107 and Loan No. P0106 were admitted into evidence at trial. *Plaintiff's Exs. 14 – 30A*. These documents are listed on the Escrow Instructions dated August 1, 2008 (“Escrow Instructions”) from Bar K. *Plaintiff's Ex. 14*, p. VAL001089. The Borrower’s Funding and Authorization Agreement has already been explained above. However, several other documents listed on the Escrow Instructions also establish that Loan No. P0099 and Loan No. P0107 were not paid off at the MF08 loan closing.

(a) The MF08 Note

The MF08 Note is an all-inclusive note. *Plaintiff's Ex. 17*. This note provides:

The principal amount of this Note includes the current unpaid principal balances of the following described promissory notes (“Included Notes”) which are secured by the following described mortgages:

FIRST INCLUDED NOTE ¹²	
Date of INCLUDED NOTE:	March 6, 2007
Amount of INCLUDED NOTE:	Original Amount: \$21,200,00.00 Principal Balance as of closing on this loan: \$6,172,325.18 As of closing on this loan interest is paid to: July 31, 2008

¹²The First Included Note refers to the 2007 RE Loans Note. *Plaintiff's Ex. 2*.

Maker of INCLUDED NOTE:	The undersigned
Payee of INCLUDED NOTE:	R.E. LOANS, LLC , a California limited liability company
Date of mortgage securing INCLUDED NOTE:	March 6, 2007
Mortgagor of mortgage securing INCLUDED NOTE:	The Undersigned
Mortgagee of mortgage securing INCLUDED NOTE:	R.E. LOANS, LLC, a California limited liability company
Instrument number of mortgage securing INCLUDED NOTE:	724829 and 724834
Date of recordation of mortgage securing INCLUDED NOTE:	March 15, 2007
County of recordation of mortgage securing Date of INCLUDED NOTE:	Bonner County, Idaho
SECOND INCLUDED NOTE ¹³	
Date of INCLUDED NOTE:	August 1, 2008
Amount of INCLUDED NOTE:	Original Amount: \$2,700,00.00 Outstanding Principal Balance as of closing on this loan: \$2,700,000.00
Maker of INCLUDED NOTE:	The undersigned
Payee of INCLUDED NOTE:	PENSCO TRUST CO. , custodian fbo BARNEY NG
Date of mortgage securing INCLUDED NOTE:	August 1, 2008
Mortgagor of mortgage securing INCLUDED NOTE:	The Undersigned
Mortgagee of mortgage securing INCLUDED NOTE:	PENSCO TRUST CO., custodian fbo BARNEY NG
Instrument number of mortgage securing INCLUDED NOTE:	To be recorded immediately before the mortgage securing this Note

¹³ The Second Included Note refers to the Pensco Note. *Plaintiff's Ex. 15.*

Date of recordation of mortgage securing INCLUDED NOTE:	To be recorded immediately before the mortgage securing this Note
County of recordation of mortgage securing Date of INCLUDED NOTE:	Bonner County, Idaho

....

ALL-INCLUSIVE NOTE SECURED BY MORTGAGE, Plaintiff's Ex. 17, pp. VAL001072, 001073. (Emphasis supplied).

The foregoing provisions from the MF08 Note make clear that the parties intended that the 2007 RE Loans Note (Loan No. P0099) and the Pensco Note (Loan No. P0106) would remain in place after the MF08 Note (Loan No. P0107) closed on August 6, 2008. The post-closing principal balance of \$6,172,325.18 is the exact same amount stated in the Borrower's Authorization and Funding Agreement (*Plaintiff's Ex. 19*) and shown on the Final RE Invoice as the principal balance owed to RE Loans on August 6, 2008 (*Plaintiff's Ex. 65A*).

(b) The MF08 Mortgage

The MF08 Mortgage is an all-inclusive mortgage. *Plaintiff's Ex. 18*. The MF08 Mortgage also includes language that would not have been included if RE Loans and Pensco were going to be paid off at the MF08 loan closing. For example, the MF08 Mortgage states:

This is an all-inclusive Mortgage and subject and subordinate to the following mortgages now of record or recorded concurrently herewith **securing those certain notes (hereinafter "INCLUDED NOTE") the current unpaid principal balances of which are included in the note: ...**

ALL-INCLUSIVE MORTGAGE Assignment of Rents, Security Agreement, and Fixture Filing, Plaintiff's Ex. 18, p. VAL001043 (Emphasis supplied).

Immediately following this quote, within the MF08 Mortgage, is the exact same table that was within the MF08 Note (and inserted above) which describes the terms and the unpaid principal balances owed on the 2007 RE Loans Note and Pensco Note, and defines these notes as the "FIRST INCLUDED NOTE" and "SECOND INCLUDED NOTE," respectively.

(c) The MF08 Loan Agreement

The MF08 Loan Agreement also includes language showing that Loan No. P0099 and Loan No. P0106 were not supposed to be satisfied as part of the MF08 loan closing. Some of this language is found in the provisions governing the manner by which MF08 will be paid proceeds from the sale of lots. *Plaintiff's Ex. 21*, p. 001319. Specifically, it provides that "...until the note in favor of RE Loans, LLC is paid in full," payments of proceeds from lot sales "may be made directly to RE Loans, LLC, in lieu of Lender" *Id.*, p. 001319, ¶ 12(h).

Additionally, the Loan Agreement states:

The parties acknowledge that Borrower and RE Loans, LLC previously opened an interest bearing account (the "Development Account") at Wells Fargo Bank in Borrower's name. **Until the INCLUDED NOTE in favor of RE Loans, LLC is paid in full** the Development Account shall be administered in accordance with the loan agreement between Borrower and RE Loans, LLC.

LOAN AGREEMENT, Plaintiff's Ex. 21, p. 001320, ¶ 12(j). (Emphasis supplied).

This provision is superfluous if RE Loans was supposed to be paid off at the MF08 loan closing.

(d) Second Amendment to Loan Agreement

The Escrow Instructions required RE Loans and POBD to execute a Second Amendment to Loan Agreement as a precondition to First American closing Loan No. P0107. *Plaintiff's Ex. 14, Ex. 22 and Ex. 22A*. This agreement had to be consented to by Wells Fargo. *Plaintiff's Ex. 22 and Ex. 22A*. The Second Amendment to Loan Agreement modifies the terms under which RE Loans was to be paid proceeds from the sale of lots. *Id.* This agreement is superfluous if Loan No. P0099 was satisfied because it would be unnecessary to require RE Loans to modify these terms as a precondition to closing Loan No. P0107 if RE Loans was going to be paid off from its proceeds at closing.

(e) RE Loans Subordination Agreements

The Escrow instructions required RE Loans and Wells Fargo to execute two different subordination agreements as a precondition to First American closing Loan No. P0107. *Plaintiff's Ex. 14, Ex. 27 and Ex. 28.* One of the subordination agreements subordinated the 2007 RE Mortgage to another mortgage recorded by Pacific Capital Bank, N.A. *Plaintiff's Ex. 27, p. VAL001402.* The other subordinated the 2007 RE Mortgage to a mortgage recorded by Dan S. Jacobson, Sage Holdings, LLC, Steven Lazar, Amy Korengut, and HLT Real Estate, LLC. *Plaintiff's Ex. 28, p. VAL002209.* It is unnecessary to require another lender to execute subordination agreements as part of a loan closing if the subordinating party is going to be satisfied out of the proceeds of the loan closing. If Loan No. P0099 was going to be satisfied by Loan No. P0107, the Escrow Instructions would have required RE Loans to execute a release of mortgage instead of subordination agreements.

5. The Testimony of William Haberman

William Haberman is the managing member of Valiant. He testified that he negotiated and entered into the loan assignment agreement with RE Loans. He also testified that he has not received any payments from POBD, or anyone on its behalf, since Valiant was assigned the P0099 Loan Documents.

Based on the foregoing testimony of Barney Ng, Casey Linscott, Charles Reeves, and William Haberman, which the Court finds credible and uncontroverted; and more importantly, based upon the documentary evidence consisting of the P0099, P0106 and P0107 Loan Documents, the closing documents for Loan P0107, and the various documents admitted into evidence and described above, this Court finds that the 2007 RE Loans Note (Loan No. P0099)

and the Pensco Note (Loan No. P0106) were not satisfied at the closing of the MF08 Note (Loan No. P0107), or any time thereafter. The Court further finds that Valiant is entitled to the unpaid principal balance and interest that is owed on all three Notes.

B. Total Amounts Owed to Valiant by POBD

(a) Testimony of William Haberman re: Maintenance and Operation Costs

William Haberman testified that ownership of the Idaho Club property is still in POBD during these foreclosure proceedings, but because Valiant was concerned about waste, Valiant master leased the property from POBD and assumed the maintenance and operation of the property to prevent any deferred maintenance and further damage.

Mr. Haberman testified that in the fall of 2014, Valiant incurred costs of winterization and general maintenance of the property. He also testified that in May of 2015, Valiant opened the golf course to members only; and although, some revenue was generated, Valiant incurred approximately \$228,000.00 in maintenance costs in 2015, which included maintenance payroll, purchase of fungicide and chemicals for the greens, and some repair and maintenance. He testified that no other parties have participated in the maintenance of the Idaho Club since Valiant acquired control in July of 2014. Lastly, Mr. Haberman testified that shortly before trial,¹⁴ there was a diesel fuel leak on the property, which required Valiant to expend approximately \$89,000.00 to remediate the property. *Plaintiff's Ex. 111* and *Ex. 112*. No other parties participated in the environmental remediation of the property.

The Court finds this testimony of Mr. Haberman to be credible and uncontroverted.

¹⁴ This is third day of trial. March 16, 2016.

(b) Amount Owed To Valiant on the 2007 RE Loans Note

William Haberman testified that he calculated the total amount due and owing to Valiant pursuant to Loan No. P0099 through January 23, 2016. The total amount due and owing on the 2007 RE Loans Note as of that date was \$2,950,740.71. *Plaintiff's Ex. 96*, p. 2 (illustrative of Mr. Haberman's testimony). (This amount includes the \$1,665,885.12 that was paid to redeem the Idaho Club property from the Bonner County Tax Collector, which it has already been determined should be included in the amount secured by the 2007 RE Loans Mortgage.).

The Court finds Mr. Haberman's testimony at trial as to the amount owing on the 2007 RE Loans Note to be credible and the defendants did not offer any contravening amounts.

Also at trial, Tom Williams, the president of Sandpoint Title Insurance, Inc. ("Sandpoint Title"), testified that on October 16, 2012, Sandpoint Title wired a payment to Wells Fargo in the amount of \$96,901.99 ("Sandpoint Title Payment") from the sale by EaglePointe of one of the lots it had purchased from POBD. Mr. Williams testified he does not know whether his office ever advised POBD or RE Loans of this payment. Nonetheless, the amount owed pursuant to the 2007 RE Loans Note should be reduced by \$96,901.99. Accordingly, Mr. Haberman generated a new interest calculation in his post-trial affidavit. *Declaration of William Haberman in Support of Valiant Idaho, LLC's Closing Argument* (filed April 14, 2016) ("*Haberman Decl.*"), at Ex. A. The Court finds this new interest calculation to be credible.

The 2007 RE Loans Note states, "each payment and each prepayment (if any) on this Note shall be first credited to interest or other charges then due and payable to Lender and the remainder to principal, and interest shall thereupon cease upon the principal so credited." *Plaintiff's Ex. 2*, p. VAL00540. In accordance with this provision, the Sandpoint Title Payment shall be applied to the outstanding interest and late fees that were due and owing as of

October 23, 2012. This results in a reduction of the interest that has accrued as of that date from \$175,077.56 to \$78,175.57. *Haberman Decl*, Ex. A.¹⁵ As of March 23, 2016, Valiant was owed \$3,061,166.62 (including the \$1,665,885.12 redemption payment) with interest accruing at a rate of \$1,417.94 *per diem*. *Id.*¹⁶ Through May 27, 2016, 65 days have elapsed, and an additional \$92,166.10 has accrued. These amounts are secured by the 2007 RE Loans Mortgage.

As discussed above, the Court finds credible Mr. Haberman's testimony that Valiant is currently operating and maintaining the Idaho Club golf course at Valiant's expense to prevent any waste from occurring to the real property encumbered by the 2007 RE Loans Mortgage; and that Valiant incurred costs of \$226,582.98¹⁷ to operate and maintain the course throughout 2015. This amount is secured by the 2007 RE Loans Mortgage, which provides that the "Mortgagee, at the expense of Mortgagor, may from time to time maintain and restore the Mortgaged Property or any part thereof as Mortgagee may reasonably deem desirable and may insure the same." *Plaintiff's Ex. 1*, p. VAL00505, ¶ 3.2. Valiant, as mortgagee, incurred costs of \$226,582.98 to maintain and restore the real property that is subject to the 2007 RE Loans Mortgage, and POBD is obligated to repay this amount to Valiant. Since POBD is unable to repay these costs, the amount of costs that Valiant incurred is secured by the 2007 RE Loans Mortgage.

Regarding the diesel fuel leak, Plaintiff's Exhibit 111 and Exhibit 112 show that Valiant incurred \$89,432.39 to remediate the leak. The amount Valiant incurred to remediate the diesel fuel leak is secured by the 2007 RE Loans Mortgage, which provides:

The Mortgagor further shall be personally and solely responsible for and shall indemnify and hold harmless the Mortgagee from and against . . . (2) **the costs of any required or necessary repair, cleanup or detoxification of the property**

¹⁵ The Sandpoint Title Payment reduces the amount of interest that is owed to Valiant, but it does not affect the principal balance owed.

¹⁶ The Court finds Mr. Haberman's affidavit testimony as to the amount owed as of March 23, 2016, to be credible.

¹⁷ This amount was set forth in *Valiant Idaho, LLC's Closing Argument*, filed April 14, 2016, at p. 23. At trial, Mr. Haberman testified that the amount was \$228,000.00. Although the Court finds Mr. Haberman's trial testimony credible, the Court shall use the lower amount cited in Valiant's closing brief to calculate the amount owed.

and (3) all reasonable costs and expenses incurred by the Mortgagee . . . in connection therewith ...

Plaintiff's Ex. 1, pp. VAL000508, 000509, ¶ 4.5. (Emphasis supplied).

POBD is obligated to indemnify and reimburse Valiant for the amount Valiant incurred to repair, clean up, or detoxify the real property subject to the 2007 RE Loans Mortgage. As POBD is unable to repay Valiant for this amount, the amount Valiant incurred to perform the remediation is secured by the 2007 RE Loans Mortgage.

Accordingly, POBD currently owes Valiant a total of **\$3,469,348.09** (\$3,061,166.62 + \$92,166.10 + \$226,582.98 + \$89,432.39) through May 27, 2016, pursuant to the 2007 RE Loans Note, with interest accruing at a rate of \$1,417.94 *per diem*, until the entry of Judgment.

(c) Amount Owed to Valiant on the Pensco Note

William Haberman testified that he calculated the total amount due and owing to Valiant pursuant to Loan No. P0106 through January 1, 2016. The total amount due and owing on the Pensco Note as of that date was \$9,242,062.43. *Plaintiff's Ex. 97*, p. 2 (illustrative of Mr. Haberman's testimony). Per this calculation, interest is accruing at a rate of \$4,197.74 *per diem*. The Court finds Mr. Haberman's testimony at trial as to the amount owing on the Pensco Note to be credible and the defendants did not offer any contravening amounts. Through May 27, 2016, 147 days have elapsed, and an additional \$617,067.78 in interest has accrued. These amounts are secured by the Pensco Mortgage.

Accordingly, POBD currently owes Valiant a total of **\$9,859,130.21** (\$9,242,062.43 + \$617,067.78) through May 27, 2016, pursuant to the Pensco Note, with interest accruing at a rate of \$4,197.74 *per diem*, until the entry of Judgment.

(d) Amount Owed to Valiant on the MF08 Note

William Haberman testified that he calculated the total amount due and owing to Valiant pursuant to Loan No. P0107 thru January 1, 2016. The total amount due and owing on the MF08 Note as of that date was \$7,141,610.63. *Plaintiff's Ex. 98*, p. 2 (illustrative of Mr. Haberman's testimony). Per this calculation, interest is accruing at a rate of \$3,244.28 *per diem*. The Court finds Mr. Haberman's testimony at trial as to the amount owing on the MF08 Note to be credible and the defendants did not offer any contravening amounts. Through May 27, 2016, 147 days have elapsed, and an additional \$476,909.16 in interest has accrued. These amounts are secured by the MF08 Mortgage.

Accordingly, POBD currently owes Valiant a total of **\$7,618,519.79** (\$7,141,610.63 + \$476,909.16) through May 27, 2016, pursuant to the MF08 Note, with interest accruing at a rate of \$3,244.28 *per diem*, until the entry of Judgment.

(f) Amount of POBD's Indebtedness to JV

The Court hereby recognizes that by a "Stipulation for Settlement and for Judgment as Between Defendant V.P., Inc. and North Idaho Resorts and the Defendant JV, L.L.C.," filed August 24, 2015,¹⁸ POBD's indebtedness to JV of principal and interest through August 18, 2015, is \$2,702,105.55, with interest accruing at the rate of \$485.408 per day, plus \$140,999.86, which JV paid to the Bonner County Tax Collector to redeem Moose Mountain real property. Through May 27, 2016, 283 days have elapsed, and an additional \$137,370.46 of interest has accrued.

Accordingly, POBD currently owes JV a total of **\$2,980,475.87** (\$2,702,105.55 + \$140,999.86 + \$137,370.46), through May 27, 2016, with interest accruing at the rate of \$485.408 *per diem* until the entry of Judgment. JV's right, title, and interest under this Mortgage

is inferior to Valiant's right, title, and interest under the 2007 RE Loans Mortgage, Pensco Mortgage, and/or MF08 Mortgage.

VI. CONCLUSION AND ORDER

NOW, THEREFORE, based upon the foregoing, IT IS HEREBY ORDERED THAT Valiant is entitled to a final judgment against POBD in the amount of (a) **\$3,469,348.09** pursuant to the 2007 RE Loans Note, accruing at a rate of \$1,417.94 *per diem*, until the entry of Judgment; (b) **\$9,859,130.21** pursuant to the Pensco Note, with interest accruing at a rate of \$4,197.74 *per diem*, until the entry of Judgment; and (c) **\$7,618,519.79**, pursuant to the MF08 Note, with interest accruing at a rate of \$3,244.28 *per diem*, until the entry of Judgment. Valiant shall promptly submit to this Court a proposed Final Judgment and separate proposed Decree of Foreclosure in accordance with this Memorandum Decision.

IT IS FURTHER ORDERED THAT JV is entitled to a judgment against POBD in the amount of **\$2,980,475.87**, with interest accruing at the rate of \$485.408 *per diem* until the entry of Judgment. JV shall submit a proposed Judgment in accordance herewith, and such judgment shall state that JV's right, title, and interest under its Mortgage is inferior to Valiant's right, title, and interest under the 2007 RE Loans Mortgage, Pensco Mortgage, and/or MF08 Mortgage.

IT IS SO ORDERED,

DATED this 27 day of May, 2016.



Barbara Buchanan
District Judge

¹⁸ POBD has not asserted any opposition or objection to this Stipulation. Therefore, a judgment shall be entered.

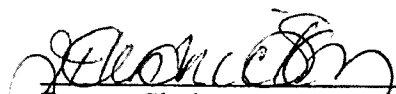
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, and delivered via facsimile transmission, this 27 day of May, 2016, to:

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
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Richard L. Stacey
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McCONNELL WAGNER SYKES & STACEY, PLLC.
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Deputy Clerk

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

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

JUDGMENT

Honorable Barbara A. Buchanan

ORIGINAL

JUDGMENT IS ENTERED AS FOLLOWS:

1. Valiant Idaho, LLC (“Valiant”) has and does recover this Judgment.
2. With respect to Valiant’s cause of action against Pend Oreille Bonner Development, LLC (“POBD”) for POBD’s breach of its loan agreement with R.E. Loans, LLC, Valiant is awarded damages in the total amount of **\$3,478,943.68**. This damage amount is comprised of: (a) the unpaid principal loan amount of \$278,147.65 and the property taxes paid by Valiant in the amount of \$1,665,855.12, plus prejudgment interest and late fees on these amounts totaling \$1,219,225.54 through June 22, 2016; (b) losses incurred by Valiant to operate and maintain the property in the amount of \$226,582.98; and (c) costs Valiant incurred to remediate a diesel leak in the amount of \$89,432.39. Prejudgment interest will continue to accrue on the unpaid principal loan amount and property taxes Valiant paid at a rate of **\$1,417.94 per diem** until final judgment is entered. The damages and prejudgment interest awarded to Valiant pursuant to this cause of action are secured by a mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”).
3. The RE Loans Mortgage is recorded against real property located in the County of Bonner, State of Idaho, and more particularly described and depicted on Exhibit A attached hereto (“RE Property”).
4. The RE Loans Mortgage is a first priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, with respect to the RE Property.

5. With respect to Valiant's cause of action against POBD for POBD's breach of its loan agreement with Pensco Trust Co. ("Pensco"), Valiant is awarded damages in the total principal amount of **\$9,892,712.13**. This damage amount is comprised of: (a) the unpaid principal loan amount of \$2,700,000.00; and (b) prejudgment interest and late fees totaling \$7,192,712.13 through June 22, 2016. Prejudgment interest will continue to accrue on the unpaid principal loan amount at a rate of **\$4,197.74 per diem** until final judgment is entered. The damages and prejudgment interest awarded to Valiant pursuant to this cause of action are secured by a mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho ("Pensco Mortgage").

6. The Pensco Mortgage is recorded against real property located in the County of Bonner, State of Idaho, and more particularly described and depicted on Exhibit B attached hereto ("Pensco Property").

7. The Pensco Mortgage is a first priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, with respect to the real property identified on Exhibit B as Parcels 29-31, 34, 35, and 66 of the Pensco Property.

8. The Pensco Mortgage is a second priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, excepting only that first priority interest of Valiant pursuant to the RE Loans Mortgage, with respect to the remainder of the real property identified on Exhibit B as the Pensco Property.

9. With respect to Valiant's cause of action against POBD for POBD's breach of its loan agreement with Mortgage Fund '08 LLC ("MF08"), Valiant is awarded damages in the total principal amount of **\$7,702,871.07**. This damage amount is comprised of: (a) the unpaid principal loan amount of \$2,000,500.00; and (b) prejudgment interest and late fees totaling \$5,702,371.07 through June 22, 2016. Prejudgment interest will continue to accrue on the unpaid principal loan amount at a rate of **\$3,244.28 per diem** until final judgment is entered. The damages and prejudgment interest awarded to Valiant pursuant to this cause of action are secured by a mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho ("MF08 Mortgage").

10. The MF08 Mortgage is recorded against real property located in the County of Bonner, State of Idaho, and more particularly described and depicted on Exhibit C attached hereto ("MF08 Property").

11. The MF08 Mortgage is a first priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, with respect to the real property identified on Exhibit C as Parcels 33, and 37-40 of the MF08 Property.

12. The MF08 Mortgage is a second priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, excepting only that first priority interest of Valiant pursuant to the RE Loans Mortgage, with respect to the real property identified on Exhibit C as Parcel 32 of the MF08 Property.

13. The MF08 Mortgage is a second priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, excepting only that first priority interest of Valiant pursuant to the Pensco Mortgage, with respect to the real property identified on Exhibit C as Parcels 29-31, 34, 35, and 66 of the MF08 Property.

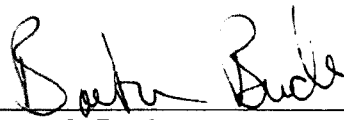
14. The MF08 Mortgage is a third priority mortgage, superior in right, title and interest to any interest claimed by another person or entity, excepting only that first priority interest of Valiant pursuant to the RE Loans Mortgage and that second priority interest of Valiant pursuant to the Pensco Mortgage, with respect to the remainder of the real property identified on Exhibit C as the MF08 Property.

15. With respect to Valiant's causes of action to judicially foreclose the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage, Valiant is awarded a decree of foreclosure that shall be separately entered by this Court, such that the real property subject to said Mortgages shall be sold by the Sheriff of Bonner County, Idaho, by levy and execution according to the law and practice of this Court, subject to the statutory right of Defendants to redeem the real property in accordance with the laws of the State of Idaho.

16. JV, L.L.C. ("JV") is awarded a judgment against POBD in the amount of \$2,980,475.87, with prejudgment interest accruing at a rate of \$485.408 *per diem* from May 27, 2016 until entry of judgment. JV's right, title and interest in and to the real property identified on Exhibits A, B and C is inferior to the right, title and interest possessed by Valiant pursuant to the RE Loans, Pensco and MF08 Mortgages.

17. Any interest held by North Idaho Resorts, LLC, JV, and VP, Incorporated, and every other party to this case, is junior and subject to the interests of Valiant by virtue of the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage, or the interests of said parties have been released of record; and any party and all persons claiming under said parties party are and shall be forever barred and foreclosed of all right, title and interest and equity of redemption to the real property, except the right of redemption as provided by the statutes of the State of Idaho.

DATED this 22nd day of June 2016.


A handwritten signature in black ink, appearing to read "Barbara Buchanan", written over a horizontal line.

Honorable Barbara A. Buchanan
Judge of the First Judicial District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of June 2016, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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 type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Richard L. Stacey, Esq. Jeff R. Sykes, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail stacey@mwsslawyers.com sykes@mwsslawyers.com
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 type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net



 Clerk of the Court

EXHIBIT A TO JUDGMENT

PROPERTY SECURED BY THE RE LOANS MORTGAGE

Parcel 1

Lot 2, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 2

Tract 1

Lot 10, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 2

Lot 1, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 3

Lot 7, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 5

Tract 1

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

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

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

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10' 22" East 856.45 feet (record = North 00° 09' 25" East, 856.45 feet); Thence North 89° 10' 53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

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

1. On a non-tangential curve to the left (radial bearing = North 87° 39' 13" East) having a central angle of 36° 44' 06" and a radius of 131.00 feet for an arc distance of 83.99 feet (record = 84.54 feet) (chord = South 20° 42' 50" East, 82.56 feet - record = South 20° 37' 27" East, 83.08 feet);
2. Thence South 39° 04' 53" East, 419.67 feet (record = South 39° 06' 45" East, 419.68 feet);
3. Thence on a curve to the left having a central angle of 11° 42' 45" and a radius of 530.00 feet for an arc distance of 108.34 feet (chord = South 44° 56' 16" East, 108.15 feet - record = South 44° 58' 08" East, 108.16 feet);
4. Thence South 50° 47' 39" East, 69.68 feet (record = South 50° 49' 31" East, 69.68 feet);

5. Thence on a curve to the right having a central angle of 23° 42' 51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56' 14" East, 398.61 feet – record = South 38° 58' 05" East 398.61 feet);
 6. Thence South 27° 04' 48" East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South 27° 06' 40" East, 30.77 feet);
- Thence leaving said right of way North 89° 36' 03" West, 60.37 feet (record = North 89° 37' 09" West, 59.55 feet) to the point of beginning.

Tract 2

That part of the Southeast quarter of the Northeast quarter lying North and West of Fairway View Drive of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 3

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

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36; Thence South 89° 36' 03" East 60.37 feet (record = South 89° 37' 09" East,

59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes); thence along said right of way for the following four (4) courses;

1. South 27° 04' 48" East, 299.95 feet (record = South 27° 06' 40" east, 300.83 feet);
 2. North 62° 55' 12" East, 60.00 feet (record = North 62° 53' 20" East, 60.00 feet);
 3. North 27° 04' 48" West, 125.34 feet (record = North 27° 06' 40" West, 125.34 feet);
 4. Thence on a curve to the right having a central angle of 79° 01' 27" and a radius of 25.00 feet, for an arc distance of 34.48 feet (chord = North 12° 25' 55" East, 31.81 feet - record = North 12° 24' 03" East, 31.81 feet) to a point on the Southerly right of way of Fairway View Drive, as shown on the Plat of First Addition to Hidden Lakes;
- Thence along said right of way for the following eight (8) courses:

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

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

1. on a non-tangential curve to the right having a central angle of 04° 15' 19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30' 38" West, 87.67 feet);
 2. Thence South 20° 22' 44" West, 114.57 feet;
 3. Thence on a curve to the left having a central angle of 22° 29. 50" and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South 09° 07' 49" West, 196.10 feet);
 4. Thence South 02° 07' 06" East, 157.81 feet to the Northerly right of way of State Highway No. 200; Thence along the highway right of way, South 77° 42' 28" West, 72.14 feet (record = South 78° 15' 06" West, 71.11 feet);
- Thence continuing along the Highway right of way, South 69° 44' 57" West, 262.22 feet (record = South 69° 43' 16" West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36; Thence along the West line of the Southwest quarter of the Southeast quarter, North 00° 08' 19" East, 1223.36 feet (record = North 00° 07' 13" East, 1223.17 feet) to the point of beginning.

Tract 4

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

That portion of said Section 36 lying East of Pack River Road, a county road, Idaho, North of State Highway No. 200, East of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho, West and South of Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, Southwest of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, and West of the land described as a tract of land in the Southeast Quarter of the Southeast quarter (SE1/4 SE1/4) of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at a point on the East line of said Section 36, which is N 00° 08' 06" E, 563.94 feet from the Southeast corner of the Section; thence, perpendicular to the East line of the Section, N 89° 51' 54" W, 1103.43 feet to the Southwest corner of Instrument Number 457973 on the Northerly right of way of Highway 200 and the True Point of Beginning; thence, along the Western boundary of Instrument No. 457973, N 01° 25' 02" E, 99.41 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 32° 20' 51" W, 132.00 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628 on the Northerly right of way of Highway 200; thence, along said right of way, N 79° 54' 11" E, 69.24 feet, to the True Point of Beginning.

Parcel 8

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

Parcel 9

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

Parcel 10

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

Parcel 11

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

Parcel 12

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

Parcel 13

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

Parcel 14

Lot 14, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 15

Lot 15, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 16

Lot 4, Block 7 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 17

Lot 5, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 19

**A tract of land located in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:
That portion of said Section 36 lying East of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, North of Lot 1A, Block 15, Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, and South and West of Lot 1A, Block 10, all of Block 20 and the road between said Lot 1A, Block 10 and Lot 1, Block 20, REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.**

Parcel 20

Lot 1, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 21

Lot 2, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 22

Lot 3, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 23

Lot 11, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 24

Lot 12, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 25

Lot 13, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 26

Lot 14, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 27

Lot 16, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 28

Lot 20A, Block 20, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 32

Lot 1, Block 2, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 36

Lots 4A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 41

Lot 12, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 42

Lot 11, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 43

Lot 9, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 44

Lot 8, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 45

Lot 7, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 46

Lot 6, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 47

Lot 5, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 48

Lot 4, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 49

Lot 3, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 50

Lot 2, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 51

Lot 1, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 52

Lot 14, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 53

Lot 13, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 54

Lot 12, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 55

Lot 11, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 56

Lot 10, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 57

Lot 9, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 58

Lot 8, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 59

Lot 7, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 60

Lot 8, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 61

Lot 7, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 62

Lot 6, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 63

Lot 5, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 64

Lot 4, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 65

Lot 3, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 67

Lot 1, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 68

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

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

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54' 43" West, 798.00 feet (record = North 26° 28' 08" West, 798.11 feet; Thence along the South right of way of the Highway, North 68° 35' 39" East, 266.10 feet; Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03' 28" West) having a central angle of 00° 08' 55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52' 05" East, 15.03 feet - total distance along right of way from point of beginning 281.13 feet - record = 281.13 feet); Thence leaving said right of way South 00° 04' 10" West, 725.53 feet; Thence North 89° 14' 40" West, 330.00 feet; Thence North 00° 03' 26" West 607.20 feet, to the Southerly right of way of State Highway No. 200; Thence along said right of way North 79° 11' 55" East, 70.38 feet to the true point of beginning.

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

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and Unplatted land, recorded in Book 8 of Plats, Page 77,
Golden Tee Estates 2nd Addition, recorded in Book 8 of Plats, Page 79,
Golden Tee Estates 3rd Addition, recorded in Book 8 of Plats, Page 78,
Golden Tee Estates 4th Addition, recorded in Book 8 of Plats, Page 80,
Golden Tee Estates 5th Addition, recorded in Book 8 of Plats, Page 81, and
Golden Tee Estates 7th Addition, recorded in Book 9 of Plats, Page 13, all in the records of Bonner County, Idaho.

Parcel 69

All that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200.

Parcel 70

That portion of Government Lots 5, 6, 9, and 10; the Southeast quarter of the Northwest quarter; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying East GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho, East of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, North of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and North of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows: Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; Thence South 1669.70 feet to Pack River and the True Point of Beginning; Thence South 66° 47' West, 203 feet; Thence South 69° 54' West 165.3 feet; Thence South 79° 56' West, 242.5 feet; Thence South 01° 11' East, 146 feet; Thence South 25° 18' East, 118.20 feet; Thence South 54° 29' East, 137.2 feet; Thence South 68° 10' East, 267.1 feet; Thence North 535.6 feet to a point 1669.7 feet South of the North quarter corner of Section 6.

LESS a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows: Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03' 21" East, 2460.29 feet from the Northwest corner of said Section 6 (record South 55° 14' East, 2451.3); Thence South 14° 53' 00" East, 223.22 feet (record); Thence South 04° 43' 00" East, 640.00 feet (record). Thence South 39° 48' 00" East, 430.00 feet (record); Thence South 30° 28' 00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

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

Parcel 71

That portion of Government Lots 10 and 11; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying South of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, South of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and South of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 72

Lot 2, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 73

Lot 3, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 74

Lot 5, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 75

Lot 8, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 76

Lot 8, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 77

Lot 7, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 78

Lot 6, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 79

Lot 5, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 80

Lot 4, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 81

Lot 2, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 82

Lot 1, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 83

Lot 9, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 84

Lot 9, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 85

Lot 1, Block 2 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 86

Lot 5, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 87

Lot 10, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 88

Lot 1, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 89

Lot 4, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 90

Lot 2, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 91

Lot 5, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 92

Lot 6, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 93

Lot 6, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 94

Lot 2, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 95

Lot 1, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 96

Lot 10, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 97

Lot 17, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 98

Lot 16, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 99

Lot 4, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 100

Lot 3, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 101

Lot 15, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 102

Lot 6, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 103

Lot 10, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 104

Lot 2, Block 11 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 105

Lot 3, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 106

Lot 8, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 107

Lot 6, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 108

Lot 5, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 109

Lot 10, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 110

Lot 6, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 111

Lot 1, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 112

Lot 5, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 113

Lot 4, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 114

Lot 3, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 115

Lot 6, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 116

Lot 8, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 117

Lot 9, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 118

Lot 2, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 119

Lot 1, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 120

Lot 1, Block 3 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 122

Lot 1, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 123

Lot 1, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 124

Lot 5, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 125

Lot 7, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 126

Lot 9, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 127

Lot 11, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 128

Lot 9, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 129

Lot 8, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 130

Lot 5, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 131

Lot 1, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 132

Lot 6, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 133

Lot 3, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 134

Lot 4, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 135

Lot 3, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 136

Lot 2, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 137

Lot 1, Block 3 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 138

Lot 4, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 139

Lot 3, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 140

Lot 2, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 141

Lot 5, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 142

Lot 1, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 143

Lot 5, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 144

Lot 8, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 145

Lot 2, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 146

Lot 1, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 147

Lot 2, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 148

Lot 1, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 149

Lot 2, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 150

Lot 4, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 151

Lot 6, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 152

Lot 5, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 153

Lot 8, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 154

Lot 9, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 155

Lot 7, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 156

Lot 5, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 157

Lot 6, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 158

Lot 3, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 159

Tract 1

Block 5A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 2

Lot 3A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 4

Block 16A of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 5

Lot 1A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1A, Block 11 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 7

Lot 2A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 8

Lot 2A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 9

Lot 1, Block 14A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 10

Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 11

Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 12

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200 and lying Easterly of Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

LESS the following described property:

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

Commencing at the Southeast corner of said Section 36; Thence along the East line of Section 36, North 00° 08' 06" East, 460.00 feet; Thence perpendicular to the East line of the Section, North 89° 51' 54" West, 568.00 feet to the true point of beginning; Thence South 47° 08' 06" West, 250.00 feet; Thence South 42° 51' 54" East, 348.50 feet; Thence North 47° 48' 06" East, 250.00 feet; Thence North 42° 51' 54" West, 348.50 feet to the true point of beginning.

Parcel 163

Tract 1

Lot 21A, Block 2, of REPLAT OF LOTS 20 AND 21, BLOCK 2 REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 81, records of Bonner County, Idaho.

Tract 2

Lot 5A, Block 4 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1, Block 19 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 4

Lot 13A, Block 13 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 5

Lot 2, Block 19 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1, Block 2 of GOLDEN TEE ESTATES 2ND ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 177

Tract 1

Alpenrose Lane and that portion of North Idaho Club Drive as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho and said North Idaho Club Drive as shown on GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Tract 2

Golden Tee Drive, now Gracie Lane, as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

Tract 3

That portion of Jim Brown Way as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 4

That portion of Jim Brown Way as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, excepting any portion lying with REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, being between the Easterly extensions of the North boundary of Lot 2, Block 6 and the South boundary of Lot 3, Block 7 of said GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO).

Tract 5

The parcel labelled Road Lot named South Idaho Club Drive lying between Lot 1, Block 17 and Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying South of State Highway 200.

Tract 6

The private roads named South Idaho Club Drive and Wildflower Way shown on GOLDEN TEE ESTATES 2ND ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 7

The private roads named South Idaho Club Drive, Whitecloud Drive, Nighthawk Lane, Trappers Loop, Pickeroon Lane, Timber Grove Lane and Green Monarch Lane as shown on GOLDEN TEE ESTATES 3RD ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 8

The private roads named Green Monarch Lane, Wildridge Way, Brightwater Lane and North Star Lane as shown on GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho and Forest Highland Drive as shown on GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Tract 9

The private roads named South Idaho Club Drive as shown on GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Tract 10

The private roads named South Idaho Club Drive, Greatwater Circle and Lunch Peak Lane as shown on GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Tract 11

The private roads named Hidden Lakes Drive, Waterdance Way, Oxbow Road and Clubhouse Way as shown and described on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, and including those portions of Clubhouse Way, which is named Hidden Lakes Drive, above, and Clubhouse Lane, which is named Clubhouse Way, first above, on GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, which may be or may not be described and included on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

EXHIBIT B TO JUDGMENT

PROPERTY SECURED BY THE PENSCO MORTGAGE

Parcel 2

Tract 1

Lot 10, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 2

Lot 1, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 3

Lot 7, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 5

Tract 1

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

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

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

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10' 22" East 856.45 feet (record = North 00° 09' 25" East, 856.45 feet); Thence North 89° 10' 53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

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

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

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

Tract 2

That part of the Southeast quarter of the Northeast quarter lying North and West of Fairway View Drive of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 3

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

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36; Thence South 89° 36' 03" East 60.37 feet (record = South 89° 37' 09" East, 59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes); thence along said right of way for the following four (4) courses;

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

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

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

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

1. on a non-tangential curve to the right having a central angle of 04° 15' 19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30' 38" West, 87.67 feet);
2. Thence South 20° 22' 44" West, 114.57 feet;
3. Thence on a curve to the left having a central angle of 22° 29' 50" and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South 09° 07' 49" West, 196.10 feet);
4. Thence South 02° 07' 06" East, 157.81 feet to the Northerly right of way of State Highway No. 200; Thence along the highway right of way, South 77° 42' 28" West, 72.14 feet (record = South 78° 15' 06" West, 71.11 feet); Thence continuing along the Highway right of way, South 69° 44' 57" West, 262.22 feet (record = South 69° 43' 16" West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36; Thence along the West line of the Southwest quarter of the Southeast quarter, North 00° 08' 19" East, 1223.36 feet (record = North 00° 07' 13" East, 1223.17 feet) to the point of beginning.

Tract 4

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

That portion of said Section 36 lying East of Pack River Road, a county road, Idaho, North of State Highway No. 200, East of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho, West and South of Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, Southwest of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, and West of the land described as a tract of land in the Southeast Quarter of the Southeast quarter (SE1/4 SE1/4) of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at a point on the East line of said Section 36, which is N 00° 08' 06" E, 563.94 feet from the Southeast corner of the Section; thence, perpendicular to the East line of the Section, N 89° 51' 54" W, 1103.43 feet to the Southwest corner of Instrument Number 457973 on the Northerly right of way of Highway 200 and the True Point of Beginning; thence, along the Western boundary of Instrument No. 457973, N 01° 25' 02" E, 99.41 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 32° 20' 51" W, 132.00 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628 on the Northerly right of way of Highway 200; thence, along said right of way, N 79° 54' 11" E, 69.24 feet, to the True Point of Beginning.

Parcel 8

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

Parcel 9

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

Parcel 10

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

Parcel 11

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

Parcel 12

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

Parcel 13

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

Parcel 14

Lot 14, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 15

Lot 15, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 16

Lot 4, Block 7 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 17

Lot 5, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 19

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

That portion of said Section 36 lying East of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, North of Lot 1A, Block 15, Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, and South and West of Lot 1A, Block 10, all of Block 20 and the road between said Lot 1A, Block 10 and Lot 1, Block 20, REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 20

Lot 1, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 21

Lot 2, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 22

Lot 3, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 23

Lot 11, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 24

Lot 12, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 25

Lot 13, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 26

Lot 14, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 27

Lot 16, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 28

Lot 20A, Block 20, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 29

Lot 6A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 30

Lots 5A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 31

Lot 4, Block 22; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 34

Lots 1A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 35

Lots 2A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 36

Lots 4A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 41

Lot 12, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 42

Lot 11, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 43

Lot 9, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 44

Lot 8, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 45

Lot 7, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 46

Lot 6, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 47

Lot 5, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 48

Lot 4, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 49

Lot 3, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 50

Lot 2, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 51

Lot 1, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 52

Lot 14, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 53

Lot 13, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 54

Lot 12, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 55

Lot 11, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 56

Lot 10, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 57

Lot 9, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 58

Lot 8, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 60

Lot 8, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 61

Lot 7, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 63

Lot 5, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 64

Lot 4, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 65

Lot 3, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 66

Lot 2, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 68

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

LESS that portion of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 592059 and more particularly described as follows:
Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54' 43" West, 798.00 feet (record = North 26° 28' 08" West, 798.11 feet; Thence along the South right of way of the Highway, North 68° 35' 39" East, 266.10 feet; Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03' 28" West) having a central angle of 00° 08' 55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52' 05" East, 15.03 feet - total distance along right of way from point of beginning 281.13 feet - record = 281.13 feet); Thence leaving said right of way South 00° 04' 10" West, 725.53 feet; Thence North 89° 14' 40" West, 330.00 feet; Thence North 00° 03' 26" West 607.20 feet, to the Southerly right of way of State Highway No. 200; Thence along said right of way North 79° 11' 55" East, 70.38 feet to the true point of beginning.

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

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

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

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

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

Golden Tee Estates 5th Addition, recorded in Book 8 of Plats, Page 81, a n d

Golden Tee Estates 7th Addition, recorded in Book 9 of Plats, Page 13, all in the records of Bonner County, Idaho.

Parcel 69

All that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200.

Parcel 70

That portion of Government Lots 5, 6, 9, and 10; the Southeast quarter of the Northwest quarter; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying East GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho, East of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, North of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and North of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows: Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; Thence South 1669.70 feet to Pack River and the True Point of Beginning; Thence South 66° 47' West, 203 feet; Thence South 69° 54' West 165.3 feet; Thence South 79° 56' West, 242.5 feet; Thence South 01° 11' East, 146 feet; Thence South 25° 18' East, 118.20 feet; Thence South 54° 29' East, 137.2 feet; Thence South 68° 10' East, 267.1 feet; Thence North 535.6 feet to a point 1669.7 feet South of the North quarter corner of Section 6.

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

Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03' 21" East, 2460.29 feet from the Northwest corner of said Section 6 (record South 55° 14' East, 2451.3); Thence South 14° 53' 00" East, 223.22 feet (record); Thence South 04° 43' 00" East, 640.00 feet (record); Thence South 39° 48' 00" East, 430.00 feet (record); Thence South 30° 28' 00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

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

Parcel 71

That portion of Government Lots 10 and 11; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying South of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, South of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and South of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 72

Lot 2, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 73

Lot 3, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 74

Lot 5, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 75

Lot 8, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 76

Lot 8, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 77

Lot 7, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 78

Lot 6, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 79

Lot 5, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 80

Lot 4, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 81

Lot 2, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 82

Lot 1, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 83

Lot 9, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 84

Lot 9, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 85

Lot 1, Block 2 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 86

Lot 5, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 87

Lot 10, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 88

Lot 1, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 89

Lot 4, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 90

Lot 2, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 92

Lot 6, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 93

Lot 6, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 94

Lot 2, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 95

Lot 1, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 96

Lot 10, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 97

Lot 17, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 98

Lot 16, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 99

Lot 4, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 100

Lot 3, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 101

Lot 15, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 102

Lot 6, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 103

Lot 10, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 104

Lot 2, Block 11 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 105

Lot 3, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 106

Lot 8, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 107

Lot 6, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 108

Lot 5, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 109

Lot 10, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 110

Lot 6, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 111

Lot 1, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 114

Lot 3, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 115

Lot 6, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 116

Lot 8, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 117

Lot 9, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 118

Lot 2, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 119

Lot 1, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 120

Lot 1, Block 3 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 122

Lot 1, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 123

Lot 1, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 124

Lot 5, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 125

Lot 7, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 126

Lot 9, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 127

Lot 11, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 128

Lot 9, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 129

Lot 8, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 130

Lot 5, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 131

Lot 1, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 132

Lot 6, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 133

Lot 3, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 134

Lot 4, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 135

Lot 3, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 136

Lot 2, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 137

Lot 1, Block 3 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 138

Lot 4, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 139

Lot 3, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 140

Lot 2, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 141

Lot 5, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 142

Lot 1, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 143

Lot 5, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 144

Lot 8, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 145

Lot 2, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 146

Lot 1, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 147

Lot 2, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 148

Lot 1, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 149

Lot 2, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 150

Lot 4, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 151

Lot 6, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 152

Lot 5, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 153

Lot 8, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 154

Lot 9, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 155

Lot 7, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 156

Lot 5, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 157

Lot 6, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 158

Lot 3, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 159

Tract 1

Block 5A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 2

Lot 3A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 4

Block 16A of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 5

Lot 1A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1A, Block 11 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 7

Lot 2A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 8

Lot 2A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 9

Lot 1, Block 14A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 10

Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 11

Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 12

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200 and lying Easterly of Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

LESS the following described property:

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

Commencing at the Southeast corner of said Section 36; Thence along the East line of Section 36, North 00° 08' 06" East, 460.00 feet; Thence perpendicular to the East line of the Section, North 89° 51' 54" West, 568.00 feet to the true point of beginning; Thence South 47° 08' 06" West, 250.00 feet; Thence South 42° 51' 54" East, 348.50 feet; Thence North 47° 48' 06" East, 250.00 feet; Thence North 42° 51' 54" West, 348.50 feet to the true point of beginning.

Parcel 177

Tract 1

Alpenrose Lane and that portion of North Idaho Club Drive as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho and said North Idaho Club Drive as shown on GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Tract 2

Golden Tee Drive, now Gracie Lane, as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

Tract 3

That portion of Jim Brown Way as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 4

That portion of Jim Brown Way as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, excepting any portion lying with REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, being between the Easterly extensions of the North boundary of Lot 2, Block 6 and the South boundary of Lot 3, Block 7 of said GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO).

Tract 5

The parcel labelled Road Lot named South Idaho Club Drive lying between Lot 1, Block 17 and Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying South of State Highway 200.

Tract 6

The private roads named South Idaho Club Drive and Wildflower Way shown on GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 7

The private roads named South Idaho Club Drive, Whitecloud Drive, Nighthawk Lane, Trappers Loop, Pickeroon Lane, Timber Grove Lane and Green Monarch Lane as shown on GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 8

The private roads named Green Monarch Lane, Wildridge Way, Brightwater Lane and North Star Lane as shown on GOLDEN TEE ESTATES 4th ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho and Forest Highland Drive as shown on GOLDEN TEE ESTATES 7th ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Tract 9

The private roads named South Idaho Club Drive as shown on GOLDEN TEE ESTATES 5th ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Tract 10

The private roads named South Idaho Club Drive, Greatwater Circle and Lunch Peak Lane as shown on GOLDEN TEE ESTATES 6th ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Tract 11

The private roads named Hidden Lakes Drive, Waterdance Way, Oxbow Road and Clubhouse Way as shown and described on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1st ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, and including those portions of Clubhouse Way, which is named Hidden Lakes Drive, above, and Clubhouse Lane, which is named Clubhouse Way, first above, on GOLDEN TEE ESTATES 1st ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, which may be or may not be described and included on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1st ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

EXHIBIT C TO JUDGMENT

PROPERTY SECURED BY THE MORTGAGE FUND '08 MORTGAGE

Parcel 2

Tract 1

Lot 10, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 2

Lot 1, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 3

Lot 7, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 5

Tract 1

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

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

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

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10' 22" East 856.45 feet (record = North 00° 09' 25" East, 856.45 feet); Thence North 89° 10' 53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

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

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

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

Tract 2

That part of the Southeast quarter of the Northeast quarter lying North and West of Fairway View Drive of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 3

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

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36; Thence South 89° 36' 03" East 60.37 feet (record = South 89° 37' 09" East,

59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes); thence along said right of way for the following four (4) courses;

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

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

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

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

1. on a non-tangential curve to the right having a central angle of 04° 15' 19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30' 38" West, 87.67 feet);
2. Thence South 20° 22' 44" West, 114.57 feet;
3. Thence on a curve to the left having a central angle of 22° 29' 50" and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South 09° 07' 49" West, 196.10 feet);
4. Thence South 02° 07' 06" East, 157.81 feet to the Northerly right of way of State Highway No. 200; Thence along the highway right of way, South 77° 42' 28" West, 72.14 feet (record = South 78° 15' 06" West, 71.11 feet); Thence continuing along the Highway right of way, South 69° 44' 57" West, 262.22 feet (record = South 69° 43' 16" West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36; Thence along the West line of the Southwest quarter of the Southeast quarter, North 00° 08' 19" East, 1223.36 feet (record = North 00° 07' 13" East, 1223.17 feet) to the point of beginning.

Tract 4

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

That portion of said Section 36 lying East of Pack River Road, a county road, Idaho, North of State Highway No. 200, East of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho, West and South of Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, Southwest of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, and West of the land described as a tract of land in the Southeast Quarter of the Southeast quarter (SE1/4 SE1/4) of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at a point on the East line of said Section 36, which is N 00° 08' 06" E, 563.94 feet from the Southeast corner of the Section; thence, perpendicular to the East line of the Section, N 89° 51' 54" W, 1103.43 feet to the Southwest corner of Instrument Number 457973 on the Northerly right of way of Highway 200 and the True Point of Beginning; thence, along the Western boundary of Instrument No. 457973, N 01° 25' 02" E, 99.41 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 32° 20' 51" W, 132.00 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628 on the Northerly right of way of Highway 200; thence, along said right of way, N 79° 54' 11" E, 69.24 feet, to the True Point of Beginning.

Parcel 8

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

Parcel 9

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

Parcel 10

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

Parcel 11

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

Parcel 12

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

Parcel 13

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

Parcel 14

Lot 14, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 15

Lot 15, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 16

Lot 4, Block 7 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 17

Lot 5, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 19

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

That portion of said Section 36 lying East of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, North of Lot 1A, Block 15, Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, and South and West of Lot 1A, Block 10, all of Block 20 and the road between said Lot 1A, Block 10 and Lot 1, Block 20, REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 20

Lot 1, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 21

Lot 2, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 22

Lot 3, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 23

Lot 11, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 24

Lot 12, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 25

Lot 13, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 26

Lot 14, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 27

Lot 16, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 28

Lot 20A, Block 20, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 29

Lot 6A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 30

Lots 5A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 31

Lot 4, Block 22; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 32

Lot 1, Block 2, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 33

Lot 2, Block 2, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 34

Lots 1A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 35

Lots 2A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 36

Lots 4A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 37

Lot 5, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 38

Lot 6, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 39

Lot 7, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 40

Lot 8, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 41

Lot 12, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 42

Lot 11, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 43

Lot 9, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 44

Lot 8, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 45

Lot 7, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 46

Lot 6, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 47

Lot 5, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 48

Lot 4, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 49

Lot 3, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 50

Lot 2, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 51

Lot 1, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 52

Lot 14, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 53

Lot 13, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 54

Lot 12, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 55

Lot 11, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 56

Lot 10, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 57

Lot 9, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 58

Lot 8, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 60

Lot 8, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 61

Lot 7, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 63

Lot 5, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 64

Lot 4, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 65

Lot 3, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 66

Lot 2, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 68

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

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

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54' 43" West, 798.00 feet (record = North 26° 28' 08" West, 798.11 feet; Thence along the South right of way of the Highway, North 68° 35' 39" East, 266.10 feet; Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03' 28" West) having a central angle of 00° 08' 55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52' 05" East, 15.03 feet - total distance along right of way from point of beginning 281.13 feet - record = 281.13 feet); Thence leaving said right of way South 00° 04' 10" West, 725.53 feet; Thence North 89° 14' 40" West, 330.00 feet; Thence North 00° 03' 26" West 607.20 feet, to the Southerly right of way of State Highway No. 200; Thence along said right of way North 79° 11' 55" East, 70.38 feet to the true point of beginning.

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

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

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

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

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

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

Golden Tee Estates 7th Addition, recorded in Book 9 of Plats, Page 13, all in the records of Bonner County, Idaho.

Parcel 69

All that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200.

Parcel 70

That portion of Government Lots 5, 6, 9, and 10; the Southeast quarter of the Northwest quarter; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying East GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho, East of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, North of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and North of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows: Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; Thence South 1669.70 feet to Pack River and the True Point of Beginning; Thence South 66° 47' West, 203 feet; Thence South 69° 54' West 165.3 feet; Thence South 79° 56' West, 242.5 feet; Thence South 01° 11' East, 146 feet; Thence South 25° 18' East, 118.20 feet; Thence South 54° 29' East, 137.2 feet; Thence South 68° 10' East, 267.1 feet; Thence North 535.6 feet to a point 1669.7 feet South of the North quarter corner of Section 6.

LESS a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows:
Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03' 21" East, 2460.29 feet from the Northwest corner of said Section 6 (record South 55° 14' East, 2451.3); **Thence** South 14° 53' 00" East, 223.22 feet (record); **Thence** South 04° 43' 00" East, 640.00 feet (record); **Thence** South 39° 48' 00" East, 430.00 feet (record); **Thence** South 30° 28' 00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

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

Parcel 71

That portion of Government Lots 10 and 11; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying South of GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, South of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and South of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 72

Lot 2, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 73

Lot 3, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 74

Lot 5, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 75

Lot 8, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 76

Lot 8, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 77

Lot 7, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 78

Lot 6, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 79

Lot 5, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 80

Lot 4, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 81

Lot 2, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 82

Lot 1, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 83

Lot 9, Block 1 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 84

Lot 9, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 85

Lot 1, Block 2 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 86

Lot 5, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 87

Lot 10, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 88

Lot 1, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 89

Lot 4, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 90

Lot 2, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 92

Lot 6, Block 8 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 93

Lot 6, Block 7 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 94

Lot 2, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 95

Lot 1, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 96

Lot 10, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 97

Lot 17, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 98

Lot 16, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 99

Lot 4, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 100

Lot 3, Block 6 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 101

Lot 15, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 102

Lot 6, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 103

Lot 10, Block 10 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 104

Lot 2, Block 11 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 105

Lot 3, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 106

Lot 8, Block 5 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 107

Lot 6, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 108

Lot 5, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 109

Lot 10, Block 9 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 110

Lot 6, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 111

Lot 1, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 114

Lot 3, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 115

Lot 6, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 116

Lot 8, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 117

Lot 9, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 118

Lot 2, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 119

Lot 1, Block 4 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 120

Lot 1, Block 3 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 122

Lot 1, Block 1 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 123

Lot 1, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 124

Lot 5, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 125

Lot 7, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 126

Lot 9, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 127

Lot 11, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 128

Lot 9, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 129

Lot 8, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 130

Lot 5, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 131

Lot 1, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 132

Lot 6, Block 1, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 133

Lot 3, Block 2, GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 134

Lot 4, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 135

Lot 3, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 136

Lot 2, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 137

Lot 1, Block 3 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 138

Lot 4, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 139

Lot 3, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 140

Lot 2, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 141

Lot 5, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 142

Lot 1, Block 4 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 143

Lot 5, Block 2 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 144

Lot 8, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 145

Lot 2, Block 1 of GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 146

Lot 1, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 147

Lot 2, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 148

Lot 1, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 149

Lot 2, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 150

Lot 4, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 151

Lot 6, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 152

Lot 5, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 153

Lot 8, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 154

Lot 9, Block 2 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 155

Lot 7, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 156

Lot 5, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 157

Lot 6, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 158

Lot 3, Block 1 of GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 159

Tract 1

Block 5A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 2

Lot 3A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 4

Block 16A of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 5

Lot 1A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1A, Block 11 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 7

Lot 2A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 8

Lot 2A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 9

Lot 1, Block 14A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 10

Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 11

Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 12

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200 and lying Easterly of Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

LESS the following described property:

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

Commencing at the Southeast corner of said Section 36; Thence along the East line of Section 36, North 00° 08' 06" East, 460.00 feet; Thence perpendicular to the East line of the Section, North 89° 51' 54" West, 568.00 feet to the true point of beginning; Thence South 47° 08' 06" West, 250.00 feet; Thence South 42° 51' 54" East, 348.50 feet; Thence North 47° 48' 06" East, 250.00 feet; Thence North 42° 51' 54" West, 348.50 feet to the true point of beginning.

Parcel 177

Tract 1

Alpenrose Lane and that portion of North Idaho Club Drive as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho and said North Idaho Club Drive as shown on GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Tract 2

Golden Tee Drive, now Gracie Lane, as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

Tract 3

That portion of Jim Brown Way as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho.

Tract 4

That portion of Jim Brown Way as shown on the plat of GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, excepting any portion lying with REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, being between the Easterly extensions of the North boundary of Lot 2, Block 6 and the South boundary of Lot 3, Block 7 of said GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO).

Tract 5

The parcel labelled Road Lot named South Idaho Club Drive lying between Lot 1, Block 17 and Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying South of State Highway 200.

Tract 6

The private roads named South Idaho Club Drive and Wildflower Way shown on GOLDEN TEE ESTATES 2ND ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Tract 7

The private roads named South Idaho Club Drive, Whitecloud Drive, Nighthawk Lane, Trappers Loop, Pickeroon Lane, Timber Grove Lane and Green Monarch Lane as shown on GOLDEN TEE ESTATES 3RD ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Tract 8

The private roads named Green Monarch Lane, Wildridge Way, Brightwater Lane and North Star Lane as shown on GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho and Forest Highland Drive as shown on GOLDEN TEE ESTATES 7TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Tract 9

The private roads named South Idaho Club Drive as shown on GOLDEN TEE ESTATES 5TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Tract 10

The private roads named South Idaho Club Drive, Greatwater Circle and Lunch Peak Lane as shown on GOLDEN TEE ESTATES 6TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Tract 11

The private roads named Hidden Lakes Drive, Waterdance Way, Oxbow Road and Clubhouse Way as shown and described on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, and including those portions of Clubhouse Way, which is named Hidden Lakes Drive, above, and Clubhouse Lane, which is named Clubhouse Way, first above, on GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, which may be or may not be described and included on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.