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Vol. **59** of **85**
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

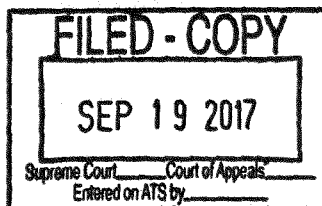
CLERK'S RECORD ON APPEAL

*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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EXHIBIT D TO DECREE OF FORECLOSURE

PROPERTY SECURED BY THE
JV, L.L.C. 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 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 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 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 121

Lot 5, Block 2 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 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 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 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.

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG 22 PM 3:41

CLERK DISTRICT COURT

DEPUTY

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

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

Plaintiff,

v.

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

Defendants.

CASE NO. CV-2009-0001810

**JUDGMENT re:
COSTS AND ATTORNEYS' FEES**

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

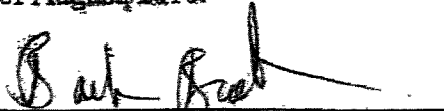
JUDGMENT IS ENTERED AS FOLLOWS:

1. Valiant Idaho, LLC is awarded costs and attorneys' fees against Pend Oreille Bonner Development, LLC, in the amount of \$731,275.48. This amount shall be incorporated into the Judgment as part of Valiant's first priority position pursuant to the 2007 RE Loans Mortgage.
2. Valiant Idaho, LLC is awarded costs against North Idaho Resorts, LLC in the amount of \$10,369.93.

3. Valiant Idaho, LLC is awarded costs against JV, LLC in the amount of \$15,554.88.
4. Valiant Idaho, LLC is awarded costs against VP, Incorporated in the amount of \$15,554.88.

IT IS SO ORDERED.

DATED this 22 day of August, 2016.



Barbara Buchanan
District Judge

2016 OCT -7 AM 11:13

CLERK DISTRICT COURT

SR

DEPUTY

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

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

Plaintiff,

v.

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

Defendants.

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

CASE NO. CV-2009-0001810

MEMORANDUM DECISION AND
ORDER GRANTING VALIANT
IDAHO, LLC'S MOTION FOR
RELIEF FROM AUTOMATIC STAY

THIS MATTER came before the Court upon "Valiant Idaho, LLC's Motion for Relief from Automatic Stay," filed September 21, 2016. On September 26, 2016, JV, LLC filed an "Objection to Valiant's Motion for Relief from Automatic Stay and Memorandum in Support." On September 28, 2016, VP, Incorporated and North Idaho Resorts, LLC filed a joint "Memorandum in Opposition to Valiant Idaho, LLC's Motion for Relief from Automatic Stay." Valiant Idaho, LLC, filed a reply memorandum on September 29, 2016.

WHEREFORE, having denied oral argument by Notice issued September 23, 2016, and upon consideration of the written arguments of the parties, the Court issues the following Memorandum Decision and Order.

I. BACKGROUND

On July 20, 2016, a Judgment and a Decree of Foreclosure were entered, awarding Valiant Idaho, LLC (“Valiant”) damages against Pend Oreille Bonner Development, LLC (“POBD”) in the amount of \$21,485,212.26, plus post-judgment interest at the rate of 5.625%. On August 22, 2016, a Judgment Re: Costs and Attorneys’ Fees (hereafter, “second Judgment”) was entered, awarding to Valiant: (1) attorneys’ fees and costs in the amount of \$731,275.48 against POBD (to be incorporated into the Judgment as part of Valiant’s first priority position pursuant to the 2007 RE Loans Mortgage); (2) costs against North Idaho Resorts, LLC (“NIR”) in the amount of \$10,369.93; (3) costs against JV, LLC (“JV”) in the amount of \$15,554.88; and (4) costs against VP, Incorporated (“VP”) in the amount of \$15,554.88.

On August 16, 2016, this Court entered a “Memorandum Decision and Order Denying JV, LLC’s and VP, Incorporated’s Motions to Alter, Amend and Reconsider.” On August 25, 2016, this Court entered a “Memorandum Decision and Order Denying VP, Inc.’s Motion for New Trial,” which is appealable under Idaho Appellate Rule 11(a)(5).

VP’s Motion for New Trial was timely filed on August 3, 2016, and “if granted, could affect any findings of fact, conclusions of law or any judgment in the action.” I.A.R. 14(a). Therefore, the appeal period for all judgments and orders began to run on August 25, 2016, which is the date of the Order denying the motion for a new trial. Therefore, the deadline for JV, NIR and VP to file an appeal expired 42 days from August 25, 2016, i.e., October 6, 2016.

After the Judgment and the Decree of Foreclosure were entered, Valiant submitted to the Bonner County Sheriff a Notice of Sheriff’s Sale, Notice of Levy and Writ of Execution, setting the sale of Idaho Club’s real property (“Idaho Club Property”) for September 12, 2016, and continuing day-to-day thereafter until each parcel is sold. Notice of the sale was posted as

required by law, and was also published in the *Sandpoint Daily Bee* on August 16, 2016, August 23, 2016, and August 30, 2016. See *Memorandum in Support of Valiant Idaho, LLC's Motion for Relief from Automatic Stay* (filed September 21, 2016), at 3; *Notice of Sheriff's Sale* (filed September 21, 2016); *Notice of Levy Under Writ of Execution* (filed September 21, 2016). Valiant incurred costs in the amount of \$12,334.31 associated with the notice of sale, posting and publication. See Exhibit A to the *Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Stay* (filed September 21, 2016). Thereafter, on September 9, 2016, NIR filed a Notice of Appeal. JV filed a Notice of Appeal on September 20, 2016, and VP filed a Notice of Appeal on October 6, 2016.

Pursuant to Idaho Appellate Rule 13(a), the filing of a Notice of Appeal, first by NIR, second by JV, and third by VP, each trigger a temporary automatic stay prohibiting Valiant from proceeding with the foreclosure sale until after the expiration of a 14-day automatic stay period. Valiant now asks this Court for an order granting it relief from the temporary automatic stay which has resulted from the Notice of Appeal filed by VP on October 6, 2016.¹

II. DISCUSSION

Idaho Appellate Rule 13(a) provides:

Unless otherwise ordered by the district court, upon the filing of a notice of appeal or notice of cross-appeal all proceedings and execution of all judgments or orders in a civil action in the district court, shall be automatically stayed for a period of fourteen (14) days. Any further stay shall be only by order of the district court or the Supreme Court. Any stay of orders or proceedings in the Industrial Commission or the Public Utilities Commission shall be as provided in Rule 13(d) and (e).

I.A.R. 13(a). (Emphasis supplied).

¹ Specifically, "Valiant asks this Court for an order granting it relief from the temporary automatic stay which would otherwise result from any notice of appeal that might be filed by JV or VP in this case." *Memorandum in Support of Valiant Idaho, LLC's Motion for Relief from Automatic Stay*, at 3. However, the temporary automatic stay triggered by the filing of JV's Notice of Appeal expired on October 4, 2016. Therefore, the issue is moot with respect to JV.

Rule 13(a), therefore, expressly allows the district court to grant relief from the temporary automatic stay. In fact, the Idaho Court of Appeals upheld a district court's grant of relief from the temporary automatic stay in *Markham v. Anderton*, 118 Idaho 856, 801 P.2d 565 (Ct. App. 1990). In *Markham v. Anderton*, the Court of Appeals reasoned:

We next examine whether I.A.R. 13(a) was violated by the district court's order shortening the automatic stay that began when Anderton filed his notice of appeal. Rule 13(a) states:

*Unless otherwise ordered by the district court, upon the filing of a notice of appeal or notice of cross-appeal all proceedings and execution of all judgments, orders or decrees in a civil action in the district court, shall be automatically stayed for a period of seven (7) days.*² [Emphasis added.]

This rule clearly indicates the seven-day³ automatic stay can be shortened by order of the district court, as had been done in this case. The court's action here must be examined in context of procedural events.

On the morning of September 28, 1987, the Andertons filed notice of appeal to the Idaho Supreme Court. Pursuant to the court's decree of foreclosure, a sheriff's sale was scheduled for 10:00 a.m. the following day. As earlier noted, a sale previously scheduled for July 31 was postponed when the Andertons gave notice of a second bankruptcy proceeding. **Faced with another delay, Ruth Markham responded by filing a motion to shorten or eliminate the automatic stay so the sale could proceed. In an affidavit, she asserted that if the stay was not lifted the sale would have to be advertised a third time and would again be delayed for five to six weeks.** She requested, ex parte, that a hearing on her motion be scheduled for the following morning. The court granted this request and ordered an expedited hearing. In the afternoon of the 28th, notice was served on the Andertons that a hearing on the motion to shorten the automatic stay would occur the following morning. Before the hearing on the 29th the Andertons filed an affidavit objecting to the hearing and opposing the motion to shorten the automatic stay. However, the Andertons chose not to appear personally at the hearing. At the hearing, the district court ordered the automatic stay be lifted. This allowed the foreclosure sale to proceed as scheduled on September 29, 1987.

The Andertons have contended that Markham would not have been prejudiced by postponement of the sale for another five to six weeks. On the other hand, the Andertons have not shown how they were disadvantaged by the refusal to delay the sale for this period of time. In short, we hold the

² The stay period is now fourteen (14) days.

³ *Ibid.*

Andertons have not shown they were prejudiced by the order lifting the seven-day automatic stay.

Id. at 861-862, 801 P.2d at 570-571. (Emphasis supplied).

The Decree of Foreclosure entered on July 20, 2016, entitles Valiant to sell all of the Idaho Club Property subject to Valiant's mortgages in order to satisfy the Judgment and the second Judgment (collectively, "Judgments"). The sale of the Idaho Club Property was scheduled to commence on September 12, 2016. On September 9, 2016, which was the Friday immediately prior to the date the sale was noticed to begin, NIR filed a Notice of Appeal, thus triggering the first automatic stay prohibiting Valiant from proceeding with the foreclosure sale until after the expiration of 14 days, i.e., not until September 23, 2016. Then, on September 20, 2016, three days before expiration of the first temporary stay, JV filed its Notice of Appeal, thus triggering a second automatic stay prohibiting Valiant from proceeding with the foreclosure sale for a second 14-day period, i.e., not until October 4, 2016. Finally, on October 6, 2016, two days after expiration of the second temporary stay and the final day of the appeals period, VP filed its Notice of Appeal, thus triggering a third automatic prohibiting Valiant from proceeding with the foreclosure sale for a third 14-day period, i.e., not until October 20, 2016.

Valiant has lost the \$12,334.31 it paid to arrange the first sale, and it argues that because it is improbable that a third party will pay in excess of Valiant's approximately \$22 million judgment, it is incurring additional damage each day the foreclosure sale is postponed in the form of (1) additional interest on the principal amounts owed, and (2) postponement of the deadline for the running of the redemption rights on any property purchased by credit bid. Valiant further contends that these delays prejudice the homeowners who live in the unfinished Idaho Club development and whose properties remain in limbo until Valiant can proceed with

completing the development.

In their memorandum in opposition, NIR and VP acknowledge that NIR cannot be prejudiced because NIR's automatic stay has already expired. However, they assert that one of the functions of the temporary automatic stay is to provide an appellant with time to convert the temporary stay into a permanent stay upon the posting of security pursuant to I.A.R. 13(b)(15), and that VP will be prejudiced by a grant of relief from the temporary stay created by the filing of VP's Notice of Appeal because the ability of VP to obtain that security is severely impacted. Like NIR, JV's automatic stay has already expired. Additionally, in its Objection, JV failed to identify any prejudice that it would suffer by granting relief from the temporary automatic stay.

NIR and VP are represented by the same counsel; and throughout Valiant's foreclosure action (except the trial, in which NIR did not participate), they have filed joint motions, including numerous motions to alter, amend and/or reconsider the various judgments, decrees of foreclosure, and memorandum decisions and orders entered in this case. However, counsel chose not to file NIR and VP's Notices of Appeal even somewhat contemporaneously, but rather 27 days apart, which—if no relief from the stay is granted—will effectively have prohibited Valiant from proceeding with the execution of the Judgments and the Decree of Foreclosure for a temporary automatic stay period of 42 days instead of the 14 days envisioned by I.A.R. 14.

Valiant argues that the reason for NIR and VP's staggered filings is a calculated effort to delay the foreclosure sale as long as possible. However, this Court need not discern the intent of NIR and VP, because regardless of their intent, the effect is the same, which is—as Valiant has established—to unduly delay the foreclosure sale and thereby prejudice Valiant. Conversely, VP's claim that it will be prejudiced by not having time to post a security bond is not credible,

because VP has had two automatic stay periods, totaling 28 days, and a total of 43 days from entry of the final, appealable order on August 25, 2016, to post a bond if it wanted to do so.

Accordingly, Valiant will be granted relief from the temporary automatic stay triggered by the filing of VP's Notice of Appeal on October 6, 2016.

III. CONCLUSION AND ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED THAT Valiant Idaho, LLC's Motion for Relief from Automatic Stay is GRANTED.

IT IS FURTHER ORDERED THAT Valiant is hereby granted relief from the temporary automatic stay triggered by the filing of VP's Notice of Appeal on October 6, 2016.

All temporary automatic stays of this matter are deemed expired.

IT IS SO ORDERED.

DATED this 7 day of October, 2016.



Barbara Buchanan
District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid AND a courtesy copies sent by electronic mail, this 7th day of October, 2016, to:

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Facsimile: 208.263.8211
finneylaw@finneylaw.net
(Attorneys for For J.V., LLC)

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1626 Lincoln Way
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(Attorneys for VP, Incorporated/North Idaho Resorts, LLC)

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stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com
(Attorney for R.E. Loans, LLC; and Valiant Idaho, LLC)

LR

Deputy Clerk

2016 OCT -7 PM 3:31
CLERK'S OFFICE
JTB

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY ^{PLLC}
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sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

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

VALIANT IDAHO, LLC,
an Idaho limited liability company,

Cross-Claimant/Respondent,

vs.

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

Cross-Defendant/Appellant;

and

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
REQUEST FOR ADDITIONAL
TRANSCRIPT AND RECORD
ON APPEAL**

Honorable Barbara A. Buchanan

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.**

TO: The Above-Named Cross-Defendant/Appellant North Idaho Resorts, LLC

TO: Gary A. Finney, Esq.
Finney Finney & Finney, P.A.
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864

TO: The Clerk of the Above-Entitled Court

NOTICE IS HEREBY GIVEN THAT:

Pursuant to Rule 19 of the Idaho Appellate Rules ("I.A.R."), Cross-Claimant/Respondent Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, requests the inclusion of the following material in the Reporter's Transcript and Clerk's Record in addition to that required by the I.A.R. and the Notice of Appeal filed by Cross-Defendant/Appellant JV, L.L.C. ("JV").

REPORTER'S TRANSCRIPT(S)

1. Valiant requests preparation of the following portions of the reporter's transcript(s):

a. Reporter's Transcript for the telephonic proceedings before the Honorable Michael J. Griffin on August 4, 2014, on Valiant's Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest. *See* the Idaho Supreme Court Repository Case No. Results For Bonner County Case No. 2009-1810 attached hereto as Exhibit A, pp. 1, 17.

b. Transcript of the proceedings, in their entirety, relating to all hearings conducted on November 19, 2014, which include, but may not be limited to, the Court's Notice of Scheduling Conference entered November 4, 2014 setting a scheduling conference for November 19, 2014; and those motions identified as:

(i) Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest filed on or about October 6, 2014;

(ii) Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest filed on or about October 6, 2014;

(iii) VP, Incorporated's Motion to Dismiss Third Party Complaint filed on or about October 6, 2014; and

(iv) Valiant's Motion For Leave to Amend Answer to Allege a Counterclaim and Cross-Claim and to Serve Third Party Complaint filed on or about November 5, 2014.

<u>Court Reporter</u>	<u>Date</u>	<u>Pages Estimate</u>
Val Larson	November 19, 2014	200+

c. Transcript of those portions of the proceedings conducted on October 23, 2015 identified as follows:

(i) Hearing result as to Valiant's Second Motion to Strike Inadmissible Evidence; and

(ii) Hearing result as to the denial of JV's Motion to Strike Valiant's Third Motion For Summary Judgment.

<u>Court Reporter</u>	<u>Date</u>	<u>Pages Estimate</u>
Kathy Plizga	October 23, 2015	200+

CLERK'S RECORD

2. In addition to the Standard Record, as set forth in I.A.R. 28(b)(1) and in JV's Notice of Appeal, Valiant requests the following to be included within the Clerk's Record:

- a. Affidavit of Charles Reeves in Support of R.E. Loans, LLC's Motion For Summary Judgment filed on or about April 29, 2014;
- b. Notice of Change of Firm Affiliation filed by Richard L. Stacey and Chad M. Nicholson on behalf of R.E. Loans, LLC filed on or about July 18, 2014;
- c. Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest filed on or about July 21, 2014;
- d. Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest filed on or about July 21, 2014;
- e. Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest filed on or about August 18, 2014;
- f. Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest filed on or about August 18, 2014;
- g. Order Substituting Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest filed on or about September 12, 2014;

- h. Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest filed on or about October 6, 2014;
- i. Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest filed on or about October 6, 2014;
- j. Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest filed on or about October 6, 2014;
- k. Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest filed on or about October 6, 2014;
- l. Motion For Leave to Amend Answer to Allege a Counterclaim and Cross-Claim and to Serve Third Party Complaint filed on or about November 5, 2014;
- m. Memorandum in Opposition to VP, Incorporated's Motion to Dismiss Third Party Complaint or, in the Alternative, Motion For Leave to Amend Answer to Allege a Counterclaim and Cross-Claim, and to Serve Third Party Complaint filed on or about November 5, 2014;
- n. Order Substituting Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest entered on or about November 19, 2014;
- o. Order Substituting Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest entered on or about November 19, 2014;
- p. Order Denying VP, Incorporated's Motion to Dismiss Third Party Complaint entered on or about November 19, 2014;

- q. Order Granting Valiant Idaho, LLC Leave to Amend Answer to Allege a Counterclaim and Cross Claim entered on or about November 19, 2014;
- r. Order Granting Valiant Idaho, LLC Leave to Serve Its Third Party Complaint entered on or about November 19, 2014;
- s. Order Setting Trial and Pretrial Order entered on or about November 20, 2014;
- t. Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development, LLC entered on or about November 20, 2014;
- u. Memorandum in Support of Valiant Idaho, LLC's Motion For Summary Judgment Against JV, L.L.C., North Idaho Resorts, LLC, and VP, Incorporated filed on or about January 20, 2015;
- v. Memorandum in Reply to North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion For Summary Judgment filed on or about March 11, 2015;
- w. Memorandum in Reply to JV, L.L.C.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion For Summary Judgment filed on or about March 11, 2015;
- x. Supplemental Declaration of Jeff R. Sykes in Support of Memorandum in Reply to JV, L.L.C.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion For Summary Judgment filed on or about March 11, 2015;
- y. Memorandum in Support of Valiant Idaho, LLC's Motion For Entry of Final Judgment filed on or about May 20, 2015;
- z. Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion For Entry of Final Judgment filed on or about May 20, 2015;

- aa. Memorandum in Opposition to JV L.L.C.'s Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order Filed 4/14/2015 filed on or about July 6, 2015;
- bb. Memorandum in Support of Valiant Idaho, LLC's Motion For An Order of Sale of Real Property filed on or about July 22, 2015;
- cc. Memorandum in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property filed on or about August 19, 2015;
- dd. Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property filed on or about August 19, 2015;
- ee. V.P. Incorporated's Answer to JV, LLC's Cross-Claim filed on or about August 21, 2015;
- ff. Memorandum in Opposition to JV L.L.C.'s Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order Dated July 21, 2015 filed on or about August 26, 2015
- gg. Memorandum in Opposition to JV L.L.C.'s Motion to Alter, Amend and to Reconsider Filed 8/18/2015 filed on or about August 26, 2015;
- hh. Order Setting Trial and Pretrial Order entered on or about September 3, 2015;
- ii. Valiant Idaho, LLC's Objection to JV, L.L.C.'s Proposed Judgment Submitted 09.10.15 [As Between Defendants JV, L.L.C. and North Idaho Resorts, LLC/VP, Incorporated] filed on or about September 16, 2015;

- jj. Notice Re: Proposed Judgment [As Between Defendants JV, L.L.C. and North Idaho Resorts, LLC/VP, Incorporated] entered September 17, 2015;
- kk. Subpoena *Duces Tecum* to First American Title Company filed on or about September 18, 2015;
- ll. Second Subpoena *Duces Tecum* to First American Title Company filed on or about September 18, 2015;
- mm. Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about September 25, 2015;
- nn. Memorandum in Support of Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about September 25, 2015;
- oo. Declaration of Barney Ng in Support of Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about September 25, 2015;
- pp. Valiant Idaho, LLC's Objections and Opposition to North Idaho Resorts, LLC and VP, Incorporated's Motion to Reconsider and Motion to Alter and Amend Judgment filed on or about October 1, 2015;
- qq. Affidavit of Service of Second Subpoena *Duces Tecum* to First American Title Company filed on or about October 5, 2015;
- rr. Affidavit of Service of Subpoena *Duces Tecum* to First American Title Company filed on or about October 5, 2015;
- ss. Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence filed on or about October 9, 2015;

- tt. Memorandum in Support of Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence filed on or about October 9, 2015;
- uu. Memorandum in Opposition to Defendant JV, LLC's Motion to Vacate Valiant's Hearing on October 23, 2015 filed on or about October 20, 2015;
- vv. Memorandum in Reply to Defendant JV, LLC's Opposition to Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about October 20, 2015;
- ww. Declaration of Barney Ng in Support of Valiant Idaho, LLC's Reply to North Idaho Resorts, LLC's and VP, Incorporated's Opposition to Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about October 20, 2015;
- xx. Motion to Shorten Time to Have Heard Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence filed on or about October 20, 2015;
- yy. Declaration of Chad M. Nicholson Dated October 20, 2015 filed on or about October 20, 2015;
- zz. Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence filed on or about October 20, 2015;
- aaa. Memorandum in Support of Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence filed on or about October 20, 2015;
- bbb. Amended Notice of Trial entered on or about October 21, 2015;
- ccc. Reply to JV L.L.C.'s Response to Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence filed on or about October 21, 2015;
- ddd. Order Re: Valiant Idaho, LLC's Motions *in Limine* entered on or about December 29, 2015;

eee. Valiant Idaho, LLC's Response and Objections to JV, L.L.C.'s Post Trial Memorandum and Argument filed on or about May 26, 2016;

fff. Valiant Idaho, LLC's Motion For An Order of Sale of Real Property filed on or about June 22, 2016;

ggg. Memorandum in Support of Valiant Idaho, LLC's Motion For An Order of Sale of Real Property filed on or about June 22, 2016;

hhh. Objection to Valiant Idaho's Second Motion For An Order of Sale of Real Property filed on or about June 29, 2016;

iii. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees filed on or about July 6, 2016;

jjj. Order Requiring Submissions entered on or about July 14, 2016;

kkk. Order Re: Sale of Real Property entered on or about July 14, 2016;

lll. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum Responses to VP, Inc.'s and JV, L.L.C.'s Objections and Motions to Disallow Memorandum of Costs and Attorneys' Fees filed on or about August 10, 2016;

mmm. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion For Sanctions Under I.C. § 12-123 and I.R.C.P. 11 filed on or about August 10, 2016;

nnn. Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion For A New Trial filed on or about August 10, 2016;

ooo. Valiant Idaho, LLC's Memorandum in Opposition to JV, L.L.C.'s Motion to Alter, Amend and Reconsider Re: (1) Memorandum Decision and Order; (2) Judgment; (3) Decree of Foreclosure; and (4) Order of Sale filed on or about August 10, 2016;

ppp. Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion to Alter, Amend and Reconsider the Decree of Foreclosure and Judgment filed on or about August 10, 2016;

qqq. Motion For Sanctions Under I.C. § 12-123 and I.R.C.P. 11 filed on or about August 10, 2016;

rrr. Valiant Idaho, LLC's Memorandum in Support of Motion For Sanctions Under I.C. § 12-123 and I.R.C.P. 11 filed on or about August 10, 2016;

sss. Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion For A New Trial filed on or about August 10, 2016;

ttt. Valiant Idaho, LLC's Memorandum in Opposition to JV, L.L.C.'s Objection and Motion to Disallow Memorandum of Costs and Attorneys' Fees filed on or about August 11, 2016;

uuu. Memorandum Decision Order Denying VP, Inc.'s Motion For New Trial entered on or about August 25, 2016; and

vvv. Memorandum Decision Order Denying Valiant Idaho, LLC's Motion For Sanctions entered on or about August 25, 2016.

TRIAL EXHIBITS

3. Valiant requests the following documents offered or admitted as trial exhibits be copied and sent to the Supreme Court:

- a. Valiant's Trial Exhibits – **ALL**.
- b. JV's Trial Exhibits – **ALL**.

4. I certify that:

a. A copy of this Request For Additional Transcript and Record on Appeal has been served upon each Reporter from whom a transcript is requested, as follows:

Ms. Valerie Larson
Shoshone County Courthouse
700 Bank Street
Wallace, Idaho 83873-0527

Ms. Kathy Plizga
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864

b. The estimated fee of \$200.00 for preparation of the Reporter's Transcript, determined pursuant to I.A.R. 24(c), has been paid to the Clerk of the District Court;


c. The estimated fee of \$100.00 for preparation of the Clerk's Record, determined pursuant to I.A.R. 27(d), has been paid to the Clerk of the District Court; and

d. Service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 7th day of October 2016.

McCONNELL WAGNER SYKES & STACEY ^{PLLC}

BY:


Jeff R. Sykes
Attorneys For Valiant Idaho, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of October 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 type="checkbox"/> Electronic Mail <u>garyfinney@finneylaw.net</u>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <u>sweeks@jvwlaw.net</u>
Ms. Valerie Larson Shoshone County Courthouse 700 Bank Street Wallace, Idaho 83873-0527	<input checked="" type="checkbox"/> U.S. Mail
Ms. Kathy Plizga Bonner County Courthouse 215 South First Avenue Sandpoint, Idaho 83864	<input checked="" type="checkbox"/> U.S. Mail

With one copy via United States Mail to:

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


 Jeff R. Sykes

Case Number Result Page

Bonner

1 Cases Found.

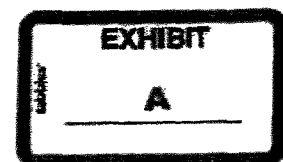
Genesis Golf Builders, Inc vs. Pend Oreille Bonner Development, LLC, etal.

Case: **CV-2009-0901810** District Filed: **10/13/2009** Subtype: **Other Claims** Judge: **Idaho Supreme Court** Status: **closed** 09/1

Defendants: **ACI Northwest Inc, an Idaho corporation Bar K, Inc C.E. Kramer Crane & Contr Inc Does I through X, Inclusive First American Title Grant, Christine Grant, Fre HLT Real Estate LLC Independent Mortgage Ltd Co Interstate Concrete and Asp Company, an Idaho JV, LLC, an Idaho Limited Liability Company Jacobson, Dan Korengut, Amy Lazar, Steven G. Lumbermens Inc Montaheno Investments LLC, Nevada limited liabil Mortgage Fund '08 LLC Mountain West Bank Netta Source North Idaho Resorts LLC, an Idaho limited liabilit Panhandle Management, Inc Panhandle State Bank Panhandle State Bank, an Idaho corporation Pend Oreille Development, LLC Pensco Trust Co Custodian fbo Barney Ng Plaster, Robert Pu Construction Inc R.E. Loans LLC, a California Limited Liability Co RC Worst & Co Inc, an Idaho corporation Reeves, Ann B Reeves, Charles W Russ Capital Group Sage Holdings LLC T-O Engineers Inc The Idaho Club Homeowners Association : Timberline Investments Llc VP Inc, an Idaho Corporation Valiant Idaho LLC VII Enterprises Inc Villelli, Marie Victoria Villelli, Richard A Wells Fargo Foothill , L**

Plaintiffs: **Genesis Golf Builders, Inc**

Disposition: Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
07/02/2010	Default Judgment			T-O Engineers Inc (Defendant), Lumbermens Inc (Defendant), Plaster, Robert (Defendant), Genesis Golf Builders, Inc (Plaintiff)	Plaintiff
				In favor of Plaintiff against T-O Engineers fka Tooth-man Orton Engineering Company, Lumbermens dba Probuild, Robert Plaster dba Cedar Etc ONLY	
09/29/2011	Bankruptcy Stay	08/12/2013	Set Aside	R.E. Loans LLC, a California Limited Liability Co (Defendant), Mortgage Fund '08 LLC (Defendant), Genesis Golf Builders, Inc (Plaintiff)	Defendant
				Petition for bankruptcy filed by Defendants R.E. Loans and Mortgage Fund '08	
03/16/2012	Dismissal With Prej			Wells Fargo Foothill , LLC (Defendant)	Dismissed



- Civil Disposition entered for: R.E. Loans LLC, a California Limited Liability Co, Defendant; ACI Northwest Inc, an Idaho corporation, Defendant. Filing date: 7/21/2014
- 07/21/2014 Telephonic Notice of Hearing on Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Hearing Scheduled (Motion 08/04/2014 08:30 AM) Attorney R. Stacey by telephone Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Declaration of Richard L. Stacey in Support of Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/04/2014 Hearing result for Motion scheduled on 08/04/2014 08:30 AM: District Court Hearing Held Court Reporter: None Number of Transcript Pages for this hearing estimated: Attorney R. Stacey by telephone Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/04/2014 Hearing result for Motion scheduled on 08/04/2014 08:30 AM: Motion Granted Attorney R. Stacey by telephone Motion to Substitute Valliant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/07/2014 *****END OF FILE #5****BEGIN FILE #6*****
- 08/18/2014 Motion to Substitute Valliant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
- 08/18/2014 Declaration of Richard L. Stacey to Substitute Valliant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
- 08/18/2014 Notice Of Telephonic Hearing on Motion to Substitute Valliant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party of Interest
- 08/18/2014 Hearing Scheduled (Motion 09/08/2014 04:30 PM) Attorney R. Stacey by phone Motion to Substitute Valliant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party
- 08/19/2014 Defendant: Valliant Idaho Llc, Appearance Richard L Stacey
- 08/19/2014 Filing: K3 - Third party complaint - This fee is in addition to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case. Paid by: First American Title Company Receipt number: 0013531 Dated: 8/19/2014 Amount: \$14.00 (Check) For: Valliant Idaho Llc, (defendant)
- 08/19/2014 Filing: K4 - Cross Claim (defendant v defendant or plaintiff v. plaintiff) This fee is in addition to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case Paid by: First American Title Company Receipt number: 0013531 Dated: 8/19/2014 Amount: \$14.00 (Check) For: Valliant Idaho Llc, (defendant)
- 08/19/2014 Valliant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure
- 08/27/2014 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Bonner Community Golf Receipt number: 0013949 Dated: 8/27/2014 Amount: \$29.00 (Check)
- 09/03/2014 Summons on Thrid Party Complaint Brought by Third Party Plaintiff Valliant Idaho, LCC [Pend Oreille Bonner Development Holdings, Inc] - Issued original to file
- 09/03/2014

THE STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:19

CLERK DISTRICT COURT

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**APPLICATION AND DECLARATION
OF RICHARD L. STACEY FOR
WRIT OF EXECUTION AGAINST
JV, L.L.C. FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

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

Richard L. Stacey declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member of the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC ("Valiant"). I make this declaration in support of Valiant's application for issuance of a writ of execution and upon my personal knowledge.

2. On August 22, 2016, Valiant recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached to the Writ of Execution Against JV, L.L.C. ("Writ") as Exhibit 1.

3. The Judgment awards Valiant its costs and attorneys' fees against JV, L.L.C. ("JV") in the amount of \$15,554.88.

4. Since its entry, the Judgment has accrued post-judgment interest in the amount of \$124.80; thus, the total amount due and owing from JV to Valiant pursuant to the Judgment is \$15,679.68 as of October 13, 2016, with *per diem* post-judgment interest in the amount of \$2.40 accruing thereafter.

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

DATED this 13th day of October 2016.



RICHARD L. STACEY

ST. PETERSBURG
COUNTY OF FLORIDA
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:28

CLERK OF DISTRICT COURT



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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
JV, L.L.C.
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

TO: THE SHERIFF OF BONNER COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against JV, L.L.C. ("JV") in the total amount of **\$15,554.88**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 15,554.88	
Post-Judgment interest [5.625%] through 10.13.16	\$ 124.80	[\$2.40 <i>per diem</i>]
Amount received since entry of Judgment	\$ 0.00	
Total Amount Owning From JV on Judgment as of October 13, 2016	\$ <u>15,679.88</u>	

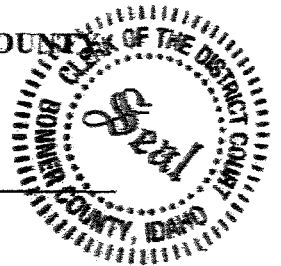
NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of JV; and (2) out of the personal property of JV held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of JV.

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to JV as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against JV, L.L.C. ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY

By: Laurie Mattila
Deputy Court Clerk



CLERK OF DISTRICT COURT
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:20

CLERK OF DISTRICT COURT

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
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Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**APPLICATION AND DECLARATION
OF RICHARD L. STACEY FOR
WRIT OF EXECUTION AGAINST
NORTH IDAHO RESORTS, LLC FOR
BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

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

Richard L. Stacey declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member of the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC ("Valiant"). I make this declaration in support of Valiant's application for issuance of a writ of execution and upon my personal knowledge.

2. On August 22, 2016, Valiant recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached to the Writ of Execution Against North Idaho Resorts, LLC ("Writ") as Exhibit 1.

3. The Judgment awards Valiant its costs and attorneys' fees against North Idaho Resorts, LLC ("NIR") in the amount of \$10,369.93.

4. Since its entry, the Judgment has accrued post-judgment interest in the amount of \$83.20; thus, the total amount due and owing from NIR to Valiant pursuant to the Judgment is \$10,453.13 as of October 13, 2016, with *per diem* post-judgment interest in the amount of \$1.60 accruing thereafter.

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

DATED this 13th day of October 2016.



RICHARD L. STACEY

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:28

CLERK DISTRICT COURT


CLERK

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
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McCONNELL WAGNER SYKES & STACEY PLLC
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nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
NORTH IDAHO RESORTS, LLC
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

TO: THE SHERIFF OF BOUNDARY COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against North Idaho Resorts, LLC ("NIR") in the total amount of **\$10,369.93**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 10,369.93	
Post-Judgment interest [5.625%] through 10.13.16	\$ 83.20	[\$1.60 <i>per diem</i>]
Amount received since entry of Judgment	\$ <u>0.00</u>	
Total Amount Owing From NIR on Judgment as of October 13, 2016	\$ <u>10,453.13</u>	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of NIR; and (2) out of the personal property of NIR held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of NIR.

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to NIR as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against North Idaho Resorts, LLC ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY

By:

Laurie Mattila
Deputy Court Clerk



STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:20

CLERK DISTRICT COURT



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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**APPLICATION AND DECLARATION
OF RICHARD L. STACEY FOR
WRIT OF EXECUTION AGAINST
VP, INCORPORATED
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

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

Richard L. Stacey declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member of the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC ("Valiant"). I make this declaration in support of Valiant's application for issuance of a writ of execution and upon my personal knowledge.


2. On August 22, 2016, Valiant recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached to the Writ of Execution Against VP, Incorporated ("Writ") as Exhibit 1.

3. The Judgment awards Valiant its costs and attorneys' fees against VP, Incorporated ("VP") in the amount of \$15,554.88.

4. Since its entry, the Judgment has accrued post-judgment interest in the amount of \$124.80; thus, the total amount due and owing from VP to Valiant pursuant to the Judgment is \$15,679.68 as of October 13, 2016, with *per diem* post-judgment interest in the amount of \$2.40 accruing thereafter.

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

DATED this 13th day of October 2016.



RICHARD L. STACEY

CLERK OF DISTRICT COURT
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 13 PM 3:28

CLERK OF DISTRICT COURT

FILED

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
VP, INCORPORATED
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

TO: THE SHERIFF OF BOUNDARY COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC (“Valiant”) recovered a Judgment Re: Costs and Attorneys’ Fees (“Judgment”) in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys’ fees against VP, Incorporated (“VP”) in the total amount of **\$15,554.88**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 15,554.88	
Post-Judgment interest [5.625%] through 10.13.16	\$ 124.80	[\$2.40 <i>per diem</i>]
Amount received since entry of Judgment	\$ <u>0.00</u>	
Total Amount Owning From VP on Judgment as of October 13, 2016	\$ <u>15,679.68</u>	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of VP; and (2) out of the personal property of VP held by its officers, directors, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of VP.

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to VP as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against VP, Incorporated ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY



By:

Laurie Mattila
Deputy Court Clerk

2016 OCT 20 PM 4:17
CLERK DISTRICT COURT
[Signature]
DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
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sykes@mwslawyers.com
nicholson@mwslawyers.com

Attorneys For Valiant Idaho, LLC

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

VALIANT IDAHO, LLC,
an Idaho limited liability company,

Cross-Claimant/Respondent,

vs.

VP, INCORPORATED,
an Idaho corporation,

Cross-Defendant/Appellant,

and

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
REQUEST FOR ADDITIONAL
TRANSCRIPT AND RECORD
ON APPEAL**

Honorable Barbara A. Buchanan

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

Plaintiff,

vs.

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

Defendants.

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

TO: The Above-Named Cross-Defendant/Appellant VP, Incorporated

TO: Susan P. Weeks, Esq.
Daniel M. Keyes, Esq.
James, Vernon & Weeks, P.A.
1626 Lincoln Way
Coeur d'Alene, Idaho 83814

TO: The Clerk of the Above-Entitled Court

NOTICE IS HEREBY GIVEN THAT:

Pursuant to Rule 19 of the Idaho Appellate Rules ("I.A.R."), Cross-Claimant/Respondent Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, requests the inclusion of the following material in the Reporter's Transcript and Clerk's Record in addition to that required by the I.A.R. and the Notice of Appeal filed on or about October 6, 2016 by Cross-Defendant/Appellant VP, Incorporated ("VP").

**VALIANT IDAHO, LLC'S REQUEST FOR ADDITIONAL
TRANSCRIPT AND RECORD ON APPEAL | Page 2**

1510482_005PLED3upp Record Request 161020.doc

REPORTER'S TRANSCRIPT(S)

1. Valiant requests preparation of the following portions of the reporter's transcript(s):
 - a. Reporter's Transcript for the telephonic proceedings before the Honorable Michael J. Griffin on August 4, 2014, on Valiant's Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest. See the Idaho Supreme Court Repository Case No. Results For Bonner County Case No. 2009-1810 attached hereto as Exhibit A, pp. 1, 17.

CLERK'S RECORD

2. In addition to the Standard Record, as set forth in I.A.R. 28(b)(1) and in VP's Notice of Appeal, Valiant requests the following to be included within the Clerk's Record:
 - a. Acknowledgment of Service of Summons and Complaint – North Idaho Resorts, LLC filed on or about April 7, 2010;
 - b. Acknowledgment of Service of Summons and Complaint – VP, Incorporated filed on or about April 7, 2010;
 - c. Notice of Appearance on Behalf of Mortgage Fund '08 LLC filed on or about October 5, 2010;
 - d. Affidavit of Service of VP, Inc. – by Marie Villeliti, corporate officer, filed on or about March 11, 2011;
 - e. Substitution of Counsel For ACI Northwest, Inc. – appearance of John Finney filed on or about August 29, 2011;
 - f. Notice of Change of Firm Affiliation filed by Richard L. Stacey and Chad M. Nicholson on behalf of R.E. Loans, LLC filed on or about July 18, 2014;

- g. Order Substituting Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest entered on or about August 7, 2014;
- h. Answer to Valiant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint For Judicial Foreclosure filed on or about September 15, 2014;
- i. North Idaho Resorts, LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint For Judicial Foreclosure filed on or about September 19, 2014;
- j. Order Regarding Disqualification of Judge – Re Judge Griffin – entered on or about October 6, 2014;
- k. Order of Reassignment [Honorable Barbara A. Buchanan] entered on or about October 9, 2014;
- l. Defendant VP, Incorporated's Request For Extension of Time to Respond to Valiant Idaho, LLC's Motion For Leave to Amend Answer to Allege a Counterclaim and Cross Claim, and to Serve Third Party filed on or about November 12, 2014;
- m. Memorandum in Support of Valiant Idaho, LLC's Motion For Leave to Amend Third Party Complaint to Join an Additional Party filed on or about November 24, 2014;
- n. Notice of Hearing on Valiant Idaho, LLC's Motion For Summary Judgment Against JV, L.L.C., North Idaho Resorts, LLC, and VP, Incorporated filed on or about January 20, 2015;
- o. JV, L.L.C.'s Motion to Vacate Valiant's Hearing Date of February 18, 2015 on Its Motion For Summary Judgment, Request For Continuance and Request For Hearing on Short Notice filed on or about February 2, 2015;

- p. Amended Notice of Hearing on Valiant Idaho, LLC's Motion For Summary Judgment Against JV, L.L.C., North Idaho Resorts, LLC, and VP, Incorporated filed on or about February 13, 2015;
- q. Defendants North Idaho Resorts, LLC and VP Incorporated's Motion For Enlargement of Time to File Answers and Responses to Discovery Requests Propounded by Valiant Idaho, LLC filed on or about March 2, 2015;
- r. Memorandum in Reply to North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion For Summary Judgment filed on or about March 11, 2015;
- s. Defendants North Idaho Resorts, LLC and VP Incorporated's Motion For Enlargement of Time to File Memorandum in Support of Motion For Reconsideration and Clarification filed on or about May 11, 2015;
- t. Defendants North Idaho Resorts, LLC and VP Incorporated's Second Motion For Enlargement of Time to File Memorandum in Support of Motion For Reconsideration and Clarification filed on or about May 26, 2015;
- u. Defendants North Idaho Resorts, LLC and VP Incorporated's Motion For Enlargement of Time to File Reply to Plaintiff's Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion For Reconsideration and Clarification filed on or about July 6, 2015;
- v. Notice of Special Appearance – Susan Weeks – filed on or about August 21, 2015;
- w. Memorandum in Support of Valiant Idaho, LLC's Third Motion For Summary Judgment filed on or about September 25, 2015;

- x. Defendants North Idaho Resorts, LLC and VP Incorporated's Motion For Enlargement of Time to File Reply to Plaintiff's Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion For Reconsideration and Clarification filed on or about October 13, 2015;
- y. Motion to Strike Memoranda and Declarations. Affidavits in Opposition to Valiant Idaho, LLC's Third Motion For Summary Judgment or, in the Alternative, Motion For Extension of Time to File Reply Memoranda filed on or about October 16, 2015;
- z. Declaration of Chad M. Nicholson Dated October 16, 2015, and filed on or about October 16, 2015;
- aa. Declaration of Chad M. Nicholson Dated October 20, 2015, and filed on or about October 20, 2015;
- bb. Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence filed on or about October 20, 2015;
- cc. Memorandum in Support of Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence filed on or about October 20, 2015;
- dd. Motion For Enlargement of Time to File North Idaho Resorts, LLC and V.P., Inc.'s Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment filed on or about October 22, 2015;
- ee. VP, Inc.'s Expert Witness Disclosure filed on or about November 27, 2015;
- ff. VP, Inc.'s Lay Witness Disclosure filed on or about November 27, 2015;
- gg. VP, Inc.'s Supplemental Expert Witness Disclosure filed on or about December 4, 2015;

- hh. Valiant Idaho, LLC's Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc. filed on or about December 15, 2015;
- ii. Memorandum in Support of Valiant Idaho, LLC's Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc. filed on or about December 15, 2015;
- jj. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motions *in Limine* filed on or about December 15, 2015;
- kk. Reply Memorandum in Support of Valiant Idaho, LLC's Motion *in Limine* Re: North Idaho Resorts, LLC and VP, Inc. filed on or about December 28, 2015;
- ll. Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Reply Memorandum Re: Motion *in Limine* filed on or about December 28, 2015;
- mm. VP, Inc.'s *Amended* Supplemental Expert Witness Disclosure filed on or about January 8, 2016;
- nn. VP, Inc.'s *Amended* Supplemental Expert Witness Disclosure filed on or about January 11, 2016;
- oo. Valiant Idaho, LLC's Closing Argument filed on or about April 14, 2016;
- pp. Valiant Idaho, LLC's Response and Rebuttal to VP, Inc.'s Closing Argument filed on or about May 26, 2016;
- qq. Order Requiring Submissions entered on or about July 14, 2016;
- rr. Order Re: Proposed Judgment and Proposed Decree of Foreclosure entered on or about July 18, 2016;
- ss. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion For Sanctions Under I.C. § 12-123 and I.R.C.P. 11 filed on or about August 10, 2016;

tt. Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion For A New Trial filed on or about August 10, 2016; and

uu. The Complaint For Judicial Foreclosure filed on or about November 19, 2014 under Bonner County Case No. CV 2014-1861, styled as *Valiant Idaho, LLC v. Pend Oreille Bonner Development, LLC, et al.*

TRIAL EXHIBITS

3. Valiant requests the following documents offered or admitted as trial exhibits be copied and sent to the Supreme Court:

a. Valiant's Trial Exhibits – ALL.

4. I certify that:

a. A copy of this Request For Additional Transcript and Record on Appeal has been served upon each Reporter from whom a transcript is requested, as follows: **Unknown.**

b. The estimated fee of \$200.00 for preparation of the Reporter's Transcript, determined pursuant to I.A.R. 24(c), has been paid to the Clerk of the District Court;

c. The estimated fee of \$100.00 for preparation of the Clerk's Record, determined pursuant to I.A.R. 27(d), has been paid to the Clerk of the District Court; and

d. Service has been made upon all parties required to be served pursuant to I.A.R. 20.

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DATED this 20th day of October 2016.

McCONNELL WAGNER SYKES & STACEY^{PLLC}

BY:


Richard L. Stacey
Attorneys For Valiant Idaho, LLC


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of October 2016, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

<p>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></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail gary.finney@finneylaw.net</p>
<p>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></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net</p>

With one copy via United States Mail to:

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


Richard L. Stacey

Case Number Result Page

Bonner

1 Cases Found.

Genesis Golf Builders, Inc vs. Pend Oreille Bonner Development, LLC, etai.

Case: CV-2009-0001818	District:	Filed: 10/13/2009	Subtype: Other Claims	Judge: Idaho Supreme Court	Status: Clerk	Clos: 09/1
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Defendants: **ACI Northwest Inc, an Idaho corporation Bar K, Inc C.E. Kramer Crane & Contr Inc Does I through X, Inclusive First American Title Grant, Christine Grant, Frs HLT Real Estate LLC Independent Mortgage Ltd Co Interstate Concrete and Asp Company, an Idaho JV, LLC, an Idaho Limited Liability Company Jacobson, Dan Korangut, Amy Lazar, Steven G. Lumbermens Inc Montaheno Investments LLC, Nevada limited liability Mortgage Fund '08 LLC Mountain West Bank Netta Source North Idaho Resorts LLC, an Idaho limited liability Panhandle Management, Inc Panhandle State Bank Panhandle State Bank, an Idaho corporation Pend Oreille Development, LLC Peneco Trust Co Custodian for Barney Ng Plaster, Robert Pu Construction Inc R.E. Loans LLC, a California Limited Liability Co RC Worst & Co Inc, an Idaho corporation Reeves, Ann B Reeves, Charles W Russ Capital Group Sage Holdings LLC T-O Engineers Inc The Idaho Club Homeowners Association Timberline Investments Llc VP Inc, an Idaho Corporation Vallant Idaho LLC VII Enterprises Inc Villali, Maria Victoria Villali, Richard A Wells Fargo Foothill, L Genesis Golf Builders, Inc**

Plaintiffs:

Disposition:	Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
	07/02/2010	Default Judgment			T-O Engineers Inc (Defendant), Lumbermens Inc (Defendant), Plaster, Robert (Defendant), Genesis Golf Builders, Inc (Plaintiff)	Plaintiff
Comment:					In favor of Plaintiff against T-O Engineers fka Tooth-man Orton Engineering Company, Lumbermens dba Probuild, Robert Plaster dba Cedar Etc ONLY	
	09/29/2011	Bankruptcy Stay	08/12/2013	Set Aside	R.E. Loans LLC, a California Limited Liability Co (Defendant), Mortgage Fund '08 LLC (Defendant), Genesis Golf Builders, Inc (Plaintiff)	Defendant
Comment:					Petition for bankruptcy filed by Defendants, R.E. Loans and Mortgage Fund '08	
	03/16/2012	Dismissal With Prej			Wells Fargo Foothill, LLC (Defendant)	Dismissed



- Civil Disposition entered for: R.E. Loans LLC, a California Limited Liability Co, Defendant; ACI Northwest Inc, an Idaho corporation, Defendant. Filing date: 7/21/2014
- 07/21/2014 Telephonic Notice of Hearing on Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Hearing Scheduled (Motion 08/04/2014 08:30 AM) Attorney R. Stacey by telephone Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 07/21/2014 Declaration of Richard L. Stacey in Support of Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/04/2014 Hearing result for Motion scheduled on 08/04/2014 08:30 AM: District Court Hearing Held Court Reporter: None Number of Transcript Pages for this hearing estimated: Attorney R. Stacey by telephone Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/04/2014 Hearing result for Motion scheduled on 08/04/2014 08:30 AM: Motion Granted Attorney R. Stacey by telephone Motion to Substitute Vallant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
- 08/07/2014 *****END OF FILE #5*****BEGIN FILE #6*****
- 08/18/2014 Motion to Substitute Vallant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
- 08/18/2014 Declaration of Richard L. Stacey to Substitute Vallant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
- 08/19/2014 Notice Of Telephonic Hearing on Motion to Substitute Vallant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party of Interest
- 08/19/2014 Hearing Scheduled (Motion 09/08/2014 04:30 PM) Attorney R. Stacey by phone Motion to Substitute Vallant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party
- 08/19/2014 Defendant: Vallant Idaho Lic, Appearance Richard L Stacey
- 08/19/2014 Filing: K3 - Third party complaint - This fee is in addition to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case. Paid by: First American Title Company Receipt number: 0013531 Dated: 8/19/2014 Amount: \$14.00 (Check) For: Vallant Idaho Lic, (defendant)
- 08/19/2014 Filing: K4 - Cross Claim (defendant v defendant or plaintiff v. plaintiff) This fee is in addition to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case Paid by: First American Title Company Receipt number: 0013531 Dated: 8/19/2014 Amount: \$14.00 (Check) For: Vallant Idaho Lic, (defendant)
- 08/19/2014 Vallant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure
- 08/27/2014 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Bonner Community Golf Receipt number: 0013949 Dated: 8/27/2014 Amount: \$29.00 (Check)
- 09/03/2014 Summons on Thrid Party Complaint Brought by Third Party Plaintiff Vallant Idaho, LLC [Pend Oreille Bonner Development Holdings, Inc] - Issued original to file
- 09/03/2014

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 20 PM 4:37
CLERK OF DISTRICT COURT
[Signature]
CLERK

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

Attorneys For Valiant Idaho, LLC

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

VALIANT IDAHO, LLC,
an Idaho limited liability company,

Cross-Claimant/Respondent,

vs.

NORTH IDAHO RESORTS, LLC,
an Idaho limited liability company,

Cross-Defendant/Appellant;

and

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
AMENDED
REQUEST FOR ADDITIONAL
TRANSCRIPT AND RECORD
ON APPEAL**

Honorable Barbara A. Buchanan

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

Plaintiff,

vs.

FEND ORELLE BONNER
DEVELOPMENT, LLC,
a Nevada limited liability company; *et al.*,

Defendants.

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

TO: The Above-Named Cross-Defendant/Appellant North Idaho Resorts, LLC

TO: Susan P. Weeks, Esq.
Daniel M. Keyes, Esq.
James, Vernon & Weeks, P.A.
1626 Lincoln Way
Coeur d'Alene, Idaho 83814

TO: The Clerk of the Above-Entitled Court

NOTICE IS HEREBY GIVEN THAT:

Pursuant to Rule 19(a) of the Idaho Appellate Rules ("I.A.R."), Cross-Claimant/Respondent Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, requests the inclusion of the following material in the Reporter's Transcript and Clerk's Record in addition to that: (1) required by the I.A.R.; (2) requested by Cross-Defendant/Appellant North Idaho Resorts, LLC ("NIR") in its Notice of Appeal filed on or about September 9, 2016, and in its Amended Notice of Appeal filed on or about October 6, 2016;

**VALIANT IDAHO, LLC'S AMENDED REQUEST
FOR ADDITIONAL TRANSCRIPT AND RECORD
ON APPEAL | Page 2**

IN10482.006/PLD/NIR.Am Appeal-Supp Record 161019.doc

and (3) requested by Valiant in its Request For Additional Transcript and Record on Appeal filed on or about September 23, 2016:


1. Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion For A New Trial filed on or about August 10, 2016; and
2. The Complaint For Judicial Foreclosure filed on or about November 19, 2014 under Bonner County Case No. CV 2014-1861, styled as *Valiant Idaho, LLC v. Pend Oreille Bonner Development, LLC, et al.*

I certify that service of this *Amended* Request For Additional Transcript and Record on Appeal has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 20th day of October 2016.

McCONNELL WAGNER SYKES & STACEY ^{PLC}

BY:


Richard L. Stacey
Attorneys For Valiant Idaho, LLC


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of October 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 gary.finney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, P.A. 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

With one copy via United States Mail to:

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


Richard L. Stacey

268811

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-24-2016 at 1:45 p.m.
Glenda Poston
County Recorder N. Ryals
By Deputy
Fee \$ 22.00 charge
Mail to Hand delivered

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:34
CLERK DISTRICT COURT
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

NOTICE OF LEVY

Honorable Barbara A. Buchanan

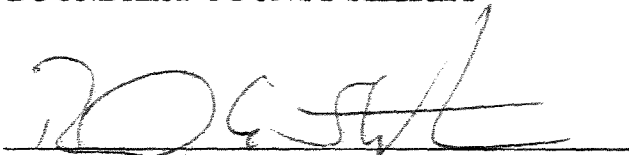
268811

NOTICE IS HEREBY GIVEN that under and by virtue of a *Writ of Execution* ("Writ") issued by the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner in the above-entitled action, of which the annexed Writ is a true copy, I have this day attached and levied upon all the right, title, claim and interest of Defendant VP, Incorporated ("VP"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

VP's chose in action in this matter, including, but not necessarily limited to, its claims, defenses, causes of action and appeal rights arising out of Bonner County Case No. CV-2009-01810.

DATED this 24th day of October 2016

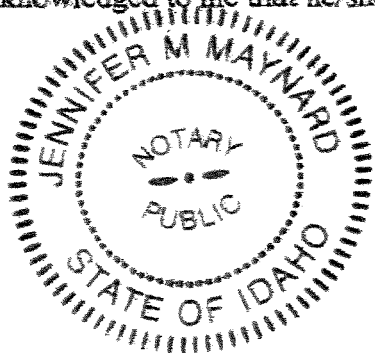
BOUNDARY COUNTY SHERIFF



RICHARD STEPHENS FOR GREG SPRINGS

STATE OF IDAHO)
) ss.
COUNTY OF BOUNDARY)

On this 24th day of October in the year 2016, before me, Jennifer Maynard, a Notary Public in and for said State, personally appeared Richard Stephens, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

S
E
A
L




NOTARY PUBLIC, STATE OF IDAHO
My Commission Expires: 7/31/19

268811

Received

OCT 24 2016

Boundary County
Sheriff's Office

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

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DISTRICT
 2016 OCT 31 PM 12:34
 CLERK DISTRICT COURT
 DEPUTY

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
 VP, INCORPORATED
 FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

268811

TO: THE SHERIFF OF BOUNDARY COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit I and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against VP, Incorporated ("VP") in the total amount of **\$15,554.88**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 15,554.88	
Post-Judgment interest [5.625%] through 10.13.16	\$ 124.80	[\$2.40 <i>per diem</i>]
Amount received since entry of Judgment	\$ <u>0.00</u>	
Total Amount Owing From VP on Judgment as of October 13, 2016	\$ <u>15,679.68</u>	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of VP; and (2) out of the personal property of VP held by its officers, directors, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of VP.

268811

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to VP as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against VP, Incorporated ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY



By:

Laurie Mattila
Deputy Court Clerk

268812

STATE OF IDAHO }
County of Boundary } SS
Filed by: Boundary County Sheriff
on 10-24-2016 at 1:44 p.m.
Glenda Poston
County Recorder [Signature]
By Deputy
Fee \$ 16.00 charge
Mail to Hand delivered

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:34
CLERK DISTRICT COURT
[Signature]
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

NOTICE OF SHERIFF'S SALE

Location: Boundary County Courthouse
6452 Kootenai St.
Bonners Ferry, Idaho 83805

Date: November 15, 2016
Time: 10:00 a.m.

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

268812

I, **GREG SPRUNGL**, as Sheriff of Boundary County, Idaho, do hereby certify that under and by virtue of a Writ of Execution issued on October 13, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, the Bonner County District Court directed the Sheriff of Boundary County, Idaho to levy upon all right, title and interest of Defendant VP, Incorporated ("VP"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

VP's chose in action in this matter, including, but not necessarily limited to, its claims, defenses, causes of action and appeal rights arising out of Bonner County Case No. CV-2009-01810 ("VP Property").

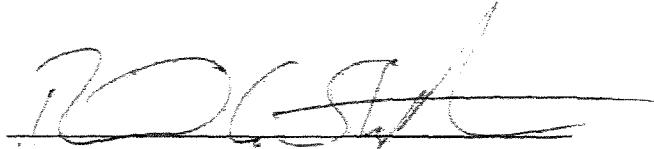
The Sheriff, by a Certificate of Sale, will transfer right, title and interest of VP in and to the VP Property at the time the execution or attachment was levied. The Sheriff will give possession but does not guarantee clear title nor continued possessory right to any purchaser(s).

NOTICE IS HEREBY GIVEN THAT on November 15, 2016, at 10:00 a.m. adjacent to the entrance to the Boundary County Courthouse located at 6452 Kootenai ~~St.~~ Bonners Ferry, Idaho 83805, I will sell all of the right, title and interest of VP in and to the VP Property at public auction to the highest bidder for cash in lawful money of the United States to satisfy said execution and all costs.

DATED this 24th day of October 2016.

**GREG SPRUNGL, SHERIFF
BOUNDARY COUNTY, IDAHO**

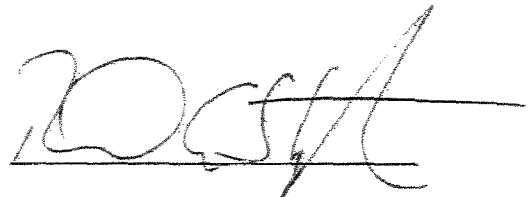
By:


Ricardo Stephens for Greg Sprungl

268812

Dated this 24th day of OCTOBER

GREG SPRUNGL, Sheriff



By: Rich Stephens, Chief Deputy

STATE OF IDAHO

COUNTY OF BOUNDARY

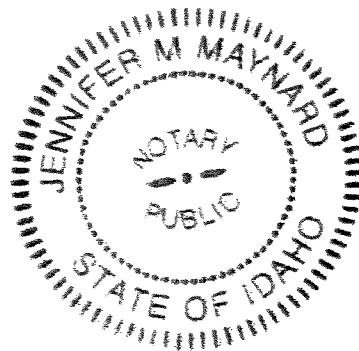
SUBSCRIBED AND SWORN TO before me this 24th day of October, 2016.



NOTARY PUBLIC for the State of Idaho

Residing at Boundary Co.

My commission expires 7/31/19



Notice of Sale

268813

STATE OF IDAHO }
County of Boundary } SS
Filed by: Boundary County Sheriff
on 10-24-2016 at 2:03 p.m.
Glenda Poston
County Recorder [Signature]
By Deputy

Fee \$ 25.00
Mail to Hand Delivered

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:34
CLERK DISTRICT COURT
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

NOTICE OF LEVY

Honorable Barbara A. Buchanan

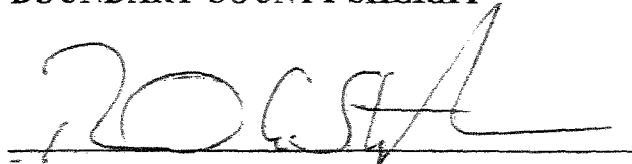
268813

NOTICE IS HEREBY GIVEN that under and by virtue of a *Writ of Execution* ("Writ") issued by the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner in the above-entitled action, of which the annexed Writ is a true copy, I have this day attached and levied upon all the right, title, claim and interest of Defendant North Idaho Resorts, LLC ("NIR") in and to the following described intangible personal property not capable of manual delivery, to-wit:

NIR's chose in action to collect amounts owed pursuant to the Third Amended and Restated Real Property Purchase and Sale Agreement, and any and all amendments or modifications thereto, entered into between NIR and Pend Oreille Bonner Investments, LLC dated March 9, 2006. The chose of action identified herein specifically includes, but is not necessarily limited to, NIR's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42467-2014.

DATED this 24th day of October 2016

BOUNDARY COUNTY SHERIFF



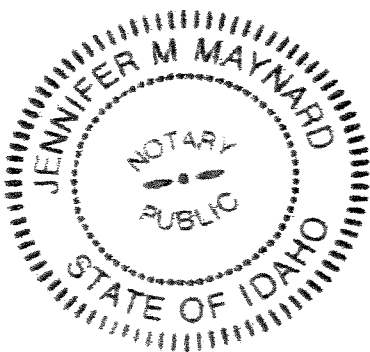
RICHARD STEPHENS FOR GREG SPRUNGL

268813

STATE OF IDAHO)
) ss.
COUNTY OF BOUNDARY)

On this 24th day of October in the year 2016, before me, Jennifer Maynard, a Notary Public in and for said State, personally appeared Richard Stephens, known or identified to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

S
E
A
L



Jennifer Maynard
NOTARY PUBLIC, STATE OF IDAHO
My Commission Expires: 7/31/19

268813

Received

OCT 24 2016

Boundary County
Sheriff's Office

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:34
CLERK DISTRICT COURT
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
NORTH IDAHO RESORTS, LLC
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

268813

TO: THE SHERIFF OF BOUNDARY COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against North Idaho Resorts, LLC ("NIR") in the total amount of **\$10,369.93**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 10,369.93	
Post-Judgment interest [5.625%] through 10.13.16	\$ 83.20	[\$1.60 <i>per diem</i>]
Amount received since entry of Judgment	\$ <u>0.00</u>	
Total Amount Owing From NIR on Judgment as of October 13, 2016	\$ <u>10,453.13</u>	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of NIR; and (2) out of the personal property of NIR held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of NIR.

268813

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to NIR as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against North Idaho Resorts, LLC ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY

By:

Laurie Mattila
Deputy Court Clerk



268814

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

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

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-31-2016 at 2:00 p.m.
Glenda Poston
County Recorder [Signature]
By Deputy
Fee \$ No. Charge
Mail to Hand Delivered

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:35
CLERK DISTRICT COURT
DEPUTY

Case No. CV-09-1810

NOTICE OF SHERIFF'S SALE

Location: Boundary County Courthouse
6452 Kootenai St.
Bonners Ferry, Idaho 83805

Date: November 15, 2016
Time: 10:00 a.m.

I, **GREG SPRUNGL**, as Sheriff of Boundary County, Idaho, do hereby certify that under and by virtue of a Writ of Execution issued on October 13, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, the Bonner County District Court directed the Sheriff of Boundary County, Idaho to levy upon all right, title and interest of Defendant North Idaho Resorts, LLC ("NIR"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

NIR's chose in action to collect amounts owed pursuant to the Third Amended and Restated Real Property Purchase and Sale Agreement, and any and all amendments or modifications thereto, entered into between NIR and Pend Oreille Bonner Investments, LLC dated March 9, 2006. The chose of action identified herein specifically includes, but is not necessarily limited to, NIR's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42467-2014 ("NIR Property").

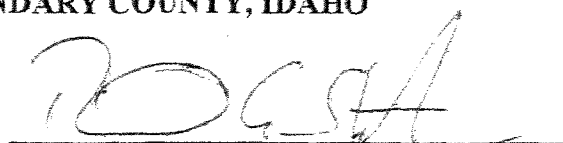
The Sheriff, by a Certificate of Sale, will transfer right, title and interest of NIR in and to the NIR Property at the time the execution or attachment was levied. The Sheriff will give possession but does not guarantee clear title nor continued possessory right to any purchaser(s).

NOTICE IS HEREBY GIVEN THAT on November 15, 2016, at 10:00 a.m. adjacent to the entrance to the Boundary County Courthouse located at 6452 Kootenai St. Bonners Ferry, Idaho 83805, I will sell all of the right, title and interest of NIR in and to the NIR Property at public auction to the highest bidder for cash in lawful money of the United States to satisfy said execution and all costs.

DATED this 24th day of October 2016.

**GREG SPRUNGL, SHERIFF
BOUNDARY COUNTY, IDAHO**

By:

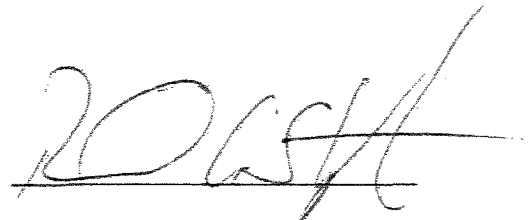


RICHARD STEPHENS FOR GREG SPRUNGL

268814

Dated this 24th day of OCTOBER

GREG SPRUNGL, Sheriff



By: Rich Stephens, Chief Deputy

STATE OF IDAHO

COUNTY OF BOUNDARY

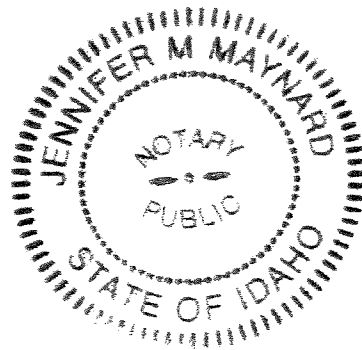
SUBSCRIBED AND SWORN TO before me this 24th day of October, 2016.



NOTARY PUBLIC for the State of Idaho

Residing at Boundary Co.

My commission expires 7/31/19



Notice of Sale

268815

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-24-2016 at 2:10 p.m.
Glenda Poston
County Recorder M. Sykes
By Deputy
Fee \$ 25.00 charge
Mail to Hand Delivered

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:35
CLERK, DISTRICT COURT
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

NOTICE OF LEVY

Honorable Barbara A. Buchanan


268815

NOTICE IS HEREBY GIVEN that under and by virtue of a *Writ of Execution* ("Writ") issued by the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner in the above-entitled action, of which the annexed Writ is a true copy, I have this day attached and levied upon all the right, title, claim and interest of Defendant JV L.L.C. ("JV"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

JV's chose in action to collect amounts owed pursuant to the Secured Promissory Note, and any and all amendments or modifications thereto, entered into between JV and VP, Incorporated dated October 20, 1995. The chose of action identified herein specifically includes, but is not necessarily limited to, JV's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42479-2014.

DATED this 24th day of October 2016

BOUNDARY COUNTY SHERIFF



RICHARD STEPHENS FOR GREG SPRUN

268815

Received

OCT 24 2016

Boundary County
Sheriff's Office

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:35
CLERK DISTRICT COURT
DEPUTY

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
JV, L.L.C.
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

TO: THE SHERIFF OF BONNER COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC (“Valiant”) recovered a Judgment Re: Costs and Attorneys’ Fees (“Judgment”) in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit I and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys’ fees against JV, L.L.C. (“JV”) in the total amount of **\$15,554.88**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 15,554.88	
Post-Judgment interest [5.625%] through 10.13.16	\$ 124.80	[\$2.40 <i>per diem</i>]
Amount received since entry of Judgment	\$ 0.00	
Total Amount Owing From JV on Judgment as of October 13, 2016	<u>\$ 15,679.88</u>	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of JV; and (2) out of the personal property of JV held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of JV.

268815

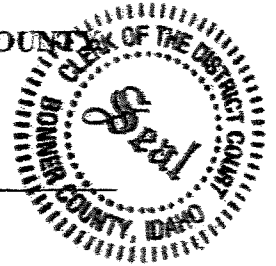
If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to JV as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against JV, L.L.C. ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT – BONNER COUNTY

By:

Laurie Mattla
Deputy Court Clerk



268816

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-27-16 at 9:10 p.m.
Glenda Poston
County Recorder N. B. [Signature]
By Deputy
Fee \$ 16.00 Charge
Mail to Hard Belivered

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 OCT 31 PM 12:35
CLERK DISTRICT COURT
DEPUTY [Signature]

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

NOTICE OF SHERIFF'S SALE

Location: Boundary County Courthouse
6452 Kootenai St.
Bonners Ferry, Idaho 83805

Date: November 15, 2016

Time: 10:00 a.m.

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

I, GREG SPRUNGL, as Sheriff of Boundary County, Idaho, do hereby certify that under and by virtue of a Writ of Execution issued on October 13, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, the Bonner County District Court directed the Sheriff of Boundary County, Idaho to levy upon all right, title and interest of Defendant JV L.L.C. ("JV"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

JV's chose in action to collect amounts owed pursuant to the Secured Promissory Note, and any and all amendments or modifications thereto, entered into between JV and VP, Incorporated dated October 20, 1995. The chose of action identified herein specifically includes, but is not necessarily limited to, JV's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42479-2014 ("JV Property").

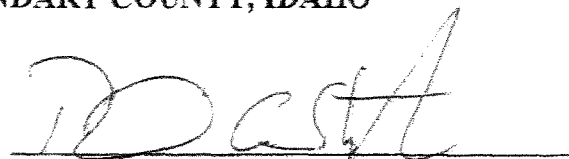
The Sheriff, by a Certificate of Sale, will transfer right, title and interest of JV in and to the JV Property at the time the execution or attachment was levied. The Sheriff will give possession but does not guarantee clear title nor continued possessory right to any purchaser(s).

NOTICE IS HEREBY GIVEN THAT on November 15, 2016, at 10:00 a.m. adjacent to the entrance to the Boundary County Courthouse located at 6452 Kootenai St. Bonners Ferry, Idaho 83805, I will sell all of the right, title and interest of JV in and to the JV Property at public auction to the highest bidder for cash in lawful money of the United States to satisfy said execution and all costs.

DATED this 24th day of October 2016.

**GREG SPRUNGL, SHERIFF
BOUNDARY COUNTY, IDAHO**

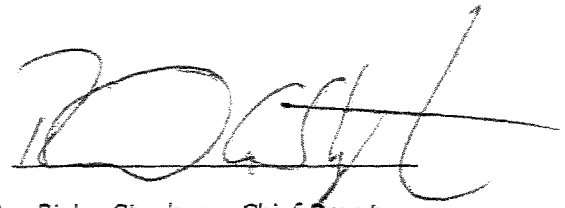
By:


Richard Stearns FOR GREG SPRUNGL

268816

Dated this 24th day of OCTOBER

GREG SPRUNGL, Sheriff



By: Rich Stephens, Chief Deputy

STATE OF IDAHO

COUNTY OF BOUNDARY

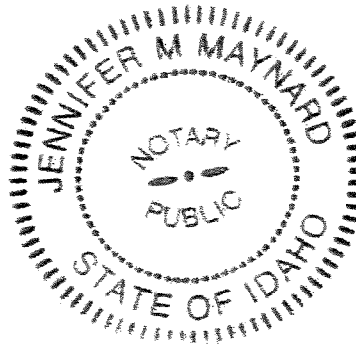
SUBSCRIBED AND SWORN TO before me this 24th day of October, 2016



NOTARY PUBLIC for the State of Idaho

Residing at Boundary 6

My commission expires 7/31/19



Notice of Sale

Date: 11/2/2016

First Judicial District Court - Bonner County

NO. 0015903

Time: 02:15 PM

Receipt

COPY

Received of: James Berry

\$ 21154.60

c/o Finney Law 120 East Lake Street Ste 317

Sandpoint, ID 83864

Twenty-One Thousand One Hundred Fifty-Four and 60/100 Dollars

Case: CV-2009-0001810

Defendant: Genesis Golf Builders, Inc vs. Pend Oreille Bonner Development, LLC, etal.

Cash bond:

21154.60

COPY

Check: 1065572 Bank: Columbia Bank

Payment Method: Cashiers Check

Amount Tendered: 21154.60

Michael W. Rosedale, Clerk of The District Court

By: Brady S.

Deputy Clerk

Clerk: BSTEIGER

Duplicate

7309



CASHIER'S CHECK

DATE

Nov 2, 2016

CHECK NUMBER

1065572

34-827/1251

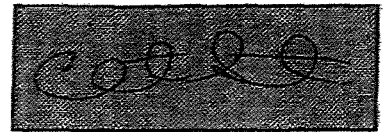
\$ *****21,154.60

PAY TWENTY-ONE THOUSAND ONE HUNDRED FIFTY-FOUR AND 60/100 DOLLARS*****

*Void if over \$21,154.60

Purchaser James Berry

TO THE ORDER OF ***BONNER COUNTY CLERK***



⑈ 1065572⑈ ⑆ 125108272⑆ ⑈ 9000000019⑈

2016 NOV -2 PM 2:16

CLERK DISTRICT COURT


DEPUTY

GARY A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Phone: (208) 263-7712
Fax: (208) 263-8211
Email: garyfinney@finneylaw.net
ISB No. 1356
Attorney for Appellant JV L.L.C.

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

GENESIS GOLF BUILDERS, INC.,)	Case No. CV-2009-1810
formerly known as National Golf)	
Builders, Inc., a Nevada)	Supreme Court Docket No.
corporation,)	(not yet assigned)
)	
Plaintiff,)	JV L.L.C.'S MOTION AND
v.)	APPLICATION FOR STAY OF
)	EXECUTION UPON POSTING A
PEND OREILLE BONNER)	CASH DEPOSIT BY JV L.L.C.
DEVELOPMENT, LLC, a Nevada)	(I.A.R. 13(b)15)
limited liability company; R.E.)	
LOANS, LLC, a California)	
limited liability company; DAN)	
S. JACOBSON, an individual,)	
SAGE HOLDINGS LLC, an Idaho)	
limited liability company;)	
STEVEN G. LAZAR, an individual;)	
PENSCO TRUST CO. CUSTODIAN FBO)	
BARNEY NG; MORTGAGE FUND '08)	
LLC, a Delaware limited)	
liability company; VP,)	
INCORPORATED, an Idaho)	
corporation; JV L.L.C., an)	
Idaho limited liability)	
company; WELLS FARGO FOOTHILL,)	
LLC, a Delaware limited)	
liability company; INTERSTATE)	
CONCRETE AND ASPHALT COMPANY,)	
an Idaho corporation; T-O)	
ENGINEERS, INC., fka Toothman-)	

Orton Engineering Company, an)
Idaho corporation; PUCCI)
CONSTRUCTION INC., an Idaho)
corporation; ACI NORTHWEST,)
INC., an Idaho corporation;)
LUMBERMENS, INC., dba ProBuild,)
a Washington corporation;)
ROBERT PLASTER dba Cedar Etc;)
NORTH IDAHO RESORTS, LLC, an)
Idaho limited liability)
company; R.C. WORST & COMPANY,)
INC., an Idaho corporation;)
DOES 1 through X,)

Defendants.)

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

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

Third-Party)
Plaintiff,)

v.)

PEND ORIELLE BONNER DEVELOPMENT)
HOLIDINGS, INC., a Nevada)
corporation; BAR K, INC., a)
California corporation;)
TIMBERLINE INVESTMENTS LLC, an)
Idaho limited liability)
company; AMY KORENGUT, a)
married woman; HLT REAL ESTATE,)
LLC, an Idaho limited liability)
company; INDEPENDENT MORTGAGE)
LTD. CO., an Idaho limited)
liability company; PANHANDLE)
MANAGEMENT INCORPORATED, an)
Idaho corporation; FREDERICK J.)
GRANT, an individual; CRISTINE)
GRANT, an individual; RUSS)
CAPITAL GROUP, LLC, an Arizona)
limited liability company;)
MOUNTAIN WEST BANK, a division)

of GLACIER BANK, a Montana)
corporation; FIRST AMERICAN)
TITLE COMPANY, a California)
corporation; NETTA SOURCE LLC,)
a Missouri limited liability)
company; MONTAHENO INVESTMENTS,)
LLC, a Nevada limited liability)
company; CHARLES W. REEVES and)
ANN B. REEVES, husband and)
wife; and C.E. KRAMER CRANE &)
CONTRACTING, INC., an Idaho)
corporation,)

Third-Party)
Defendants.)

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

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

v.)

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

Idaho corporation; and HOLMBERG)
HOLDINGS, LLC, a California)
limited liability company,)
)
Third-Party)
Defendants.)
<hr/>	
VALIANT IDAHO, LLC, an Idaho)
limited liability company,)
)
Respondent,)
)
v.)
)
JV L.L.C., an Idaho limited)
liability company,)
)
Appellant.)
<hr/>	

Comes now JV L.L.C., herein "JV", Defendant, Counterclaimant and Cross-Claimant against all of the Defendants and Third-Party Plaintiff, and Appellant on appeal to the Idaho Supreme Court, and informs the District Court and moves as follows:

1. JV filed a Notice of Appeal to the Idaho Supreme Court as to the judgments (decrees and orders) of the District Court.
2. I.A.R. 13 entitled *Stay on Proceedings Upon Appeal or Certifications*, paragraph (b) states that the District Court has the power and authority to rule on certain motions and to take certain actions during the pending in an appeal:

Concerning sub para (15) to:

"Stay execution or enforcement of a money judgment upon the posting of a cash deposit or supersedeas bond...either of

which must be in the amount of the judgment or order, plus 36% of such amount."

3. This Application is for the Stay of Valiant Idaho's execution and enforcement of its judgment against JV. Valiant's judgment against JV is only for "costs" in the sum of \$15,554.88.

4. This is a Notification of a Cash Deposit by JV as a cash bond to stay Valiant Idaho's execution on the Judgment re: Costs and Attorneys' Fees dated on August 22, 2016, a copy of which is attached hereto.

5. Notice of this Application and posting of a cash bond by JV is served upon all parties to the appeal, by serving the counsel of record as is shown on the Certificate of Service, and by serving by hand delivery both the Boundary County Sheriff and the Bonner County Sheriff.

6. The District Court is moved, and application is made by JV, for the District Court to cause or direct by order that the judgment lien of Valiant Idaho as against JV be released and enforcement is stayed during the pending of the Idaho Supreme Court Appeal.

7. Pursuant to I.A.R. 13(b)(16), "Any order of the Supreme Court as to whether or not a judgment, order, decree, or proceeding, shall be stayed shall take precedence over any order entered by the district court."

8. JV is hereby also requesting Valiant Idaho, pursuant to

I.A.R. 13(b) (16) and I.A.R. 16(b), to agree in writing that Valiant will not execute on its judgment against JV pending the Idaho Supreme Court Appeal, and if Valiant so agrees no cash bond or supersedeas bond shall be necessary to stay execution and the District Court shall issue a stay so that no writ of execution shall issue on said judgment, or be served if already issued, pending final disposition of JV's appeal. If Valiant does not so agree, its executions and enforcements are stayed anyway by JV's cash deposit.

9. Pursuant to I.A.R. 13(g), the Idaho Supreme Court may also, in its discretion, enter an order staying a proceeding, including enforcement of any judgment, at any time during the pending of JV's appeal. Any order of the Supreme Court shall take precedence over any order entered by the District Court.

Provided, in an appeal from the District Court, a party must first make application to the District Court before making application to the Supreme Court. If the District Court denies any application for stay or fails to act within 14 days after filing the application, any party may apply to the Supreme Court for a stay. In any event, Valiant's executions/enforcement are now stayed by JV's cash deposit.

10. Attached hereto are true copies of the Notice of Levy recorded 10-24-2016, Instrument No. 268815 and Notice of Sheriff's Sale recorded 10-24-2016, Instrument No. 268816, both recorded in

Boundary County, Idaho, and both served upon William Berry as registered agent for JV, by the Sheriff of Boundary County, Idaho. No service of the Notice of Levy or the Notice of Sheriff's Sale was ever made on JV's attorney of record Gary A. Finney.

11. The Notice of Sheriff's Sale states the Writ of Execution issued on October 13, 2016 by the Clerk of Court directed the Sheriff of Boundary County, Idaho to sell intangible personal property, to-wit:

"JV's chose in action to collect amounts owed pursuant to the Secured Promissory Note, and any and all amendments or modifications thereto, entered into between JV and VP, Incorporated dated October 20, 1995. The chose of action identified herein specifically includes, but is not necessarily limited to, JV's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42479-2014 ("JV Property")."

The foregoing Notice of Sheriff's Sale is pursuant to the Notice of Levy. The Writ of Execution Against JV, L.L.C. for Boundary County, dated October 13, 2016, issued by the Bonner County Clerk of the Court, with a copy of the Judgment re: Costs and Attorney's Fees filed August 22, 2016 as its attached Exhibit 1 is attached hereto. The judgment as against JV is paragraph 3, page 2, saying "Valiant Idaho, LLC is awarded costs against JV, LLC in the amount of \$15,554.88." This judgment is for "costs" only, not for any attorney fees against JV. The Writ of Execution Against JV, L.L.C. for Boundary County as issued is false in the

second paragraph, page 2, which states:

"Whereas, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees (emphasis added) against JV, L.L.C. ("JV") in the total amount of \$15,554.88." The inclusion of the words "and attorneys' fees" is false and the Court is requested to strike those words.

12. Valiant Idaho also has a Writ of Execution (Bonner County Instrument No. 896302), Notice of Levy Under Writ of Execution (Bonner County Instrument No. 896303), and Notice of Sheriff's Sale on execution of its judgment against Pend Oreille Bonner Development, LLC proceeding. True copies of the Writ of Execution (Bonner County Instrument No. 896302), Notice of Levy Under Writ of Execution (Bonner County Instrument No. 896303), and Notice of Sheriff's Sale are attached hereto.

13. Based upon this Application and Motion, JV does hereby post herewith a cash bond of \$21,154.60, representing the costs' Judgment of \$15,554.88 plus 36% for a total of \$21,154.60 payable to the Bonner County Clerk of the Court by Cashier's Check No. 1065572 drawn on Columbia Bank. A copy of said Cashier's Check is attached hereto.

14. JV is also doing an accompanying Third Party Claim.

JV's Relief Requested

For the Court to Order:

1. The Boundary County Sheriff's Sale on the Writ of Execution

and the Notice of Levy be quashed, and

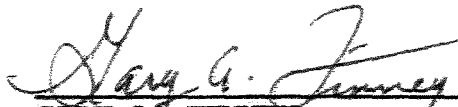
2. The Boundary County Sheriff's Sale set on November 15, 2016, or any other date be quashed, and

3. The Bonner County Sheriff's Sale to the extent it is execution/enforcement of any judgment for Valiant against JV or JV's property (personal or real) also be quashed and stayed, and

4. That JV's posting of the cash deposit Cashier's Check No. 1065572 for \$21,154.60, which has been tendered to the Bonner County Clerk of Court be held as a cash bond for a stay upon appeal, pursuant to I.A.R. 13(b) (15), and

5. Execution is stayed entirely on the Judgment of Valiant Idaho against JV during the pending of JV's Appeal to the Idaho Supreme Court.

Dated this 31st day of October, 2016.




GARY A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorney For Appellant
JV L.L.C.

VERIFICATION

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

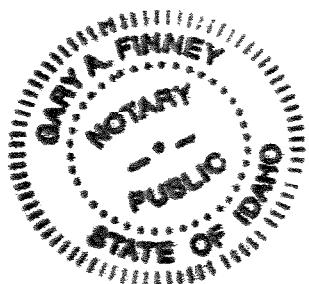
I, WILLIAM BERRY, first being duly sworn upon oath depose and say the following:

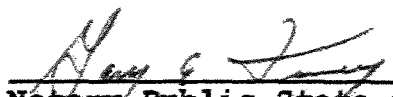
I am the Registered Agent for JV L.L.C. in this case and I have read the foregoing JV L.L.C.'S MOTION AND APPLICATION FOR STAY OF EXECUTION UPON POSTING A CASH DEPOSIT BY JV L.L.C. (I.A.R. 13(b)15), and know the contents therein stated and believe the same to be true.



WILLIAM BERRY
Registered Agent for JV L.L.C

SUBSCRIBED AND SWORN to before me this 31st day of October, 2016.





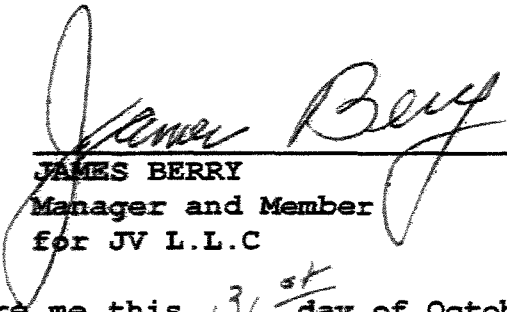
Notary Public-State of Idaho
Residing at: Arden
My Commission Expires: OCT 17 2017

VERIFICATION

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

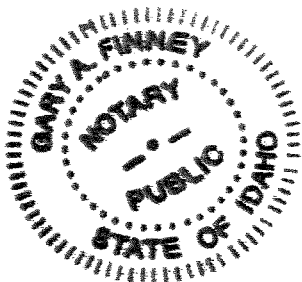
I, JAMES BERRY, first being duly sworn upon oath depose and say the following:


I am a Manager and Member for JV L.L.C. in this case and I have read the foregoing JV L.L.C.'S MOTION AND APPLICATION FOR STAY OF EXECUTION UPON POSTING A CASH DEPOSIT BY JV L.L.C. (I.A.R. 13(b)15), and know the contents therein stated and believe the same to be true.



JAMES BERRY
Manager and Member
for JV L.L.C

SUBSCRIBED AND SWORN to before me this 31st day of October, 2016.





Notary Public-State of Idaho
Residing at: Helena
My Commission Expires: Oct 14, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method as indicated, this 2nd day of ~~October~~, 2016, and was addressed as follows:
November

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

Susan Weeks
JAMES, VERNON & WEEKS, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814
[Attorney for NORTH IDAHO RESORTS, LLC & V.P. INC]
By US Mail

Boundary County Sheriff
6438 Kootenai St.
Bonners Ferry, ID 83805
By Hand Delivery

Bonner County Sheriff
4001 N. Boyer Road
Sandpoint, ID 83864
By Hand Delivery

By: *Guendolen Vultor*

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2016 AUG 22 PM 3:41
CLERK DISTRICT COURT

DEPUTY

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

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

Plaintiff,)

v.)

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

Defendants.)

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

CASE NO. CV-2009-0001810

JUDGMENT re:
COSTS AND ATTORNEYS' FEES

JUDGMENT IS ENTERED AS FOLLOWS:

1. Valiant Idaho, LLC is awarded costs and attorneys' fees against Pend Oreille Bonner Development, LLC, in the amount of \$731,275.48. This amount shall be incorporated into the Judgment as part of Valiant's first priority position pursuant to the 2007 RE Loans Mortgage.
2. Valiant Idaho, LLC is awarded costs against North Idaho Resorts, LLC in the amount of \$10,369.93.

JUDGMENT re: COSTS AND ATTORNEYS' FEES - 1

3. Valiant Idaho, LLC is awarded costs against JV, LLC in the amount of \$15,554.88.
4. Valiant Idaho, LLC is awarded costs against VP, Incorporated in the amount of \$15,554.88.

IT IS SO ORDERED.

DATED this 22 day of August, 2016.



Barbara Buchanan
District Judge

268815

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-24-2010 at 2:10 p.m.
Glenda Poston M. Gualo
County Recorder By Deputy
Fee \$ 25.00 charge
Mail to Hand Delivered

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

NOTICE OF LEVY

Honorable Barbara A. Buchanan

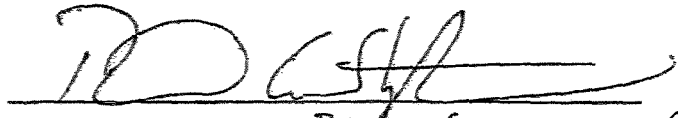
268815

NOTICE IS HEREBY GIVEN that under and by virtue of a *Writ of Execution* ("Writ") issued by the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner in the above-entitled action, of which the annexed Writ is a true copy, I have this day attached and levied upon all the right, title, claim and interest of Defendant JV L.L.C. ("JV"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

JV's chose in action to collect amounts owed pursuant to the Secured Promissory Note, and any and all amendments or modifications thereto, entered into between JV and VP, Incorporated dated October 20, 1995. The chose of action identified herein specifically includes, but is not necessarily limited to, JV's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42479-2014.

DATED this 24th day of October 2016

BOUNDARY COUNTY SHERIFF



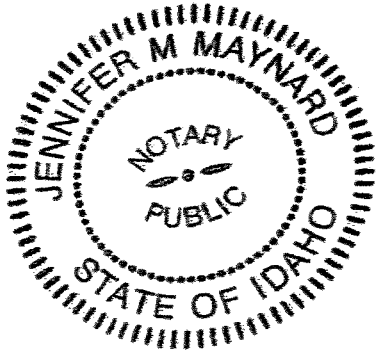
RICHARD STEPHENS FOR GREG SPRUNG

268815

STATE OF IDAHO)
) ss.
COUNTY OF BOUNDARY)

On this 24th day of October in the year 2016, before me, Jennifer Maynard
Richard Stephens, a Notary Public in and for said State, personally appeared
() to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he/she/they executed the same.

S
E
A
L



Jennifer Maynard
NOTARY PUBLIC, STATE OF IDAHO
My Commission Expires: 7/31/19

268816

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

Attorneys For Valiant Idaho, LLC

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Boundary County Sheriff
on 10-24-2016 at 2:10 p.m.
Glenda Poston
County Recorder M. Ryan
By Deputy
Fee \$ 16.00 charge
Mail to Hand Delivered

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

NOTICE OF SHERIFF'S SALE

Location: Boundary County Courthouse
6452 Kootenai St.
Bonners Ferry, Idaho 83805

Date: November 15, 2016
Time: 10:00 a.m.

268816

I, GREG SPRUNGL, as Sheriff of Boundary County, Idaho, do hereby certify that under and by virtue of a Writ of Execution issued on October 13, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, the Bonner County District Court directed the Sheriff of Boundary County, Idaho to levy upon all right, title and interest of Defendant JV L.L.C. ("JV"), in and to the following described intangible personal property not capable of manual delivery, to-wit:

JV's chose in action to collect amounts owed pursuant to the Secured Promissory Note, and any and all amendments or modifications thereto, entered into between JV and VP, Incorporated dated October 20, 1995. The chose of action identified herein specifically includes, but is not necessarily limited to, JV's claims, defenses, causes of action and appeal rights associated with Bonner County Case Nos. CV-2009-01810 and CV-2011-0135, and Idaho Supreme Court Docket No. 42479-2014 ("JV Property").

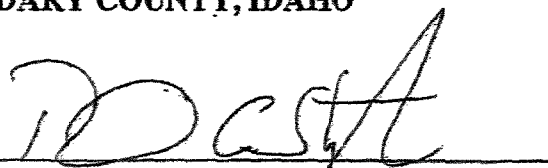
The Sheriff, by a Certificate of Sale, will transfer right, title and interest of JV in and to the JV Property at the time the execution or attachment was levied. The Sheriff will give possession but does not guarantee clear title nor continued possessory right to any purchaser(s).

NOTICE IS HEREBY GIVEN THAT on November 15, 2016, at 10:00 a.m. adjacent to the entrance to the Boundary County Courthouse located at 6452 Kootenai St. Bonners Ferry, Idaho 83805, I will sell all of the right, title and interest of JV in and to the JV Property at public auction to the highest bidder for cash in lawful money of the United States to satisfy said execution and all costs.

DATED this 24th day of October 2016.

GREG SPRUNGL, SHERIFF
BOUNDARY COUNTY, IDAHO

By:



RICHARD STEARNS FOR GREG SPRUNGL

268816

State of Idaho }
County of Boundary } SS



This is to certify that the foregoing is a true copy of the original now on file or record in this office

GLEND A POSTON
Clerk of Dist. Court
Auditor & Recorder

By *N. Poston* Deputy
10-24-2016

Dated this 24th day of OCTOBER

GREG SPRUNGL, Sheriff

By: Rich Stephens, Chief Deputy

STATE OF IDAHO

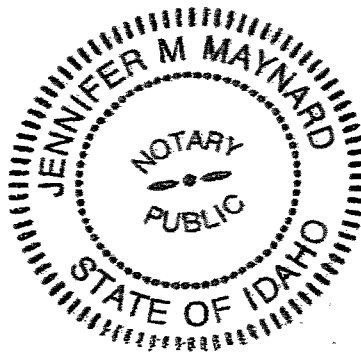
COUNTY OF BOUNDARY

SUBSCRIBED AND SWORN TO before me this 24th day of October, 2016

Jennifer M Maynard
NOTARY PUBLIC for the State of Idaho

Residing at Boundary Co.

My commission expires 7/31/19



Notice of Sale

268815

Received

OCT 24 2016

Boundary County
Sheriff's Office

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
JV, L.L.C.
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

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

268815

TO: THE SHERIFF OF BONNER COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against JV, L.L.C. ("JV") in the total amount of \$15,554.88.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

Judgment as of 08.22.16	\$ 15,554.88	
Post-Judgment interest [5.625%] through 10.13.16	\$ 124.80	[\$2.40 <i>per diem</i>]
Amount received since entry of Judgment	\$ 0.00	
Total Amount Owing From JV on Judgment as of October 13, 2016	\$ 15,679.88	

NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of JV; and (2) out of the personal property of JV held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of JV.

268815

If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to JV as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against JV, L.L.C. ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY

By: Laurie Mattila
Deputy Court Clerk



State of Idaho }
County of Boundary } SS

This is to certify that the foregoing is a true copy of the original now on file or record in this office

GLENDIA POSTON
Clerk of Dist. Court
Auditor & Recorder

By: M. Poston Deputy
10-24-2016

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

Attorneys For Valiant Idaho, LLC

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

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

Plaintiff,

vs.

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

Defendants.

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

Case No. CV-09-1810

**WRIT OF EXECUTION AGAINST
JV, L.L.C.
FOR BOUNDARY COUNTY**

Honorable Barbara A. Buchanan

TO: THE SHERIFF OF BONNER COUNTY, STATE OF IDAHO

WHEREAS, on August 22, 2016, Valiant Idaho, LLC ("Valiant") recovered a Judgment Re: Costs and Attorneys' Fees ("Judgment") in the First Judicial District of the State of Idaho, in and for the County of Bonner. A true and correct copy of the Judgment is attached hereto as Exhibit I and incorporated by reference as if fully set forth herein.

WHEREAS, the Judgment orders and adjudges that Valiant has been awarded costs and attorneys' fees against JV, L.L.C. ("JV") in the total amount of **\$15,554.88**.

WHEREAS, Valiant is entitled to post-judgment interest accruing on the Judgment, as follows:

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NOW, THEREFORE, you, the Sheriff of Boundary County, are hereby required to satisfy said Judgment, plus post-judgment interest, fees and costs, as follows: (1) out of the personal property of JV; and (2) out of the personal property of JV held by its members, managers, personal representatives, agents, tenants, trustees or assignees, or the financial institutions of JV.

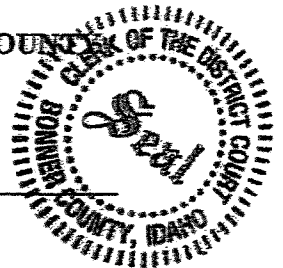
If sufficient personal property cannot be found, then you are to satisfy said Judgment out of any real property belonging to JV as of the day the Judgment was entered or docketed, or at any time thereafter, and make return of this Writ of Execution Against JV, L.L.C. ("Writ") within sixty (60) days after receipt of the Writ with what you have done endorsed thereon.

ATTEST my hand and the seal of said Court this 13 day of October 2016.

MICHAEL W. ROSEDALE
CLERK OF THE COURT - BONNER COUNTY

By:

Laurie Mattila
Deputy Court Clerk



STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG 22 PM 3:41

CLERK DISTRICT COURT

DEPUTY

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

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

Plaintiff,)

v.)

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

Defendants.)

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

CASE NO. CV-2009-0001810

JUDGMENT re:
COSTS AND ATTORNEYS' FEES

JUDGMENT IS ENTERED AS FOLLOWS:

1. Valiant Idaho, LLC is awarded costs and attorneys' fees against Pend Oreille Bonner Development, LLC, in the amount of \$731,275.48. This amount shall be incorporated into the Judgment as part of Valiant's first priority position pursuant to the 2007 RE Loans Mortgage.
2. Valiant Idaho, LLC is awarded costs against North Idaho Resorts, LLC in the amount of \$10,369.93.

JUDGMENT re: COSTS AND ATTORNEYS' FEES - 1

EXHIBIT 1

3. Valiant Idaho, LLC is awarded costs against JV, LLC in the amount of \$15,554.88.
4. Valiant Idaho, LLC is awarded costs against VP, Incorporated in the amount of \$15,554.88.

IT IS SO ORDERED.

DATED this 22 day of August, 2016.



Barbara Buchanan
District Judge

