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### Valiant Idaho, LLC v. North Idaho Resorts, LLC Clerk's Record v. 71 Dckt. 44583

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Vol. **71** IN THE

**85**

**SUPREME COURT  
OF THE  
STATE OF IDAHO**

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

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

vs.

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

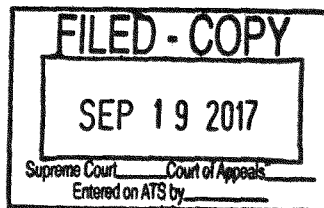
**CLERK'S RECORD ON APPEAL**

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

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**VOLUME LXXI**

**44583**

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STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

C. L. "Butch" Otter, Governor  
Curt A. Fransen, Director

May 23, 2013

Mr. Robert Hansen, Operator  
67 Wildhorse Trail Rd  
Sandpoint, ID 83864

Re: **Sanitary Survey of PWS #1090195, Idaho Club**

Dear Mr. Hansen:

Thank you for your assistance in conducting the inspection of the Idaho Club water system on April 18, 2013 and the follow up of pictures on April 30, 2013. I found that the water system was well built, properly maintained, and mostly in compliance with the Idaho Rules for Public Drinking Water Systems. It will continue with its **approved** designation.

The following deficiencies were noted during the survey:

1. The chlorination holding tank in the pump house must be vented to the outside to prevent the corrosion of the electronic components and piping.
2. The 20,000 gallon reservoir needs to have the conduit repaired as discussed.
3. Financial & Managerial forms are included in this report. Please complete and return within 30 days.
4. If at any time there is a depressurization event (pressure below 20 psi), the water system operator must provide public notification to its users and also notify the DEQ.

Please submit a plan of correction (POC) for these deficiencies within 30 days of the receipt of this letter that will list the dates when compliance will be achieved. The POC is a simple narrative document that lists the deficiencies and additional requirements, how they will be corrected, and the date by which corrections will be completed. Please allow yourself adequate time to address the problems so that time extensions will not be necessary.

Also noted during the survey were items that we do not consider deficiencies at this time, but are recommendations. They are:

1. The Department recommends the valves in distribution be exercised annually; any dead end distribution mains must be flushed every six months.
2. The Department recommends an operation and maintenance manual be provided for the drinking water system. Operation and maintenance manuals should include daily operating instructions, trouble shooting, operator safety procedures, location of valves and other key system features, parts lists and parts order forms, and information for contacting the water system operator.

If you have any questions regarding this survey, please do not hesitate to contact the DEQ in Coeur d'Alene. We are located at 2110 Ironwood Parkway; phone 208 666-4630.

Sincerely,

Handwritten signature of Jean Felker in cursive.

Jean Felker  
Drinking Water Analyst  
[Jean.felker@deq.idaho.gov](mailto:Jean.felker@deq.idaho.gov)

File in TRIM: ID1090195 Idaho Club

Exhibit  
C

8770

**IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**DRINKING WATER SUPPLY REPORT**  
2013

PWS NUMBER: **ID1090195**

SYSTEM: **Idaho Club**

OWNERSHIP: **VP Inc.**

INFORMATION OBTAINED FROM: **Robert Hansen, Operator**

COUNTY: **Bonner County**

INSPECTOR: **Jean Felker**

DATE OF SURVEY: **April 30, 2013**

NUMBER OF CONNECTIONS: **81**

POPULATION SERVED: **203**

**FIELD SURVEY DATA**

The Idaho Club Water System is a privately owned community water system serving the Hidden Lakes subdivision located in Bonner County, Idaho. The water system consists of two drilled wells (well field), three reservoirs, booster stations and distribution mains serving the Idaho Club community. The system serves 80 connections and approximately 77 people. The designated operator in charge, Robert Hansen, was onsite at the time of the survey.

**Source**

**Well 1** is a 6-inch well drilled in 1985 to a depth of 165 feet and capable of producing approximately 100 gpm. The casing extends at least 12 inches above ground level and is fitted with a watertight, vented well cap. The well is equipped with a 5 horsepower submersible pump rated at 45 gpm. The pump is controlled by a float switch in the lower reservoir. The wells have separate pump controls and flow meters which are located in a wood framed pump house approximately 200 feet west of well 1. The pump house is insulated and heated, with a concrete floor and securely locked to prevent unauthorized access. There were no toxic or hazardous materials noted on site at the time of the survey.



*Well 1*



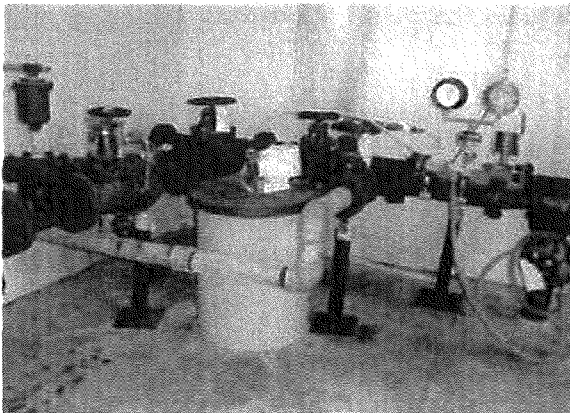
*Well 2 (well field)*

**Well 2** is a newer 8-inch well drilled in October 2000 to a depth of 160 feet and capable of producing approximately 200 gpm. This is the main well serving the subdivision. The casing extends a minimum of 18 inches above ground level, is properly sealed, and is fitted with a water tight, vented well cap.

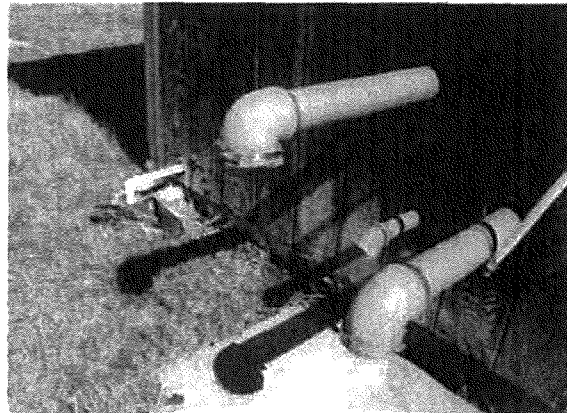
The wells can be flushed to waste by using the valves located inside the pump house and the flow to waste outlet pipes are properly screened. Smooth nose source water sample taps for each well are inside the pump house.

No existing ground water problems have been identified by the Source Water Assessment report completed in 2001. The GWUDI (Ground Water Under Direct Influence of Surface Water) assessment was completed for this source in June 2000 and determined that no surface water is influencing the ground water source.

The Idaho Club water system voluntarily provides disinfection by flow proportional injection of sodium hypochlorite. The chlorination holding tank must be vented to the outside.



*Inside well pump house*



*flow to waste & pressure relief overflow*

## **Storage**

The mid-level reservoir is a below ground 45,000 gallon concrete tank. The reservoir rides on the system and is located 190 feet above the well on a hillside northwest of the well field, on the north side of the highway. The reservoir has a 3-foot x 5-foot concrete riser fitted with a locking steel cover. A 3 horsepower submersible pump is controlled by a float switch in the upper reservoir.

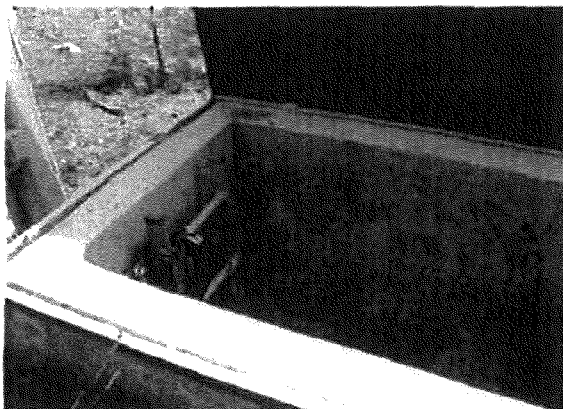
The upper reservoir is a 12,000 gallon concrete tank is on the north side of the highway serving the original development. The reservoir is below grade and rides on the upper portion of the distribution system. The reservoir has a concrete riser with a locking steel cover. The conduit needs to be replaced and was discussed during the survey.

The newest and largest reservoir is a 225,000 gallon concrete tank located on the south side of the highway on the hilltop near the latest development. It has screened vents, two flow to waste with flapper valves and meets the current requirements.

Water is pumped from the wellfield to booster station 1, which in turn pumps to the upper booster station 2 which feeds into the 225,000 gallon reservoir and provides gravity flow to the development located on the south side of the highway. Three 20 horsepower Baldor VFD pumps are in place in pump station 1.



*Mid-level reservoir*



*Inside hatch*

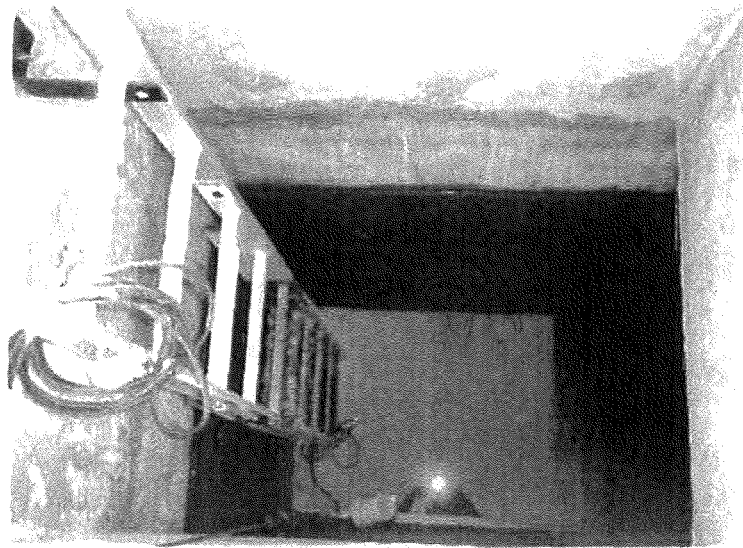


*Flow to waste, screened*

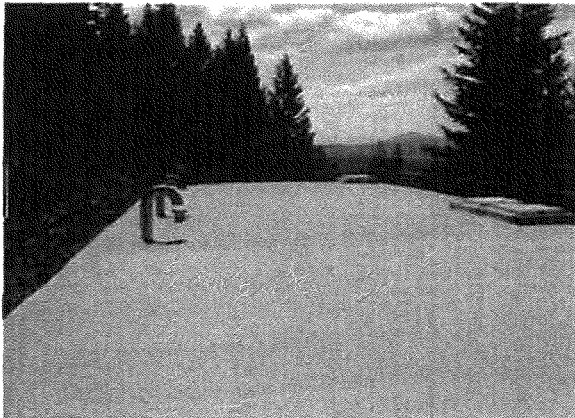




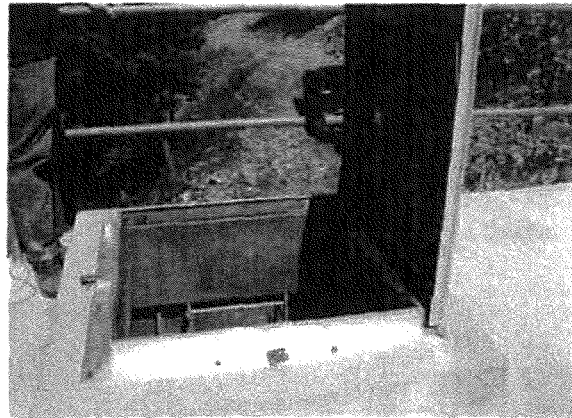
*Reservoir vent-screened*



*inside hatch*



*250,000 gallon reservoir*



*hatch*

### **Distribution**

The distribution system consists of 6-inch PVC and is not looped. The water system is able to maintain a minimum pressure of 40 psi during maximum demand conditions. All water mains that provide fire flow have a diameter of at least 6 inches. All dead ends are flushed at least semiannually and all valves are exercised and flushed at least annually.

The system currently serves 81 connections, all of which are metered. The distribution lines consist of 6- and 8-inch PVC pipe. There have been no interruptions of service including pressure loss in the past year. If at any time there is a depressurization event, the water system operator must provide public notification to its users and also notify the DEQ.

A cross connection control program and by laws related to its enforcement are in place as required by the Rules (IDAPA 58.01.08.552.06). The water system must ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly.

Backflow prevention assemblies shall be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsection 552.06.c. Annual backflow testing of all backflow assemblies installed on underground sprinkler systems within distribution is required.

The Department recommends that all frost free hydrants on the water system have an atmospheric vacuum breaker installed to prevent cross connection contamination; and that at no time are frost free hydrants left in the open position when connected to garden hoses where attachments on the hose regulate flow.

### **Financial & Managerial Capacity**

Please complete the enclosed Financial and Managerial Capacity forms and return to the Department within 30 days.

The Department recommends an operation and maintenance manual be provided for the drinking water system. Operation and maintenance manuals should include daily operating instructions, trouble shooting, operator safety procedures, location of valves and other key system features, parts lists and parts order forms, and information for contacting the water system operator.

### **Monitoring Schedule**

#### Distribution:

- 1 coliform sample per month
- Lead and Copper – 5 samples per 3 years
- Disinfection ByProducts – 1 sample per 3 years

#### Wellfield 1 & 2:

- Inorganic Contaminants – 1 sample per 9 years
- Nitrite – 1 sample per 9 years
- Volatile Organic Contaminants – 1 sample per 6 years
- Arsenic – 1 sample per 9 years
- Nitrate – 1 sample per year
- Rads Uranium – 1 sample per 9 years
- Gross Alpha – 1 sample per 9 years
- Rads 226, 228, 226&228 – 1 sample per 6 years
- Sodium – 1 sample per 3 years
- Fluoride – 1 sample per 9 years

### **Conclusions and Recommendations**

No significant deficiencies were identified at the time of the survey. The previously noted deficiencies from the 11/26/2007 sanitary survey have been corrected. The significant deficiencies, deficiencies and recommendations listed below need to be addressed in a written Plan of Correction (POC) and submitted to DEQ within 30 days of the receipt of this letter. The POC is a simple narrative document that lists the deficiencies and additional requirements, how they will be corrected, and the date by which correction will be completed.

**Requirements:**

1. The chlorination holding tank in the pump house must be vented to the outside to prevent the corrosion of the electronic components and piping.
2. The 20,000 gallon reservoir needs to have the conduit repaired as discussed.
3. If at any time there is a depressurization event (pressure below 20 psi), the water system operator must provide public notification to its users and also notify the DEQ.
4. Financial & Managerial forms are included in this report. *Please complete and return within 30 days.*

**Recommendations:**

1. The Department recommends the valves in distribution be exercised annually; any dead end distribution mains must be flushed every six months.
2. The Department recommends an operation and maintenance manual be provided for the drinking water system. Operation and maintenance manuals should include daily operating instructions, trouble shooting, operator safety procedures, location of valves and other key system features, parts lists and parts order forms, and information for contacting the water system operator.

*Jean Felker*

05/23/2013

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Jean Felker, Drinking Water Analyst

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Date

MANAGERIAL CAPACITY

(mm/dd/yyyy)

COMMENTS: (Please indicate the question number)

yes no n/a unk note

MANAGERIAL CAPACITY

- 1. Is a properly licensed operator available at all times? (N/A for GW-NC PWS)
2. Is there a Drinking Water Source Protection Plan developed for this system?
Date: [ ]

Date: [ ]

- 3. Does this PWS have a governing body or board of directors?

If no, please indicate:

- Sole Proprietorship
Partnership
Limited Liability Corp.
Other: [ ]

- 4. How often does the board meet?
N/A
weekly semi-annually never
monthly annually unknown
bimonthly as necessary other: [ ]

yes no n/a unk note

- 5. Are the following records maintained onsite or located near by?

- Bacteriological Analysis - 5 years retention.
- Chemical Analysis - 10 years retention.
- Records of actions taken to correct violations - 3 years retention.
- Copies of reports, summaries or communication related to sanitary surveys - 10 years retention.
- Reports concerning variances or exemptions - 5 years retention.
- Copies of public notices issued - 3 years retention.
- Daily free chlorine residuals (required disinfection) - 1 year retention.

- 6. Are routine maintenance schedules established? (Recommended)

- 7. Is an operation and maintenance manual(s) provided for the PWS and does it include; daily operating instructions, operator safety procedures, location of valves and other key system features, parts list and parts order form, and information for contacting the water system operator?

- 8. Is there a clear plan of organization and control among the people responsible for management and operations of the water system? (Recommended)

- 9. Are any samples of the following parameters past due?

- Coliform
Nitrates
Nitrites
Lead and Copper
IOCs
VOCs
SOCs
Disinfection Byproducts
Radionuclide

- 10. Is a written total coliform rule (TCR) sample site plan available for review?

- 11. Does the (TCR) sample site plan meet the minimum requirements?

- 12. Does the system have a sufficient supply of approved sampling bottles properly stored? (Recommended)

- 13. Does the PWS provide stairways, ladders and handrails where needed?

- 14. Are treads of non-slip material provided where needed?

- 15. Is a health concern produced from inadequately protected electrical wiring?

- 16. Are all confined space entry requirements considered?(Recommended)

- 17. Are there any unused subsurface water storage tanks that need to be abandoned?

- 18. Are there any water supply wells that are no longer being used that need to be abandoned?

**FINANCIAL CAPACITY**

(mm/dd/yyyy)

yes no n/a unk note

**FINANCIAL CAPACITY**

- 1. Is the PWS current with the payment of drinking water fees?
- 2. Does the PWS charge a drinking water fee to the user?  
If yes, what is the fee: \$
- 3. Is the PWS in the business of selling water?  
**#3 Note:** → - If no, identify why in the comments section and mark "N/A" on questions 4 - 19.
- 4. Does the PWS provide and use an annual budget? *(Recommended)*
- 5. If applicable, is the PWS fund separate from the waste water/sewer utility fund? *(Recommended)*
- 6. Do water system revenues exceed expenditures? *(Recommended)*
- 7. Are controls established to prevent expenditures from exceeding revenues?
- 8. Has an independent financial audit been completed? *(Recommended)*
- 9. If yes, is a copy of the most recent balance sheet for the water system available? *(Recommended)*
- 10. Does the water system include a cash budget within its annual budget for cash flow? *(Recommended)*
- 11. Does the water system management review the user fee, user charge, or rate system at least annually? *(Recommended)*
- 12. When was the last user fee, user charge, or rate system adjustment?  
 mm/dd/yyyy
- 13. Does the water system management review financial reports at least monthly? *(Recommended)*
- 14. Does the PWS provide and use a capital budget? *(Recommended)*
- 15. Has this PWS produced and does it currently utilize a capital improvements plan? *(Recommended)*
- 16. If yes, when was the capital improvements budget produced?  
 mm/dd/yyyy
- 17. Has the capital improvement budget been updated in the last 18 months? *(Recommended)*
- 18. Does the water system budget provide funding for depreciation of existing plant in service and/or for the funding of reserves for system replacement?
- 19. Are there sufficient funds for training personnel?

**COMMENTS:**

(Please indicate the question number)

MICHAEL C. STEWART  
Attorney at Law  
513 North Fourth Avenue  
Sandpoint, Idaho 83864  
Phone (208) 263-5664

**BILL OF SALE, AGREEMENT  
and  
WARRANTY AND INDEMNIFICATION**

KNOW ALL PERSONS by these presents, that for value received, E.S.I., INC., an Idaho corporation, (transferor) of 2910 West Oden Bay Road, Sandpoint, Idaho 83864, does hereby sell, transfer and convey unto JV L.L.C., an Idaho limited liability company, (transferee) of P.O. Box B, Sandpoint, Idaho 83864, all right, title and interest in and to the following described property:

All tangible and intangible personal property in connection with that sewer system that provides sewer disposal service to the Hidden Lakes Golf Course in Bonner County, Idaho, and to the adjacent subdivision known as Hidden Lakes Subdivision. The tangible property is:

1. The entire system for septic and sewage disposal,
2. All installations of pipe, tanks, valves, pumps, lagoon, and all other equipment used in conjunction with the system,
3. All plans, drawings, and engineering "as Built and Installed,"
4. All correspondence relating to the system originated by permitting agencies and governmental entities,
5. All existing contracts and agreements with the Users of the system.

BILL OF SALE, ETC. 1

Exhibit

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This transfer and conveyance and shall also include all of transferor's right, title and interest in and to those easements relating to the operation of said sewer system including but not limited to those easements recorded as Instrument Nos. 405072, 405071, 355874, 355875, and 405070, records of Bonner County, Idaho.

The transferor warrants and represents to transferee that it has the power and authority to transfer to transferee the property described above.

The transferor warrants the system is installed to the "As Built" plans and in compliance with ordinances, rules and regulations of Bonner County, State of Idaho, Panhandle Health District, and the Idaho Department of Health and Welfare. Transferor warrants that the system is in good working order with no known defects or failures existing at the time of sale.

Transferee is aware that:

1. That it is necessary to expand the lagoon system when additional houses/users hook up.

2. That the Land Application Permit is in process by Welch Engineering, and that the State of Idaho permit is predicated on Land Application.

3. That some of the Users are required to sign a Sewer Service Agreement.

4. That transferee will bill the users as of October 1, 1995.

5. That there is no real estate transferred with this sale, except transferee's interest in the easements referred to above.

6. That lots owned by E.S.I., INC., an Idaho corporation, in the Hidden Lakes Subdivision, or additions thereto, are exempt from sewer and water fees, until said lots are sold or

otherwise conveyed by E.S.I., INC.

Transferees shall keep said sewer system in good working order in compliance with all laws and regulations, and that transferee shall indemnify and hold transferor harmless from any and all claims arising from transferee's negligent operation of the system subsequent to the date transferee takes possession.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands on this 20<sup>th</sup> day of October, 1995. at Sandpoint, Idaho.

E.S.I., INC.

Joseph G. Lapham  
BY: JOSEPH G. LAPHAM, President

JV L.L.C.

BY: Hidden Lakes Limited Partnership, Member

William A. Berry  
By: WILLIAM A. BERRY, General Partner

James Berry  
By: JAMES BERRY, General Partner

BY: Sun Mountain, Inc., Member

William A. Berry  
By: William A. Berry, President

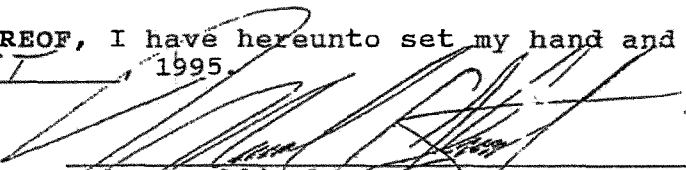
James Berry  
By: James Berry, Secretary



STATE OF IDAHO )  
 ) ss.  
County of Bonner )

On this day personally appeared before me, the undersigned Notary Public, JOSEPH G. LAPHAM, known to me to be the President of E.S.I., INC., an Idaho corporation, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

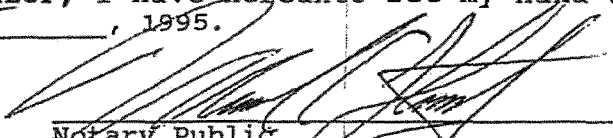
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT, 1995.

  
\_\_\_\_\_  
Notary Public  
Residing at: Campana  
Comm. Exp.: 2/8/2000

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

On this day personally appeared before me, the undersigned Notary Public, WILLIAM A. BERRY and JAMES BERRY, known to me to be the general partners in the partnership of HIDDEN LAKES LIMITED PARTNERSHIP, an Idaho limited partnership, and the general partners who subscribed said partnership name to the foregoing instrument, and said limited partnership is known to me to be a member of JV L.C.C., an Idaho limited liability company, and said persons acknowledged to me that said limited partnership executed the same in said limited liability company name.

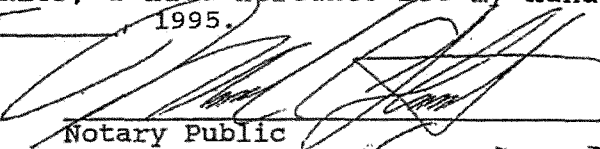
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT, 1995.

  
\_\_\_\_\_  
Notary Public  
Residing at: Campana  
Comm. Exp.: 2/8/2000

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

On this day personally appeared before me, the undersigned Notary Public, WILLIAM A. BERRY and JAMES BERRY, known to me to the President and Secretary, respectively, of Sun Mountain, Inc., an Idaho corporation, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same, and corporation is known to me to be a member of JV L.C.C., an Idaho limited liability company, and said persons acknowledged to me that said corporation executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT 1995.

  
\_\_\_\_\_  
Notary Public  
Residing at: 3 ANPPAINT  
Comm. Exp.: 8/8/2000

MICHAEL C. STEWART  
Attorney at Law  
513 North Fourth Avenue  
Sandpoint, Idaho 83864  
Phone (208) 263-5664

BILL OF SALE, AGREEMENT  
and  
WARRANTY AND INDEMNIFICATION

KNOW ALL PERSONS by these presents, that for value received, JV L.L.C., an Idaho limited liability company, of P.O. Box B, Sandpoint, Idaho 83864, (transferor) does hereby sell, transfer and convey unto V.P., INC., an Idaho corporation, (transferee) of 218 Cedar Street, Sandpoint, Idaho 83864, all right, title and interest in and to the following described property:

All tangible and intangible personal property in connection with that sewer system that provides sewer disposal service to the Hidden Lakes Golf Course in Bonner County, Idaho, and to the adjacent subdivision known as Hidden Lakes Subdivision. The tangible property is:

1. The entire system for septic and sewage disposal,
2. All installations of pipe, tanks, valves, pumps, lagoon, and all other equipment used in conjunction with the system,
3. All plans, drawings, and engineering "as Built and Installed,"
4. All correspondence relating to the system originated by permitting agencies and governmental entities,
5. All existing contracts and agreements with the Users of the system.

This transfer and conveyance and shall also include all

of transferor's right, title and interest in and to those easements relating to the operation of said sewer system including but not limited to those easements recorded as Instrument Nos. 405072, 405071, 355874, 355875, and 405070. And to the extent any transfers on this date of the above easements to the herein transferor caused said easement(s) to merge with the title of transferor, transferor does hereby convey unto transferee and reinstate the terms and conditions of said easements that may have been extinguished by merger.

The transferor warrants and represents to transferee that it has the power and authority to transfer to transferee the property described above.

The transferor warrants the system is installed to the "As Built" plans and in compliance with ordinances, rules and regulations of Bonner County, State of Idaho, Panhandle Health District, and the Idaho Department of Health and Welfare. Transferor warrants that the system is in good working order with no known defects or failures existing at the time of sale.

Transferee is aware that:

1. That it is necessary to expand the lagoon system when additional houses/users hook up.

2. That the Land Application Permit is in process by Welch Engineering, and that the State of Idaho permit is predicated on Land Application.

3. That some of the Users are required to sign a Sewer Service Agreement.

4. That transferee will bill the users as of October 1, 1995.

BILL OF SALE, ETC. 2

5. That there is no real estate transferred with this sale, except transferee's interest in the easements referred to above.

6. That lots owned by E.S.I., INC., an Idaho corporation, in the Hidden Lakes Subdivision, or additions thereto, are exempt from sewer and water fees, until said lots are sold or otherwise conveyed by E.S.I., INC.

Transferees shall keep said sewer system in good working order in compliance with all laws and regulations, and that transferee shall indemnify and hold transferor harmless from any and all claims arising from transferee's negligent operation of the system subsequent to the date transferee takes possession.

Transferor shall be entitled to collect all hookup fees from existing platted lots and from land owned by Sun Mountain, Inc., which is situated Northwesterly of Lower Pack River Road.

Transferor shall be responsible at its own cost, pursuant to its existing obligation with E.S.I., Inc., to install the "Spray Irrigation Land Application" system when needed.

Transferor assigns to transferee and transferee agrees to assume that certain promissory note in the original amount of \$150,000.00 executed by transferor on or about this date in favor of E.S.I., Inc., an Idaho corporation. The transferee further agrees to comply with all terms and conditions of said promissory note and the security instruments related thereto, and shall indemnify and hold the herein transferor harmless therefrom. Transferee further agrees to tender substitution of collateral in accordance with the terms and conditions of said deed of trust.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands on this 20<sup>th</sup> day of October, 1995, at Sandpoint,

Idaho.

JV L.L.C.

BY: Hidden Lakes Limited Partnership, Member

William A. Berry  
By: WILLIAM A. BERRY, General Partner

James Berry  
By: JAMES BERRY, General Partner

BY: Sun Mountain, Inc., Member

William A. Berry  
By: William A. Berry, President

James Berry  
By: James Berry, Secretary

V.P., INC.

Barbara Huguenin  
BY: BARBARA HUGUENIN, President

STATE OF IDAHO )  
County of Bonner ) ss.  
)

On this day personally appeared before me, the undersigned Notary Public, WILLIAM A. BERRY and JAMES BERRY, known to me to be the general partners in the partnership of HIDDEN LAKES LIMITED PARTNERSHIP, an Idaho limited partnership, and the general partners who subscribed said partnership name to the foregoing instrument, and said limited partnership is known to me to be a member of JV L.C.C., an Idaho limited liability company, and said persons acknowledged to me that said limited partnership executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT, 1995.

[Signature]  
Notary Public  
Residing at: SANDPIT  
EX F/S/2110

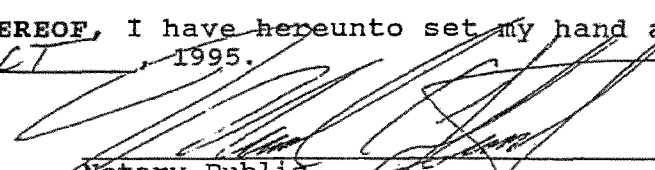
BILL OF SALE, ETC. 4

Comm. Exp.: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

On this day personally appeared before me, the undersigned Notary Public, WILLIAM A. BERRY and JAMES BERRY, known to me to the President and Secretary, respectively, of Sun Mountain, Inc., an Idaho corporation, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same, and corporation is known to me to be a member of JV L.C.C., an Idaho limited liability company, and said persons acknowledged to me that said corporation executed the same in said limited liability company name.

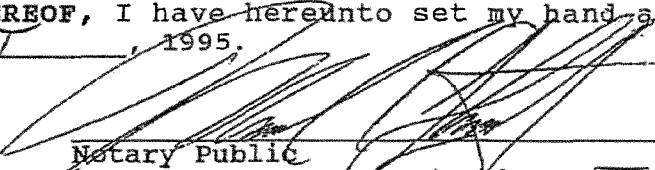
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT, 1995.

  
\_\_\_\_\_  
Notary Public  
Residing at: SANDPOINT  
Comm. Exp.: 8/8/2000

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

On this day personally appeared before me, the undersigned Notary Public, BARBARA HUGUENIN, known to me to be the President of V.P., INC., an Idaho corporation, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of OCT, 1995.

  
\_\_\_\_\_  
Notary Public  
Residing at: SANDPOINT  
Comm. Exp.: 8/8/2000

## CONSTRUCTION AND OPERATING AGREEMENT

This Construction and Operating Agreement ("**this Agreement**") is entered into this ~~17th~~ day of June 2006 by and between VP Inc., an Idaho Corporation ("**VP**") and Pend Oreille Bonner Development, LLC, a Nevada limited liability company ("**Company**"). This Agreement concerns the construction and operation of the sewer and water systems which VP owns and which are located on the property (the "**Property**") which was purchased by Pend Oreille Bonner Development Holdings, Inc., a Nevada corporation ("**Buyer**"), from North Idaho Resorts, LLC, an Idaho limited liability company. Buyer will then contribute the Property to Company. The Property is described in title insurance Commitment No. 00041847 dated April 17, 2006 issued by Sandpoint Title Insurance, Inc..

### RECITALS

A. As used herein the term "**Systems**" shall mean the sanitary sewer system and the water system (including potable domestic water and water for fire prevention purposes) for the residential, commercial and recreational facilities which Company intends to develop on the Property

B. As used herein the term "**System Improvements**" shall mean all improvements necessary for the construction and operation of the Systems including, without limitation: a structure located on the Property containing adequate space for the operation and monitoring Systems services, storage facilities, underground main collection and distribution lines, pumps, wells, casings, motors, screens, pitless adaptors, hydrants, valves, sensors, electrical lines, septic tanks, meters, landscaping, risers, vents, lagoons, power service, pumping stations, land application equipment, sensors, monitors, sending units, sprinklers, fire hydrant lines and hydrants, office facility land application, leach or drip areas and back up for those areas if so required now or at a future date and any and all other equipment including installation labor and costs as deemed necessary by VP for the purposes of operating the Systems as required by the, United States Environmental Protection Agency Idaho Department of Environmental Quality, the Idaho Department of Water Resources, Panhandle Health District, and any other governmental agencies having jurisdiction over the operation and maintenance of the Systems on the Property.

C. As used herein the term "**Plans**" shall mean the civil improvement plans and drawings for the System Improvements prepared and to be prepared by Toothman-Orton Engineers. Conceptual plans for the System Improvements currently exist and

Exhibit

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lagoon and going into the irrigation lakes and shall have the right to jointly monitor with Company the physical application to the golf course, all as may be required by the governmental agencies. All costs of monitoring effluent at the point of discharge from the storage lagoon shall be borne by VP and all costs of monitoring land application on the golf course shall be borne by Company. Company shall be solely liable and responsible for meeting all governmental regulations for said land application on the golf course and VP shall be solely liable and responsible for providing effluent that meets all governmental regulations, and each party shall hold harmless the other for damages that may occur as a result of the aforementioned treatment and land application performed..

5. **Mode of Construction.** Company shall cause the construction of the System Improvements to be performed in accordance with the Plans and in a workmanlike manner in accordance with all applicable rules, by a licensed public works contractor. Company shall be responsible for, and Company shall be exclusively entitled to receive any insurance proceeds and to exercise any remedies in connection with any repairs or reconstruction or damages which result from defects and deficiencies in design and/or construction work.

6. **Pre-Completion Changes.** If any agency with jurisdiction over the operation and maintenance of or design of the Systems shall require any change in the Plans, land application, storage or treatment facilities prior to the completion of the construction of the Systems, Company, at Company's cost, shall cause such changes to be made.

7. **Post-Completion Changes.** If any agency with jurisdiction over the operation and maintenance of the Systems shall require changes in the Systems as completed, in land application, storage or treatment facilities after completion of the Systems, VP shall bear the cost (including capital costs) of making such changes; provided, however, that VP shall be allowed to pass those costs along to customers using the Systems to the extent permitted by the services contracts between VP and said customers. Completion of Systems shall occur at such time as all construction of the System on Property shall be finished per Plans.

8. **Service Contracts.** VP and Company shall enter into a master service contract for the provision of Systems services to each residential and commercial unit requiring Systems services including units currently existing on the Property and units constructed on the Property after the date of this Agreement. The master service contract shall provide for individual service agreements between VP and the owner of each of the aforesaid units. The master service contract as well as the individual agreements shall provide for fees for the use of Systems services. A copy of the master service contract which the parties intend to execute is attached hereto as Exhibit. The form of individual service agreement which the parties foresee will be utilized is attached hereto as Exhibit.

9 **Individual Service Agreements.** Company shall require (a) any entity or association formed to operate or responsible for operating restrooms, picnic facilities

and/or other recreational amenities which use System services and (b) all purchasers of commercial and/or residential lots and/or units which Company develops on the Property, prior to and as a condition to close of escrow for the purchase and sale of any such lot and/or unit, to enter into an individual service agreement with VP providing for System services to such lot and/or unit.

10. **Provision of System Services.** In consideration for the rate revenue which VP receives for providing System services, VP hereby agrees, at all times after Company acquires title to the Property, to provide Systems services to all lots and/or units on the Property which presently or hereafter require Systems services upon installation of said services by Buyer. VP shall commence charges for sewer and water services provided to Company for the Hidden Lakes Clubhouse, Maintenance facility, and the Old clubhouse immediately upon closing of escrow on Property. VP Shall commence service charges for sewer and water services for any new platted parcel or parcels at such time as those parcels are sold by Buyer or Buyer commences vertical construction on a parcel, providing that the construction of sewer and/or water service has been completed to said parcels. Buyer agrees that in the event construction has not commenced on a parcel not sold within one year of the recording of any plat then Buyer or subsequent parcel buyers shall commence paying service charges whether or not sewer and water service has been completed to those platted parcels.

11. **Assignment of Rights.** Company shall assign to VP any rights, and any and all right title and interest in and to any permits or licenses which Company may presently hold or may hereafter obtain: (a) which allow Company to provide domestic water and sewer services for the Property. and (b) which Company may have in any currently existing wells and/or well lots or in wells and/or well lots hereafter developed on the Property. All existing and future well lots shall be deeded to VP at close of sale of Property, if wells currently exist or, in the case of wells to be built, said well lots shall be deeded to VP upon completion of development of said wells by Buyer. Buyer agrees that the providing of sewer and water service to any and all residential or commercial users or and development requiring sewer or water service on subject Property shall be provided solely by VP

12. **Rate Charges.**

(a) **Monthly Rates.** All charges by VP for Systems services shall be based upon the monthly fees charged by VP for Equivalent Residential Units "ERU's" and the number of ERU's required for each service. .

(b) **No Hook-up Fees.** In no event shall any rates charged or collected by VP include, nor shall VP be entitled directly or indirectly, to any hook-up or tap fees

(e) **Further Instruments.** At any time and from time to time following Close of Escrow under the purchase agreement pursuant to which Company acquires the Property, each party, at the expense of the requesting party, shall execute and deliver (and acknowledge before a notary public where necessary) such instruments of transfer and such other documents as the other party may reasonable request or as are necessary to carry out and give effect to the purposes and intent of this Agreement Concurrently with the closing of escrow on the transfer of Property, from North Idaho Resorts LLC to Buyer a copy of this agreement executed by VP and Buyer or a memorandum of this agreement shall be recorded with the Official Records of Bonner County, Idaho.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

North Idaho Resorts LLC  
By Vilelli Enterprises Inc, Managing Partner



By Richard A. Vilelli, President

VP Inc.



By Richard A. Vilelli, President

Pend Oreille Bonner Development LLC .

By 

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:  
Martin E. Taylor, AICP  
James A. Sewell & Associates  
1205 Highway 2, Suite 101  
Sandpoint, Idaho 83864  
(208)263-4160

714036

FILED BY  
*Shab Club*  
2006 SEP 27 A 10:27  
300  
MARIE SCOTT  
BONNER COUNTY RECORDER  
*MS* DEPUTY

**LIENHOLDER'S CONSENT TO PLAT**

R.E. Loans, LLC, a California limited liability company, the Mortgagee under the Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing to secure an original indebtedness of \$20,500,000.00 and any other amounts and/or obligations secured thereby, recorded June 19, 2006, at Instrument No. 706471 and No. 706472, records of Bonner County, Idaho, and the Secured Party under the UCC Financing Statement recorded Jun 19, 2006, at Instrument No. 706473, records of Bonner County, Idaho, hereby consents to the Replat of GOLDEN TEE ESTATES and GOLDEN TEE ESTATES 1<sup>st</sup> ADDITION, and the Final Plat of GOLDEN TEE ESTATES 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> ADDITIONS (Bonner County Planning Department File No. S1246-05).

R.E. LOANS, LLC, a California limited liability company  
By its agent BAR K, Inc., a California corporation

*Barney Ng*  
By: Barney Ng  
Its: President

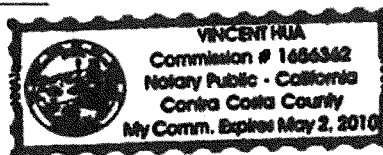
Dated this 22<sup>nd</sup> day of September, 2006.

STATE OF CALIFORNIA )  
County of CONTRA COSTA ) S.S.

On this 22<sup>nd</sup> day of SEPTEMBER, 2006, before me, VINCENT HUA, the undersigned notary public, personally appeared Barney Ng, known to be or proved to me on the basis of satisfactory evidence to be the President of BAR K, Inc., the agent for R.E. Loans, LLC., the person who executed the within instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

*Vincent Hua*  
NOTARY PUBLIC FOR STATE OF CALIFORNIA  
Residing at 201 Lafayette Circle, Lafayette, CA  
My Commission Expires May 2, 2010





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83705 • (208) 373-0502

C.L. "Butch" Otter, Governor  
Curt Fransan, Director

September 12, 2013

Mr. Charles Reeves  
Pend Oreille Bonner Development LLC  
151 Clubhouse Lane  
Sandpoint, ID 83864

CERTIFIED MAIL NO.: 7010 3090 0002 3445 7382  
RETURN RECEIPT REQUESTED

Richard A. Villelli  
VP Incorporated  
533739 Highway 95  
Bonners Ferry, ID 83805

CERTIFIED MAIL NO.: 7010 3090 0002 3445 1203  
RETURN RECEIPT REQUESTED

Dear Sirs:

Enclosed for your files is a copy of the fully executed Compliance Agreement Schedule (CAS) regarding the actions Pend Oreille Bonner Development LLC (PBD) and VP Inc. (VP) need to take in order to resolve the excessive wastewater elevation that currently exists in the Idaho Club's recycled water lagoon. Please bear in mind that this is a legal agreement between the Department of Environmental Quality (DEQ), and PBD in partnership with VP. If difficulties arise such that a required item in the CAS cannot be met by the stipulated date, please contact DEQ as soon as possible. Thank you for your continued cooperation in this matter and if you have any questions, please contact Daniel Redline at (208) 769-1422 or at the following address:

Daniel Redline, Regional Administrator  
Idaho Department of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene, ID 83814

Thank you for your prompt attention to this matter. The Department is confident that we can work cooperatively to resolve these issues.

Sincerely,

Barry N. Burnell  
Water Quality Division Administrator

Enclosure

BNB:AJM:ij

C: Andrea Courtney, Attorney General  
Chas Ariss, P.E., Wastewater Program Manager, A.J. Maupin, P.E., DEQ State Office  
Daniel Redline, Administrator, John Tindali, P.E., Engineering Manager, DEQ Coeur d'Alene Regional Office

Exhibit  
8794

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of: )  
Pend Oreille Bonner ) COMPLIANCE AGREEMENT SCHEDULE  
Development, LLC. ) PURSUANT TO  
And ) Idaho Code § 39-116A  
VP Incorporated )  
)  
)

- 
1. Pursuant to the Idaho Environmental Protection and Health Act (EPHA), Idaho Code § 39-116A, the Idaho Department of Environmental Quality (DEQ) enters into this Compliance Agreement Schedule (CAS) with Pend Oreille Bonner Development, LLC (PBD) and V.P. Inc. (VP).
  2. PBD has a municipal wastewater reuse permit (Reuse Permit LA-000123-02) for a land development project which involves reconstruction and expansion of the existing Hidden Lakes wastewater system. PBD also operates under the assumed business name of "*The Idaho Club*." Charles Reeves is the president of Pend Oreille Bonner Development Holdings, Inc. (PBDH). PBDH is a member of PBD. PBD owns property located on 865-acres in rural Bonner County approximately seven (7) miles east of Sandpoint near the confluence of the Pack River into Lake Pend Oreille. The development is currently named The Idaho Club with offices located at 151 Clubhouse Lane, Sandpoint, Idaho 83864. The Idaho Club development consists of three hundred (300) permitted connections of which eighty one (81) are in use. The wastewater from The Idaho Club is treated through wastewater reuse facilities.
  3. VP owns and operates a Public Water System (PWS #ID1090195) that supplies potable water to The Idaho Club. VP employs Robert F. Hansen, a licensed Class II drinking water distribution system operator and Backflow Assembly tester as the system's Responsible Charge Operator (RCO). PBD also employs Mr. Hansen as the wastewater and land application system RCO to operate the wastewater treatment and land application systems for The Idaho Club. Mr. Hansen also holds licenses for Class II wastewater treatment, lagoon, land application, and Class II wastewater collection systems.
  4. PBD and VP shall be referred to collectively as the "Parties" within this CAS.
  5. On July 28, 2010, DEQ issued Municipal Wastewater Reuse Permit LA-000123-02 (Permit) to PBD, doing business as "*The Idaho Club*," pursuant to the Recycled Water Rules, IDAPA 58.01.17 and the EPHA. Responsible Officials identified in this Permit are:
    - a. Charles Reeves  
Pend Oreille Bonner Development LLC  
151 Clubhouse Lane  
Sandpoint, ID 83864
    - b. Richard A. Vilelli  
VP Incorporated  
533739 Highway 95  
Bonners Ferry, ID 83805

The Permit requires PBD to construct, install and operate the wastewater reuse system. On November 5, 2010 modifications to the Permit were issued as Appendix A. The Appendix A is incorporated into and constitutes a part of the Permit, and all references to the Permit include the terms of Appendix A.

6. On July 26, 2013, DEQ mailed a certified letter (#7011 0110 0000 4529 6278) to PBD, c/o Mr. Reeves, addressing problems with the operational status of The Idaho Club reuse facilities. This letter outlined possible legal and administrative actions that DEQ could initiate if the wastewater treatment and recycled water facilities were not brought into compliance with the Permit in an expeditious manner. These possible actions include:
  - a. Obtain a temporary restraining order, in accordance with Idaho Code § 39-108, that would require the facilities to stop accepting wastewater into the system and develop a detailed plan addressing:
    - i. Proper treatment and disposal of the wastewater currently contained in the lagoon and for wastewater to be received during the remainder of 2013 growing season, and for the 2013-2014 non-growing season.
    - ii. How PBD plans to bring the Recycled Water System back into compliance with the Permit and applicable rule requirements, and
    - iii. Proper system operation that complies with the Permit and the approved Plan of Operation dated November 1, 2011.
  - b. Revoke the Reuse Permit LA-000123-02, due to failure to properly operate and maintain the wastewater system as required in Permit Section I.1.
  - c. Issue a new Notice of Violation and Consent Order to address the emergent Permit and Rule violations.
  - d. Re-impose Sanitary Restrictions on any undeveloped lot in The Idaho Club development as provided in Idaho Code § 50-1326.

DEQ retains the right to initiate any of these courses of action if this CAS is not adhered to in its entirety, and PBD and VP acknowledge that failure to perform work as prescribed in this CAS or as prescribed by a document approved under this CAS shall be grounds for termination of this CAS or other relief as provided by Paragraph 18. Any work that deviates from that prescribed in this CAS or documents approved under this CAS shall require prior written approval from DEQ.

7. The Parties hereby agree to the terms and conditions of this CAS to achieve compliance with the Recycled Water Rules and the Permit as expeditiously as possible. The Parties shall initiate and complete the following activities:
  - a. The Parties requested permission to irrigate Class C recycled water to The Idaho Club golf course because the 7.65 million gallon (MG) aerated wastewater lagoon (LG-012301) is exceeding its design storage capacity. The Parties may irrigate the golf course (hydraulic management units (HMU): MU-012301 and MU-012302) with Class C recycled water only in September and October 2013. This temporary authorization must comply with the terms of this CAS, and is subject to the following conditions:
    - i. The golf course shall be closed to public use for the duration of Class C irrigation.

- ii. Irrigation of Class C recycled water shall not exceed the permit conditions for the months of September and October.
  - iii. Irrigation of Class C recycled water shall in no case continue after October 31, 2013.
  - iv. The required buffer zone distances shall be met for Class C recycled water irrigation in accordance with Section F of the Permit.
  - v. Piezometers installed during the previous Class C recycled water application event, if still present, may be used to measure the depth to ground water. If these piezometers have been removed, they must be replaced prior to Class C recycled water application in the affected HMU(s). Depth to ground water below the ground's surface shall be taken prior to golf course irrigation to ensure the ground water depth exceeds 36-inches. If depth to ground water is less than 36-inches, irrigation shall cease until this minimum separation distance is attained or exceeded.
  - vi. Signage must be posted on/near the golf course that meets the requirements of the Recycled Water Rules (IDAPA 58.01.17.603.03) and states that the golf course is closed.
  - vii. Irrigation of recycled water shall follow the Permit with the following exceptions:
    - 1. Class C recycled water can be irrigated on MU-012301 and MU-012302.
    - 2. Total coliform bacteria analysis will be required on a daily basis when irrigating Monday to Friday. Total coliform bacteria analysis will not be required when irrigating on Saturday and Sunday.
    - 3. Free or total chlorine residual concentration monitoring will be required on a daily basis when irrigating. When not sampling for total coliform, the chlorine residual concentration must be maintained at concentrations that have been correlated to acceptable total coliform bacteria concentrations during this temporary Class C irrigation event.
  - viii. The Annual Wastewater Reuse Site Performance Report due January 31, 2014 shall include a description of how the conditions of the Permit and this CAS were met during the irrigation of Class C recycled water on MU-012301 and MU-012302. The Wastewater Reuse Site Performance Report shall include, but not limited to the following:
    - 1. All results for monitoring required in Permit Section G, and
    - 2. The water balance calculations showing the actual lagoon volume starting in September 1, 2013 through December 31, 2013 and the projected lagoon volume ending August 31, 2014.
- b. The application of recycled water to the land surface requires the direct oversight of a licensed land application RCO (IDAPA 58.01.16.203.07). Consequently, the irrigation schedule for The Idaho Club golf course shall be approved by the land application RCO. Since this is a Rule requirement, the oversight of irrigation operations using recycled water under this Permit shall be the sole responsibility of the RCO and Substitute RCO (SRCO), in the absence of the RCO. Other parties with operational control of the irrigation equipment at the irrigation sites must temporarily relinquish control of the equipment to the RCO and/or SRCO during recycled water application.
- c. Removal of excess wastewater is required to provide adequate winter storage volume in the wastewater lagoon. If application of Class C recycled water onto the designated areas on the



- c. VP agrees it shall cause the Annual Wastewater Reuse Site Performance Report, due January 31, 2014, to be prepared for submission, and submit the report to DEQ.
  - d. VP also agrees that it will maintain the continuous down-flow sand filter in an operational status prior to and during the application season, which begins May 1, 2014.
  - e. PBD shall execute deeds for the lagoon lot, identified as Block 17, Lot 2, Golden Tee Estates, the well reservoir lots, and booster pump lots to VP by September 20, 2013.
12. A waiver by DEQ of any provision, term, condition or requirement of this CAS shall not constitute a waiver of any other provision, term, condition or requirement of this CAS.
  13. If real property in The Idaho Club (or any portion thereof) is sold by PBD prior to completion of the requirements of this CAS and termination thereof, PBD shall notify any purchaser of the terms and conditions of this CAS and the current status of completion of the requirements of this CAS.
  14. The sale of real property in The Idaho Club (or any portion thereof) by PBD shall not relieve PBD of its obligation to complete the terms and conditions of this CAS unless the purchaser enters into a new CAS or agrees in writing to the assignment of the obligations of this CAS.
  15. Pursuant to Idaho Code § 39-116A, DEQ and the Parties shall meet annually in order to reassess the necessity and appropriateness of this CAS.
  16. If any provision or part thereof is declared unenforceable or invalid, it shall not affect the validity or enforceability of the remaining provisions of this CAS. The provisions contained herein are severable.
  17. This CAS shall bind the Parties, their successors and assigns until such time as the terms of the CAS are met, and DEQ provides the Parties with written notice of CAS termination.
  18. In the event any Party fails to comply with any of the terms and conditions of this CAS, the Party shall notify DEQ of such failure within five (5) business days of said event. The Parties expressly recognize that failure to comply with the terms and conditions of this CAS may result in administrative or civil action for specific performance of this CAS, civil and administrative penalties, assessment of costs and expenses, restraining orders, injunctions, attorney's fees, and other relief available under law.
  19. DEQ and the Parties, through the undersigned representatives, each represent and warrant that each has the authority to enter into this CAS and to take all actions provided herein.

20. The effective date of this CAS shall be the date of the signature by DEQ's Director.

DATED this 11 day of Sept, 2013



\_\_\_\_\_  
Curt Fransen, Director  
Department of Environmental Quality

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Charles Reeves, Manager  
Pend Oreille Bonner Development, LLC


DATED this 11th day of September 2013



\_\_\_\_\_  
Richard A. Villelli, President  
VP Incorporated

20. The effective date of this CAS shall be the date of the signature by DEQ's Director.

DATED this 11<sup>th</sup> day of Sept., 2013

  
\_\_\_\_\_  
Curt Fransen, Director  
Department of Environmental Quality

DATED this 11<sup>th</sup> day of September, 2013

  
\_\_\_\_\_  
Charles Reeves, Manager  
Pend Oreille Bonner Development, LLC

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Richard A. Vilelli, President  
VP Incorporated

Susan P. Weeks, ISB No. 4255  
Daniel M. Keyes, ISB No. 9492  
JAMES, VERNON & WEEKS, PA  
1626 Lincoln Way  
Coeur d'Alene, Idaho 83814  
Telephone: (208) 667-0683  
Facsimile: (208) 664-1684  
[sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net)

FILED 17 FEB 17 PM 4:48  
CLERK OF DISTRICT COURT  
IDAHO COUNTY

Attorneys for Defendant VP, Incorporated

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-2009-1810

DECLARATION OF DANIEL KEYES IN  
SUPPORT OF OPPOSITION TO VALIANT  
IDAHO, LLC'S MOTION TO ENFORCE  
JUDGMENT

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,  
Daniel Keyes declares as follows:

1. I am over the age of 18, and competent to testify to the matters set forth herein. I make this Declaration of my own personal knowledge, and have personal knowledge of the facts herein contained.
2. I am one of the attorneys of record for Defendant VP, Incorporated.

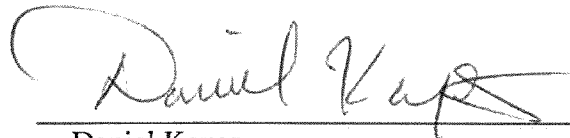
**ORIGINAL**

DECLARATION OF DANIEL KEYES IN SUPPORT OF OPPOSITION TO VALIANT  
IDAHO, LLC'S MOTION TO ENFORCE JUDGMENT: 1

3. On December 13, 2016, a Complaint was filed in Bonner County in a case captioned VP, INCORPORATED vs. MOUNTAIN WEST BANK, Case No. CV-2016-1726. Attached hereto as **Exhibit 1** is a true and correct copy of that Complaint, with its attached Exhibit A.
4. On February 8, 2017, I received an email from Pamela A. Lemieux, legal secretary for counsel for Valiant Idaho, LLC, with an attached Notice of Appearance of Valiant Idaho, LLC as a Third Party Defendant in the VP v. MWB action mentioned above. Attached hereto as **Exhibit 2** is a true and correct copy of that email and its attachment.
5. As of the date of this declaration Valiant Idaho, LLC has not yet answered the Third Party Complaint in the VP v. MWB matter mentioned above, nor asserted any other claims or defenses in that action.

**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 17th day of February, 2017.

  
\_\_\_\_\_  
Daniel Keyes

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 17<sup>th</sup> day February, 2017:

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

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

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

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

Christine Elmore

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2016 DEC 12 PM 2:56  
CLERK DISTRICT COURT  
DEPUTY

SUSAN P. WEEKS, ISB #4255  
DANIEL M. KEYES, ISB #9492  
JAMES, VERNON & WEEKS, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Plaintiff

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

VP, INCORPORATED., an Idaho Corporation,

Plaintiff,

vs.

MOUNTAIN WEST BANK, a division of Glacier  
Bank, Inc.,

Defendant.

Case No. CV-2016- 01726

COMPLAINT

Fee Category: A

Fee: \$221.00

COMES NOW the above-named Plaintiff by and through its attorneys of record,  
DANIEL M. KEYES of the Law Firm JAMES, VERNON & WEEKS P.A., and for a cause of  
action against the above-named Defendant, complains and alleges as follows:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff VP INCORPORATED ("VP") is an Idaho Corporation in good standing  
with the Idaho Secretary of State.

COMPLAINT: 1

ASSIGNED TO  
JUDGE BUCHANAN

Exhibit  
1

VR

2. Defendant MOUNTAIN WEST BANK, a division of Glacier Bank, Inc. ("MWB"), is a Montana corporation doing business in the State of Idaho under an assumed business name.

3. This Court has jurisdiction and venue over this matter by virtue of Idaho Code §5-404 and §5-514.

## II. GENERAL ALLEGATIONS

4. Plaintiff incorporates by reference all other paragraphs of this complaint as though set forth fully herein.

5. On May 21, 2013, VP and MWB entered into a Settlement Agreement pertaining to a lawsuit, CV-2012-0557 in Bonner County. Attached hereto as **Exhibit A** is a true and correct copy of that Settlement Agreement.

6. Pursuant to the Settlement Agreement, MWB agreed to pay a hookup or connection fee of Twenty Two Thousand Five Hundred Dollars (\$22,500.00) per Lot for six (6) Hidden Lakes Lots within thirty-six (36) months of the execution of the Settlement Agreement or upon the close of the sale of any Hidden Lakes Lot, whichever occurs first.

7. Upon information and belief, two (2) of the Hidden Lakes Lots were sold by MWB on or about May 12, 2016, and the hookup or connection fees for each lot was paid to VP.

8. MWB has not paid the hookup or connection fees for the remaining four (4) Hidden Lakes Lots as required by the Settlement Agreement.

9. VP, through its legal counsel, has notified MWB's representative on two separate occasions that the hookup or connection fees for the four (4) remaining Hidden Lakes Lots have not been paid.



### **III. BREACH OF CONTRACT**

10. Plaintiff incorporates by reference paragraphs 1-9 of this complaint as though set forth fully herein.

11. The May 21, 2013, Settlement Agreement between VP and MWB is a valid written contract between the parties.

12. MWB's failure to pay the hookup or connection fees for the four (4) remaining Hidden Lakes Lots on or after May 21, 2016, is a breach of contract.

13. MWB's breach of contract has damaged VP in the amount of Ninety Thousand Dollars (\$90,000.00).

### **IV. ATTORNEY FEES**

14. Plaintiff incorporates by reference paragraphs 1-13 of this complaint as though set forth fully herein.

15. VP has been required to retain the services of an attorney to bring this suit and is entitled to an award of costs and reasonable attorney fees incurred herein pursuant to the Settlement Agreement, I.C. §§ 12-120(3) and 12-121. In the event judgment is taken by default, VP shall be entitled to a reasonable award of attorney's fees pursuant to Rule 54(e)(4) of the Idaho Rules of Civil Procedure.

WHEREFORE, the Plaintiff prays for relief as follows:

1. For a judgment against MWB in favor of VP for Ninety Thousand Dollars (\$90,000.00) for MWB's breach of contract;

2. For an award of costs and reasonable attorney fees pursuant to the Settlement Agreement and I.C. §§ 12-120(3) and 12-121; in the amount of \$1,200.00 if judgment is taken by default; and

3. Such other and further relief as the Court may deem appropriate.

DATED this 12<sup>th</sup> day of December, 2016.

JAMES, VERNON & WEEKS, P.A.

By Daniel Keyes  
DANIEL M. KEYES  
Attorney for Plaintiff

## SETTLEMENT AGREEMENT

This Settlement Agreement is entered into on this 27<sup>th</sup> day of May 2013 between MOUNTAIN WEST BANK, a division of Glacier Bank, Inc., a Montana corporation ("MWB"), and VP, INC., an Idaho corporation ("VP").

### RECITALS

- A. MWB and VP are involved in a lawsuit over whether VP may charge hookup fees for lots owned by MWB.
- B. The parties engaged in mediation on January 29, 2013 and February 12, 2013.
- C. The parties agree to settle this lawsuit pursuant to the terms of this Settlement Agreement.

### THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. Service to MWB Lots. VP shall connect the Lots identified in Exhibit "1" attached hereto and incorporated herein by this reference ("MWB Lots") and MWB shall pay VP Two Hundred Fifty Thousand Dollars (\$250,000.00) no later than fifteen (15) days from execution of this Agreement.
  - a. MWB shall pay a monthly sewer and water service fee for one (1) Equivalent Residential Unit ("ERU") except Lot 4, Block 11 Golden Tee Estates (currently \$85.00 per month) for each MWB Lot commencing May 1, 2013.
  - b. MWB shall pay a monthly sewer and water service fee for three (3) ERUs for Lot 4, Block 11 Replat of Golden Tee Estates ("Temporary Club House") commencing May 1, 2013. VP agrees to provide three (3) ERUs without the payment of an additional connection fee to Lot 4, Block 11 until June 1, 2018 or the date any applicable governmental authority demands cessation of the use of Lot 4, Block 11 as a Temporary Club House, whichever occurs first.
- 2. Service to Unplatted Parcels. MWB is the owner of Parcels of real property identified in Exhibit "2" attached hereto and incorporated herein ("Unplatted Parcels").
  - a. VP agrees to reserve ten (10) ERUs of capacity for the Unplatted Parcels for a period not to exceed thirty-six (36) months from the date of this Agreement. At any time prior to the expiration of the thirty-six (36) months, MWB may identify the number of ERUs it wishes assigned to any portion of the Unplatted Parcels.
  - b. MWB or its successor-in-interest shall pay VP a hookup/connection fee of Twenty Two Thousand Five Hundred Dollars (\$22,500.00) per ERU.
  - c. The hookup or connection fee provided for in Paragraph 2(b) above shall be paid upon issuance of a certificate of occupancy.

- d. In consideration of VP reserving capacity, MWB or its successor shall pay the sewer and water service fee for five (5) of the reserved ERUs (currently \$85.00 per month) commencing May 1, 2013. Notwithstanding the foregoing, MWB or its successor shall pay the sewer and water service fee for each ERU actually identified and assigned to any portion of the Unplatted Property or actually connected to the system pursuant to the terms of Section 2 of this Agreement.
  - e. If MWB determines that the Unplatted Property has no value and MWB decides it will write off the Unplatted Property, VP's obligation to reserve capacity for the Unplatted Property shall cease and MWB's obligation to pay service fees for five (5) ERUs for the Unplatted Property shall cease. If MWB determines that the Unplatted Property has no value, it shall provide VP thirty (30) days written notice of such determination. Following the termination of the thirty (30)-day notice period, both MWB's and VP's obligations under Section 2 shall cease.
  - f. At the time VP is notified by MWB or its successor that a portion of the Unplatted Property has obtained a certificate of occupancy and sewer and water service is requested, the owner of the portion of the Unplatted Parcels shall pay all costs associated with the extension of the water and sewer infrastructure according to the specifications of VP to provide such services to the portion of the Unplatted Property requiring service and MWB or its successor shall cause such extension to be constructed. VP shall have no obligation to construct any water or sewer system improvements to service any portion of the Unplatted Property. If a disagreement arises over the reasonableness of the specifications required by VP, such disagreement shall be settled by Toothman-Orton Engineering Company.
  - g. MWB or its successor shall enter into an Individual Service Agreement at such time as it reserves capacity for any portion of the Unplatted Property.
3. Service to Hidden Lakes Lots. VP shall provide sewer and water service to the Hidden Lakes Lots identified in Exhibit "3" attached hereto and incorporated herein by this reference upon payment of a hookup or connection fee of Twenty Two Thousand Five Hundred Dollars (\$22,500.00) per Hidden Lakes Lot.
- a. The hookup or connection fee shall be paid within thirty-six (36) months or upon the close of the sale of any Hidden Lakes Lot, whichever occurs first.
  - b. MWB shall pay the sewer and water service fee (currently \$85.00 per month) for each Hidden Lakes Lot commencing May 1, 2013.
4. Individual Service Agreements. MWB shall sign and record an individual Sewer and Water Service Agreements ("Service Agreements") in the form set forth below:
- a. The form of the Service Agreement for the MWB Lots is attached hereto as Exhibit "4" for the Temporary Club House lot and Exhibit "4A" for the remaining MWB Lots and incorporated herein by this reference.

- b. The form of the Service Agreement for the Hidden Lakes Lots is attached hereto as Exhibit "5" and incorporated herein by this reference.

5. Notice to MWB with Opportunity to Cure. From the date of this Agreement, VP shall provide written notice to MWB, via certified mail, return receipt requested, of any lot Owner's default of a Service Agreement which occurs after the date of this Agreement that will result in the imposition of a sewer hookup fee or reconnection fee by VP for any Lot upon which MWB has a first position lien acquired after the date of this Agreement and as recorded with the Bonner County Recorder's office at the time of default. MWB shall also be provided notice and an opportunity to cure any default if (i) a Lot Owner is currently in default and (ii) MWB has the first position lien of record.

- a. MWB shall be entitled to cure the default by payment in full of the outstanding balance of monthly service fees within ninety (90) days of mailing of the notice.
- b. If cured, no hook up, connection, or reconnection fee (however, the charged may be designated) shall be charged by VP to the Owner or MWB.
- c. This notice provision requirement applies to any lot referenced in this agreement and any lot within the VP service area on which MWB acquires a first position lien of record after the execution of this Agreement as recorded with the Bonner County Recorder's office in perpetuity.
- d. On lots that are not in default at the time of any transfer of title, VP may charge a transfer fee of Two Hundred Fifty Dollars (\$250.00) as provided in the Service Agreement and any past due monthly fees, but no other charges.

6. Hookup Fee on Termination for MWB Lots. If the Service Agreement for any of the MWB Lots is terminated because of a default which was not cured by MWB as provided in Paragraph 5 of this Agreement, any person requesting a subsequent reconnection to the sewer shall pay the difference between Twenty Two Thousand Nine Hundred Sixteen Dollars (\$22,916) and the current sewer connection fee.

7. Confidentiality. This Agreement shall be deemed confidential by all parties and no party shall disclose the terms of this Agreement to third parties except as may be necessary to effectuate its terms.

8. Time of Essence. Time is of the essence of each and every provision of this Agreement.

9. Attorney's Fees. If legal action (including, without limitation, litigation and/or arbitration) is required or deemed necessary to enforce or interpret any of the provisions of this Agreement, the prevailing party shall be entitled to recover its costs of suit, including reasonable attorney's fees, incurred in connection therewith.

10. Consent of Parties. Whenever consent or approval of either party to this Agreement is required, such consent or approval shall not be unreasonably withheld.

11. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assignees.
12. Corporate Authority. Each corporate party to this Agreement, and each individual signing on behalf of a corporate party, hereby agrees that, upon execution of this Agreement, a certified copy of a resolution of such corporation's Board of Directors authorizing the execution of this Agreement by such individual shall be provided upon request.
13. Governing Law; Venue and Jurisdiction. This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho. Jurisdiction and venue in any action to interpret or enforce any provisions of this Agreement shall lie, at the option of the party bringing the action, in Bonner County, Idaho.
14. Integrated Agreement; Modification. This Agreement contains all agreements of the parties and may not be amended or modified except in writing by the party to be charged with such amendment or modification.
15. Memorandum of Agreement. At the request of either party to this Agreement, a memorandum of this Agreement pertaining to the Unplatted Property shall be executed, acknowledged, and recorded with the official records of Bonner County, Idaho.
16. Captions. The captions of paragraphs within this Agreement are included for convenience only and shall have no effect on its interpretation.
17. Singular and Plural. When required by the context of this Agreement, the singular shall include the plural.
18. Severability. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render any other provisions unenforceable, invalid, or illegal.
19. Waiver. No delay or omission in the exercise of any right or remedy of either party to this Agreement on any default by the other party shall impair such a right to remedy or be construed as a waiver. Either party's consent to or approval of any act by the other party requiring such consent or approval shall not be deemed to waive or render unnecessary the requirement of consent or approval of any subsequent act by either party.
20. Notice. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, registered or certified mail, requesting a return receipt, and, if mailed, shall be addressed to the other party at the appropriate address set forth below:

TO MWB  
Mountain West Bank  
c/o Special Assets Administrator  
101 Ironwood, Suite 218  
Coeur d'Alene, Idaho 83814

AND

LUKINS & ANNIS, P.S.  
Attn: R. Wayne Sweney and Peter J. Smith IV  
601 E. Front Avenue, Suite 502  
Coeur d'Alene, ID 83814

TO VP:  
VP, Inc.  
1001 Whittier Blvd.  
La Habra, California 90631

And

533739 Highway 95  
Bonners Ferry, ID 83805

AND

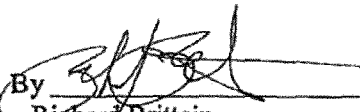
JAMES, VERNON & WEEKS, P.A.  
Attn: Susan Weeks  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

Either party may change its address by delivering notice of the change of address in the manner prescribed in this subparagraph. Any such notice shall be deemed delivered only when actually received by the party for whom the notice is intended, regardless of the method of delivery.

21. No Third Party Beneficiary. Nothing contained herein is intended to benefit any third party other than a successor-in-interest or assign of MWB.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date first above written.

MOUNTAIN WEST BANK

By   
Richard Brittain  
Its SVP/Special Assets Administrator

VP, INC.

By Richard V. Velleli  
Richard Velleli  
Its President



EXHIBIT "1"  
MWB LOTS

Lots 2, 3, 4 of Block 11, 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.

Lots 2A and 3A, Block 4; Lot 2A, Block 7; Lot 3A, Block 9 and Lot 1B, Block 10, REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN Book 8 of Plats, page 77, records of Bonner County, Idaho.

Lot 8, 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.

Lot 2, Block 8, GOLDEN TEE ESTATES PLANNED UNIT FIRST ADDITION (PHASE TWO) according to the Plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

EXHIBIT "2"  
UNPLATTED PARCELS

PARCEL 1:

A parcel of land in Section 6, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at the Northeast corner of Section 7, Township 57 North, Range 1 East, Boise Meridian; thence South 3320 feet, more or less, along the East line thereof to the Northerly right of way line of the Northern Pacific Railway; thence Northwesterly along said right of way line 4490 feet; thence North 66° 08' East, 465 feet; thence North 45° 02' East, 595 feet; thence South 80° 38' East, 700 feet; thence North 26° 02' East, 475 feet; thence North 15° 42' East, 815 feet; thence North 2° 02' East, 700 feet; thence North 13° 28' West, 487.27 feet to the True Point of Beginning; thence due West 586 feet to the West line of said Section 6; thence South along said West line 473.88 feet; thence due East 700.27 feet; thence North 13° 28' West, 487.27 feet to the True Point of Beginning.

PARCEL 2:

A parcel of land in Section 6, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at the Northeast corner of Section 7, Township 57 North, Range 1 East, Boise Meridian; thence South 3320 feet, more or less, along the East line thereof to the Northerly right of way line of the Northern Pacific Railway; thence Northwesterly along said right of way line 4490 feet; thence North 66° 07' East, 465 feet; thence North 45° 02' East, 595 feet; thence South 80° 38' East 700 feet; thence North 26° 02' East, 475 feet; thence North 15° 42' East, 815 feet to the True Point of Beginning; thence North 2° 02' East, 700 feet; thence due West 700.07 feet, more or less, to the West line of the Southeast quarter of Section 6, Township 57 North, Range 1 East, Boise Meridian; thence South along said West line 700 feet; thence East 700 feet, more or less to the True Point of Beginning.

PARCEL 3:

Beginning at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 7, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho; thence East along the North line of said section 560 feet; thence South 860 feet; thence South 66° 07' West 465 feet, to a point of intersection with the Northerly boundary of the Northern Pacific Railway right of way; thence in a Northwesterly direction along said right of way to a point of intersection with the East line of the Northwest quarter of the Northwest quarter of said section; thence North along East line 950 feet, more or less, to the point of beginning.

PARCEL 4:

Beginning at the Northwest corner of Section 7, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho; thence East along the North line of said section to the East line of the Northwest quarter of the Northwest quarter of said section; thence South along the East line 950 feet, more or less, to a point of intersection with the Northerly

boundary of the Northern Pacific Railway right of way; thence in a Northwesterly direction along said right of way line 1570 feet, more or less, to the West line of the Northwest quarter of the Northwest quarter of said Section 7; thence North along the West line of said Northwest quarter of the Northwest quarter to the point of beginning;

**PARCEL 5:**

Government Lots 3 and 4, lying South of Highway 200 in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho.

**EXHIBIT "3"**  
**HIDDEN LAKES LOTS**

Lot 7, in Block 1, FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof, recorded in Book 4 of Plats, page 161, records of Bonner County, Idaho.

Lots 1 and 2, Block 3, SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

Lots 1 and 2, Block 4, SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

Lot 10, Block 2; SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, Page 58, records of Bonner County, Idaho.

## Daniel Keyes

---

**From:** Pamela Lemieux [lemieux@mwsslawyers.com]  
**Sent:** Wednesday, February 08, 2017 2:39 PM  
**To:** 'Kathy Booth'  
**Cc:** Susan Weeks; 'dkeyes@jvwlaw.net'; 'Christine'; 'rws@lukins.com'; Rick Stacey  
**Subject:** VP, Inc. v. MWB, et al.; Bonner County Case No. CV-16-1726  
**Attachments:** NOA-Valiant.pdf

Attached for Judge Christensen's information is the Notice of Appearance sent for filing this date on behalf of Valiant Idaho, LLC. Thank you in advance for your assistance. Pamela

**PAMELA A. LEMIEUX**  
LEGAL SECRETARY  
**McCONNELL WAGNER SYKES + STACEY, PLLC**  
827 East Park Boulevard, Suite 201  
Boise, Idaho 83712  
TELEPHONE: 208.489.0100  
FACSIMILE: 208.489.0110



[MWSSLAWYERS.COM](http://MWSSLAWYERS.COM)

**CONFIDENTIALITY NOTICE:** This e-mail message from the law firm of McConnell Wagner Sykes + Stacey, PLLC is intended only for named recipients. It contains information that may be confidential, attorney client privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately at 208.489.0100 if you have received this message in error, and delete the message.

Rick L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5700  
**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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)

Attorneys For Third Party Defendant Valiant Idaho, LLC

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

**VP, INCORPORATED,**

Plaintiff-Counterdefendant,

vs.

**MOUNTAIN WEST BANK,**  
a Division of Glacier Bank,

Defendant-Counterclaimant.

**MOUNTAIN WEST BANK,**  
a Division of Glacier Bank,

Third Party Plaintiff,

vs.

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

Third Party Defendant.

Case No. CV-2016-01726

**NOTICE OF APPEARANCE  
ON BEHALF OF  
THIRD PARTY DEFENDANT  
VALIANT IDAHO, LLC**

Category: I.1.  
Fee: \$136.00

**TO: THE CLERK OF THE ABOVE ENTITLED COURT, and  
ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**NOTICE IS HEREBY GIVEN** that Rick L. Stacey and Jeff R. Sykes, and McConnell Wagner Sykes & Stacey PLLC ("MWSS"), with offices at 827 East Park Boulevard, Suite 201, Boise, Idaho 83712, hereby enter their appearance as attorneys of record for Third Party Defendant Valiant Idaho, LLC, and the Clerk of this Court is hereby requested to make such entry as may be required to record such appearance.

**DATED** this 8<sup>th</sup> day of February 2017.

McCONNELL WAGNER SYKES & STACEY<sup>PLLC</sup>

BY:



Rick L. Stacey, Attorneys For Third Party  
Defendant Valiant Idaho, LLC


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8<sup>th</sup> day of February 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Susan P. Weeks, Esq. Daniel M. Keyes, 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</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a> <a href="mailto:dkeyes@jvwlaw.net">dkeyes@jvwlaw.net</a>
R. Wayne Sweney, Esq. Lukins & Annis, P.S. 601 East Front Avenue, Suite 303 Coeur d'Alene, Idaho 83814-5155 Telephone: 208.666.4101 Facsimile: 208.666.4111 <i>Counsel For Mountain West Bank</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:rws@lukins.com">rws@lukins.com</a>

With a copy via electronic mail to:

The Honorable Rich Christensen  
Judge of the First Judicial District  
c/o [kbooth@kcgov.us](mailto:kbooth@kcgov.us)

  
\_\_\_\_\_  
Rick L. Stacey



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.

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DISTRICT

2017 FEB 21 PM 3:24

CLERK DISTRICT COURT

JR  
 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.,	)	Case No. CV-2009-1810
formerly known as National Golf	)	
Builders, Inc., a Nevada	)	Supreme Court Docket
corporation,	)	No. 44584-2016
	)	
Plaintiff,	)	ORDER RE: JV L.L.C.'S
v.	)	MOTION AND APPLICATION
	)	FOR STAY OF EXECUTION
PEND OREILLE BONNER	)	UPON POSTING A CASH
DEVELOPMENT, LLC, a Nevada	)	DEPOSIT BY JV L.L.C.
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-	)	

ORDER RE: JV L.L.C.'S MOTION AND APPLICATION FOR STAY OF EXECUTION UPON  
 POSTING A CASH DEPOSIT BY JV L.L.C. - 1

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. )  
\_\_\_\_\_ )  
VALIANT IDAHO, LLC, an Idaho )  
limited liability company, )  
) )  
Respondent, )  
) )  
v. )  
) )  
JV L.L.C., an Idaho limited )  
liability company, )  
) )  
Appellant. )  
\_\_\_\_\_ )

JV L.L.C. has filed a Motion and Application For Stay of Execution Upon Posting a Cash Deposit, of \$7,784.64, and an Errata thereto. Valiant Idaho, LLC has filed a Notice of Non-Objection to JV L.L.C.'s Motion and Application for Stay of Execution Upon Posting a Cash Deposit, and Errata Thereto.

IT IS HEREBY ORDERED THAT:

1. JV L.L.C.'s Motion and Application for Stay of Execution Upon Posting a Cash Deposit as it relates to the sale of JV's personal property in Boundary County is granted, thereby canceling the Boundary County Sheriff's sale set for February 22, 2017.

Dated this 21 day of February, 2017.

  
\_\_\_\_\_  
DISTRICT JUDGE BARBARA BUCHANAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method as indicated, this 1<sup>st</sup> day of February, 2017, and was addressed as follows:

GARY A. FINNEY  
FINNEY FINNEY & FINNEY, P.A.  
Attorneys at Law  
Old Power House Building  
120 East Lake Street, Suite 317  
Sandpoint, Idaho 83864  
Via Fax: 263-8211

Richard Stacey/Jeff Sykes/Chad Nicholson  
MCCONNELL WAGNER SYKES & STACEY PLLC  
827 East Park Boulevard, Suite 201  
Boise, ID 83712  
Via Fax: 208-489-0110

Susan Weeks  
JAMES, VERNON & WEEKS, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Via Fax: 208-664-1684

Boundary County Sheriff  
6438 Kootenai St.  
Bonners Ferry, ID 83805  
Via Fax: 267-3154

Bonner County Sheriff  
4001 N. Boyer Road  
Sandpoint, ID 83864  
Via Fax: 265-4378

By: SR

FILED 22 PM 4:44  
COURT  
Clerk  
C

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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto: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

**MEMORANDUM IN REPLY TO  
VP, INC.'S OPPOSITION TO  
VALIANT IDAHO, LLC'S  
MOTION TO ENFORCE JUDGMENT  
UNDER I.A.R. 13(b)(10) AND 13(b)(13)**

**Honorable Barbara A. Buchanan**

Hearing:

February 24, 2017 – 1:30 p.m. PST

vfb

COMES NOW, Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and files its Memorandum in Reply to VP, Inc.'s Opposition to [Valiant's] Motion To Enforce Judgment Under I.A.R. 13(b)(10) and 13(b)(13).

I.

**FACTS AND RELIEF SOUGHT BY VALIANT**

On February 6, 2017, Valiant filed its Motion To Enforce Judgment Under I.A.R. 13(b)(10) and 13(b)(13) ("Motion"). This Motion seeks a writ of assistance ejecting VP, Incorporated ("VP") from all properties purchased by Valiant at the Sheriff's sale held at the Bonner County Sheriff's Office on November 7, 2016 ("Sheriff's Sale").

On July 20, 2016, this Court entered a Decree of Foreclosure ("Decree") and a Judgment ("Judgment") in favor of Valiant, and awarded damages in the amount of \$21,484,912.26. *See* Judgment, ¶¶ 2, 5, 9. The Judgment further adjudicated:

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

Judgment, ¶ 24 (emphasis added).

The Decree ordered, among other things, the sale of all property subject to the Valiant Mortgages [see, Decree, ¶ 1], including:

... the property rights appurtenant to, located on or under, and existing in conjunction with said Parcel, including, but not limited to:

- a. All easements, rights-of-way, water rights of every kind and nature (including, but not limited to, claims, decrees, applications, permits, licenses, storage rights, ditches and ditch rights, riparian and littoral rights), ... and all other rights thereunto belonging or in any way appertaining to said Parcel, either at law or in equity, in possession or in expectancy;
- b. All fixtures, structures, buildings and improvements of every kind and description located on or under said Parcel, including, but not limited to, ... utilities, fixed irrigation equipment and pumps, wells affixed to, attached to, placed upon, under or used in any way in connection with the use, enjoyment, occupancy or operation of said Parcel or any portion thereof; and
- c. All streets, railways, roads and public places, opened or proposed, and all easements and rights-of-way, public or private, tenements, hereditaments, rights and appurtenances, located on or used in connection with, belonging or appertaining to, said Parcel.

Decree, ¶ 5 (emphasis added).

Valiant purchased 154 parcels located within the Idaho Club development at the Sheriff's Sale. This included two parcels owned and occupied by VP ("VP Parcels"). The VP Parcels include certain infrastructure for the sanitary sewer and water systems. Infrastructure for these systems is also constructed upon or under many of the other 152 parcels ("Other 152 Parcels") Valiant purchased at the Sheriff's Sale. VP continues to use this infrastructure without Valiant's permission. Certificates of sale for all 154 parcels are attached to the Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition



to Valiant's Motion To Enforce Judgment Under I.A.R. 13(b)(10) and 13(b)(13) ("Stacey Dec.") as Exhibit A.

Section C(2)(y) of the Decree further orders:

After the sale of any Parcel(s) of the Idaho Club Property . . . , **the purchaser . . . shall be let into possession of said Parcel(s) on production of the certificate of sale** or a duly authenticated copy thereof, **and each and every other party to this action who may be in possession of any portion of said Parcel(s)**, and every other person who since the filing of this action has come into possession thereof, or any part thereof, **shall deliver to such grantee or grantees named in the certificate of sale possession of the Parcel(s) as described under the certificate of sale;** . . .

Decree, § C(2)(y) (emphasis added). In accordance with this provision, on December 9, 2016 Valiant presented VP with the Certificates of Sale for Parcels 1 and 2. Valiant has further presented the Certificates of Sale for all other parcels it purchased at the Sheriff's Sale by virtue of this Motion. Despite presentment of these Certificates of Sale, VP has refused to deliver possession of the VP Parcels to Valiant and discontinue usage of all sanitary sewer and water infrastructure owned by Valiant. VP's continued occupation and use of the VP Parcels and infrastructure on or under the Other 152 Parcels without Valiant's permission constitutes a trespass for which Valiant is entitled to recover damages. However, Valiant is not seeking to recover damages for trespass in this case.

Valiant seeks an award of damages for unpaid rent from November 8, 2016 until VP relinquishes possession of the VP Parcels pursuant to the Decree, and a writ of assistance directing the Sheriff of Bonner County to:

1. Eject and remove each and every person or entity, including, but not limited to VP, from using, holding or detaining the 154 Parcels and associated fixtures, appurtenances and improvements (per the Decree) purchased by Valiant at the Sheriff's Sale, or any part thereof, against Valiant;
2. Remove the personal property of each person or entity located upon said premises;
3. Deliver to Valiant possession of all land, fixtures, appurtenances and improvements (per the Decree) purchased by Valiant at the Sheriff's Sale without delay; and
4. Maintain, keep and defend Valiant or its successor's possession of said premises according to the tenor and intent of the Decree, the writ of assistance and any other orders of this Court.

II.  
ARGUMENT

VP's Memorandum in Opposition to [Valiant's] Motion To Enforce Judgment ("Opposition") is another in a long line of tactics bearing no purpose other than to delay the inevitable foreclosure of the Idaho Club property, to intentionally harass Valiant, and to cause Valiant to incur unnecessary expense. VP has not provided this Court any legitimate legal basis upon which to deny Valiant's Motion. Instead, VP seeks to force Valiant to re-litigate issues within an eviction proceeding that this Court has already decided. The Judgment and Decree adjudicate that Valiant's right, title and interest in and to the Idaho Club properties are superior to any interests claimed by VP, and that Valiant is entitled to possession of any properties purchased at the Sheriff's Sale. Idaho law is clear that a writ of assistance is an appropriate method to eject VP from the properties Valiant purchased and that this Court is authorized to award reasonable

rent for the period VP improperly used and occupied said premises. As such, Valiant's Motion should be granted.

A. VP's Only Interest In And To The Properties Purchased By Valiant Is The Right Of Redemption.

VP submits the Declaration of Richard Vilelli in Opposition to [Valiant's] Motion to Enforce Judgment ("Vilelli Dec.") and a number of irrelevant documents apparently in an attempt to re-litigate issues that have already been adjudicated by this Court. VP argues that "VP is the current owner and purveyor of both the water and sewer systems that serve the Idaho Club properties and surrounding subdivisions that are not part of this action before the Court." See Opposition, p. 2. These arguments are barred by the doctrine of *res judicata* and ignore the reality that the only interest VP can have with respect to the properties purchased by Valiant at the Sheriff's Sale is the right of redemption.

This Court originally adjudicated the priority of the Valiant Mortgages as to VP's property interests pursuant to its Memorandum Decision & Order Granting [Valiant's] Motion For Summary Judgment Against JV, LLC, North Idaho Resorts, LLC and [VP] entered April 14, 2015. This Court subsequently upheld its decision on at least two separate occasions, denying VP's motions to reconsider. The Judgment specifically adjudicates that Valiant's interests, by virtue of its Mortgages, are superior to *any interest* possessed by VP. Judgment, ¶ 24. VP's opportunity to contest this adjudication before this Court has long expired. The deadline to file a motion to reconsider the Judgment expired more than six months ago on August 3, 2016. I.R.C.P. 59(e). If VP seeks to contest this determination, it must do so in its appeal to the Idaho Supreme Court.

VP's argument further ignores Idaho law. The only interest VP has, if any, with respect to property Valiant purchased at the Sheriff's Sale, is the right of redemption. The Idaho Supreme Court has long held:

When the foreclosure sale was made and respondent bid in the property for the amount of the debt and costs, and the sheriff executed and delivered a certificate of sale, title passed from defendants to plaintiff for the property in question and the judgment was thereby paid; there no longer existed any indebtedness from defendants to plaintiff. The only right or property interest remaining in the mortgagor was the right to divest the purchaser of his title at any time within one year after the sale by compliance with the redemption statute. A redemption when made is not from the mortgaged lien, but from the execution sale, and a deed subsequently given by the sheriff passes no additional title, but rather evidences that the purchaser's title has not been divested by redemption.

*Northwestern & Pacific Hypotheek Bank v. Nord*, 56 Idaho 86, 91-92 (1935) (citations omitted; emphasis added). See also *Indian Springs LLC v. Anderson*, 154 Idaho 708, 715 (2012) (citing to this exact quotation with approval). The language of the Decree is consistent with Idaho case law. Section C(2)(w) expressly states "VP shall be forever barred and foreclosed of all right, title and interest . . . to the Idaho Club Property, except the right of redemption . . ."

The Decree is clear that the properties sold at the Sheriff's Sale included, *inter alia*, all property rights appurtenant to, located on or under, and existing in conjunction with said parcels, including, but not limited to, easements, rights-of-way, water rights of every kind and nature, fixtures, structures, buildings and improvements of every kind and description located on or under said parcel, utilities, streets and roads. Decree, ¶ 5(a)-(c). Accordingly, VP's alleged interests in and to any and all infrastructure located on, under or appurtenant to properties

purchased by Valiant at the Sheriff's Sale have terminated. VP's only right or property interest remaining in said properties, if any, is the right of redemption. *Id.*

**B. This Court Is Authorized To Grant Valiant A Writ Of Assistance Ejecting VP From The VP Parcels.**

VP does not deny that Valiant purchased properties and the associated infrastructure affixed thereto at the Sheriff's Sale. Moreover, VP does not deny it is obligated under the terms of the Decree to deliver possession of said property and infrastructure upon presentment of the Certificates of Sale. To the contrary, VP contends that it is entitled to occupy and use the VP Parcels and infrastructure purchased by Valiant until after Valiant files a separate action for ejectment and re-litigates this case.

VP's argument is contrary to Idaho law. The Idaho Supreme Court has long held that a writ of assistance is an appropriate method to eject a defendant from real property purchased at a sheriff's sale pursuant to a foreclosure decree. In *Curtis v. Campbell*, 105 Idaho 705, 707 (1983), the Idaho Supreme Court cited to a 1939 case in holding as follows:

We hold that the court's issuance of the writ of assistance was proper and its order is affirmed. The writ of assistance is an equitable remedy and the power to issue such writ stems from the need of the court to enforce its own decrees. The writ of assistance is a common law remedy to place a purchaser of property at a sheriff's sale into possession when that possession is withheld by any party bound by the decree. The only question to be adjudicated when the propriety of such writ is an issue is "whether applicant has a right, as against the party in possession to use the writ to obtain possession."

Citations omitted. *See also Eagle Rock Corp. v. IdaMont Hotel Co.*, 60 Idaho 639, 650 (1939)

(holding that a writ of assistance is the appropriate remedy to place in possession the purchaser at a foreclosure sale and may be issued against any and all persons subject to the judgment);

*Pro Indiviso v. Mid-Mile Holding Trust*, 131 Idaho 741, 746 (1990) (holding that to require every purchaser at a sheriff's sale to prove ownership through a quiet title action would be unreasonable); *Federal Land Bank v. Parsons*, 118 Idaho 324, 329 (Id.App. 1990) (upholding a writ of assistance to eject defendants following the sheriff's sale pursuant to the foreclosure of a mortgage). The decision to grant a writ of assistance is reviewed under an abuse of discretion standard. *Pro Indiviso*, 131 Idaho at 745. '

VP's argument that Valiant must file and litigate an eviction action in order to eject VP is simply its newest attempt to further delay the foreclosure process, harass Valiant, and force Valiant to incur unnecessary legal expenses. Valiant's Motion for a writ of assistance should be granted.

C. **This Court Is Also Authorized To Award Valiant The Reasonable Rental Value Of The Properties Valiant Purchased During VP's Wrongful Possession.**

VP asserts that this Court lacks jurisdiction to award Valiant rental fees owed by VP pursuant to the Decree because the rental rate is not specifically set forth in the Decree. VP's arguments are not supported by Idaho law.

Section C(2)(aa) of the Decree specifically states:

... should POBD or its successors or assigns be in possession of or occupy any portion of the Idaho Club Property or improvements thereon at the time of the foreclosure sale, and should said occupant fail to deliver possession of said Parcel(s) to Valiant, said occupant **shall immediately become the tenant of the purchaser at such sale**, which tenancy shall be a tenancy from day-to-day, terminable at the will of the landlord, **at a rental per day based upon the value of the Parcel and improvement, such rental to be due daily to the purchaser.**

Decree, § C(2)(aa) (emphasis added). VP does not contend that Valiant is not entitled to recover rental fees for the period during which VP has wrongfully possessed Valiant's property. To the

contrary, it simply contends that this Court lacks jurisdiction to make such a determination. This question has been decided by the Idaho Supreme Court. In *Curtis*, 105 Idaho at 707, the Court upheld a writ of assistance ejecting a party in possession of property purchased at a sheriff's sale and remanded the case to the court issuing the writ of assistance to determine the reasonable rental value of the property during the period it was wrongfully possessed. *Id.* The Court did not require the purchaser to file a separate action to recover those amounts. As such, this Court is clearly authorized to determine and award the reasonable rental value of the properties purchased by Valiant.

Rule 13 of the Idaho Appellate Rules grants this Court the power and authority to "make any order regarding the use, preservation or possession of any Property" that is the subject of the appeal [I.A.R. 13(b)(10)]; and "to take any action or enter any order required for the enforcement of any judgment or order" [I.A.R. 13(b)(13)]. Valiant seeks an order enforcing the Decree and awarding Valiant reasonable rental fees for the property VP continues to use and occupy in violation of the Decree. This order is not stayed pending appeal because it is an order required for the enforcement of the Decree and it arises out of the use of the Property subject to the Judgment.

The Decree requires that the rental amount be based upon the value of the parcel and improvements. Decree, § C(2)(aa). As set forth in the prior briefing, Valiant has assessed a rental rate of \$866.09 *per diem*. This amount is based directly upon the value of Parcel 1 and Parcel 2 (and associated improvements), which Valiant purchased with credit bids totaling \$5,620,000.00.

The rental amount of \$866.09 *per diem* is *per se* reasonable as it equates to the amount of post-judgment interest that was accruing against the Judgment amounts Valiant used to purchase said properties.<sup>1/</sup> As the rental rate assessed by Valiant is reasonable and based upon the value of the property and improvements, this Court is authorized to and should award Valiant rental fees of \$866.09 *per diem* from November 8, 2016 through the date VP relinquishes the VP Parcels to Valiant.

VP cannot reasonably contend that the rental rate is unfair. It has been on notice that these rental rates were accruing since at least December 9, 2016. *See* First Stacey Dec., Ex. 5. VP could have avoided paying any rental fees if it had immediately delivered possession of the VP Parcels to Valiant upon presentment of the Certificates of Sale. Instead, VP refused to comply with this Court's order, continues to use and occupy Valiant's property without permission, and attempts to collect hookup fees to tap into a system that VP is no longer authorized to operate. Valiant should be awarded rental fees for the period that VP has wrongfully used and occupied Valiant's property.

**D. Valiant Does Not Seek An Award Of The Hookup Fees.**

Under Idaho law, Valiant is entitled to bring an action for trespass against VP to recover any profits VP has obtained while in wrongful possession. Valiant's damages include any amounts that VP has recovered since Valiant purchased the properties at the Sheriff's Sale. Valiant believes these claims are beyond the jurisdiction granted to this Court pursuant to Idaho Appellate Rules 13(b)(10) and 13(b)(13). Nonetheless, Valiant wants this Court to be aware that VP is attempting to collect hookup/tap fees to connect to Valiant's infrastructure in order to emphasize

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<sup>1/</sup> VP has assessed and is seeking to collect \$90,000.00 from Mountain West Bank for hookup fees to simply tap into but not use the sewer and water infrastructure now owned by Valiant. *See* Ex. 9 to the Declaration of Richard L. Stacey in Support of [Motion] filed on or about February 6, 2017 ("First Stacey Dec.").



how important it is for the Court to immediately issue a writ of assistance and eject VP from Valiant's properties.

**III.  
CONCLUSION**

Based upon the foregoing points and authorities, Valiant respectfully asks this Court for an award of damages for unpaid rent from November 8, 2016 until VP relinquishes possession of the VP Parcels to Valiant, and a writ of assistance directing the Sheriff of Bonner County to:

1. Eject and remove each and every person or entity, including, but not limited to VP, from using, holding or detaining the 154 Parcels and associated fixtures, appurtenances and improvements (as set forth in the Decree) purchased by Valiant at the Sheriff's Sale, or any part thereof, against Valiant;

2. Remove the personal property of each person or entity located upon said premises;

3. Deliver to Valiant possession of all land, fixtures, appurtenances and improvements (as set forth in the Decree) purchased by Valiant at the Sheriff's Sale without delay; and

4. Maintain, keep and defend Valiant or its successor's possession of said premises according to the tenor and intent of the Decree, the writ of assistance and any other orders of this Court.

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DATED this 22<sup>nd</sup> day of February 2017.

McCONNELL WAGNER SYKES & STACEY <sup>PLLC</sup>

BY:

  
Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of February 2017, 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 type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via Federal Express to:

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



Richard L. Stacey

McConnell Wagner Sykes + Stacey

Attached for filing and service is Vallant's Reply Memorandum to VP's Opposition Memo. The referenced Declaration will follow. pal

**PAMELA A. LEMIEUX**  
LEGAL SECRETARY  
**McCONNELL WAGNER SYKES + STACEY, PLLC**  
827 East Park Boulevard, Suite 201  
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CW

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

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

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

Plaintiff,

vs.

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

Defendants.

Case No. CV-09-1810

**DECLARATION OF  
RICHARD L. STACEY IN SUPPORT OF  
MEMORANDUM IN REPLY TO  
VP, INC.'S OPPOSITION TO  
VALIANT IDAHO, LLC'S  
MOTION TO ENFORCE JUDGMENT  
UNDER I.A.R. 13(b)(10) AND 13(b)(13)**

Honorable Barbara A. Buchanan

Hearing:

February 24, 2017 – 1:30 p.m. PST

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

DECLARATION OF RICHARD L. STACEY IN SUPPORT  
OF MEMORANDUM IN REPLY TO VP, INC.'S  
OPPOSITION TO VALIANT IDAHO, LLC'S  
MOTION TO ENFORCE JUDGMENT  
UNDER I.A.R. 13(b)(10) AND 13(b)(13) | Page 1  
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-78

Pursuant to Rule 11.1 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 in the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC ("Valiant"). I make this Declaration in support of Valiant's Memorandum in Reply to VP, Inc.'s Opposition to Motion To Enforce Judgment Under I.A.R. 13(b)(10) and 13(b)(13) filed concurrently and upon my personal knowledge.

2. Attached collectively as Exhibit A are true and correct copies of the 154 Sheriff's Certificates of Sale identifying each parcel of property Valiant purchased by credit bid at the Bonner County Sheriff's Sale conducted on November 7, 2016, including the Certificates of Sale for Parcels 1 and 2. These Certificates of Sale were previously, individually filed with this Court on December 22, 2016, along with the Sheriff's Return of Writ of Execution, the Notice of Levy Under Writ of Execution, the Notice of Sheriff's Sale, and the Sheriff's Return on Sale, all of which were filed December 22, 2016

**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 22<sup>nd</sup> day of February 2017.

  
\_\_\_\_\_  
RICHARD L. STACEY

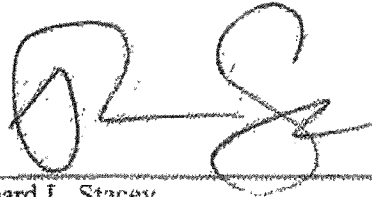
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of February 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

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With two copies via Federal Express to:

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



Richard L. Stacey

McConnell Wagner Sykes + Stacey

Attached for filing and service is the Declaration of Richard L. Stacey in Support of Vallant's Reply Memorandum, SANS EXHIBIT A. Due to its size, please be advised that Exhibit A is being sent today under separate cover, via Federal Express for delivery tomorrow, to the Clerk, Ms. Weeks and Mr. Finney. Please contact our office with any questions. pal

PAMELA A. LEMIEUX  
LEGAL SECRETARY  
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827 East Park Boulevard, Suite 201  
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W&M  
BOISE, IDAHO

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  
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**Honorable Barbara A. Buchanan**

**Hearing:**

February 24, 2017 – 1:30 p.m. PST



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**Richard L. Stacey** declares as follows:

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**DATED** this 22<sup>nd</sup> day of February 2017.

  
\_\_\_\_\_  
RICHARD L. STACEY

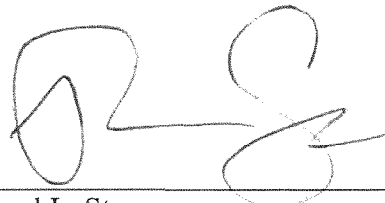
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of February 2017, 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 type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via Federal Express to:

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



Richard L. Stacey

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

Attorneys For Valiant Idaho, LLC

**Instrument # 897573**

BONNER COUNTY, SANDPOINT, IDAHO  
11-8-2016 12:40:38 PM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 16.00  
Ex-Officio Recorder Deputy *CB*  
Index to: CERTIFICATE OF SALE

**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.*,

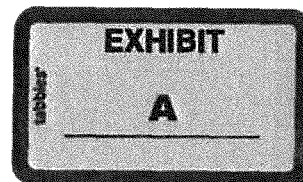
Defendants.

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

Case No. CV-09-1810

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 1]**

**Honorable Barbara A. Buchanan**



**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

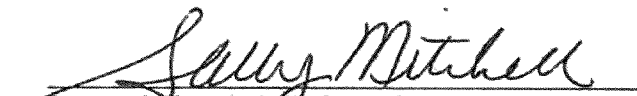
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 3,120,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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.

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

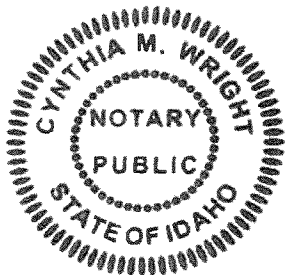
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires. 12-22-2017

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

Attorneys For Valiant Idaho, LLC

**Instrument # 897574**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-8-2016 12:43:52 PM No. of Pages: 4  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 19.00  
Ex-Officio Recorder Deputy *MB*  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 2]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 2,500,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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.

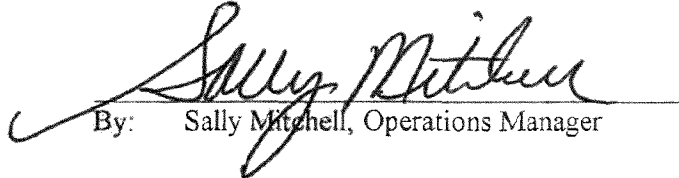
Tract 3

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.

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

**GIVEN UNDER MY HAND** this 7<sup>th</sup> day of November 2016.

**DARYL WHEELER**  
**SHERIFF OF BONNER COUNTY, IDAHO**

  
By: Sally Mitchell, Operations Manager



STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

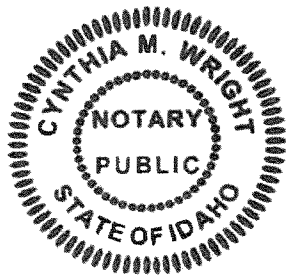
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Cynthia M. Wright

Notary Public, State of Idaho

Residing at: Bonner County, Idaho

My Commission Expires: 12-22-2017



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  
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[stacey@mwsslawyers.com](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

**Instrument # 897614**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-8-2016 03:26:24 PM No. of Pages: 7  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 28.00  
Ex-Officio Recorder Deputy *CB*  
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE**  
[Idaho Club - Parcel 5]

Honorable Barbara A. Buchanan

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

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iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 400,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

Tract 1

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

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

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

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

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

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

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

4. Thence South 50° 47' 39" East, 69.68 feet (record = South 50° 49' 31" East, 69.68 feet);
5. Thence on a curve to the right having a central angle of 23° 42' 51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56' 14" East, 398.61 feet – record = South 38° 58' 05" East 398.61 feet);
6. Thence South 27° 04' 48" East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South 27° 06' 40" East, 30.77 feet);

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

Tract 2

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

Tract 3

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

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

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

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

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

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

1. on a non-tangential curve to the right having a central angle of 04° 15' 19" and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South 22° 30' 38" West, 87.67 feet);
2. Thence South 20° 22' 44" West, 114.57 feet;
3. Thence on a curve to the left having a central angle of 22° 29' 50" and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South 09° 07' 49" West, 196.10 feet);
4. Thence South 02° 07' 06" East, 157.81 feet to the Northerly right of way of State Highway No. 200;

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

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

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

**Tract 4**

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

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

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

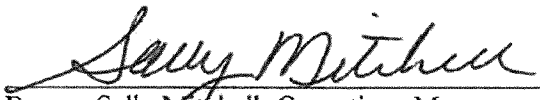
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Further, said real property is subject to redemption upon payment in lawful money of the United States within twelve (12) months after the sale of the real property consisting of a tract of land in excess of twenty (20) acres, pursuant to the statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

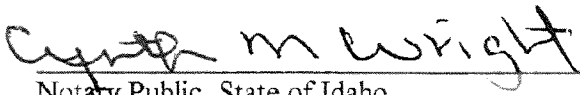
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

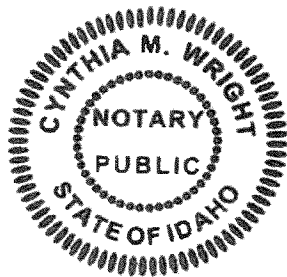
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017





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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897615**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-8-2016 03:26:49 PM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 16.00  
Ex-Officio Recorder Deputy **CA**  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 8]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

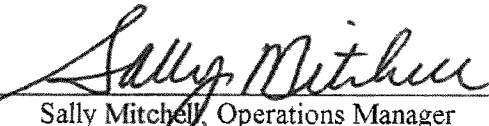
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 100,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

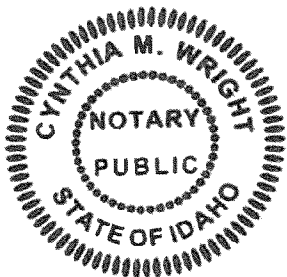
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

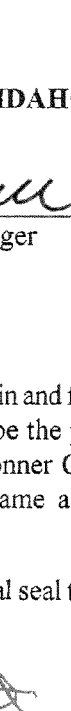
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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

Attorneys For Valiant Idaho, LLC

**Instrument # 897625**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:40:50 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 9]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 30,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

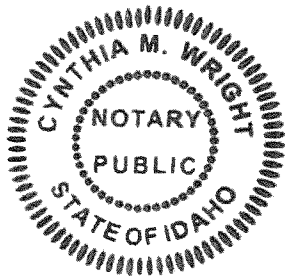
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

Sally Mitchell  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Sally Mitchell, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Cynthia M Wright  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897626**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:43:42 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 10]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,



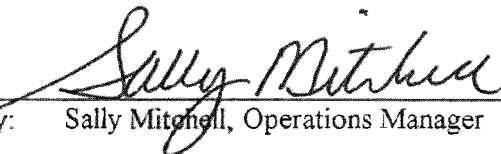
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 10,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

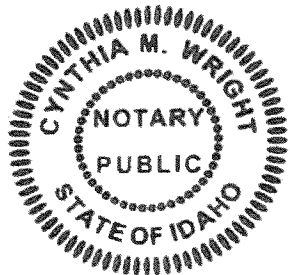
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

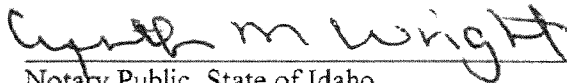
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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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[stacey@mwsslawyers.com](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897627**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:44:53 AM No. of Pages: 3  
Recorded for: RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 11]**

Honorable Barbara A. Buchanan

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

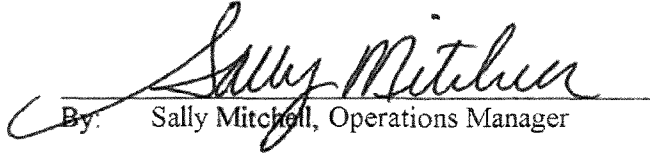
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 10,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

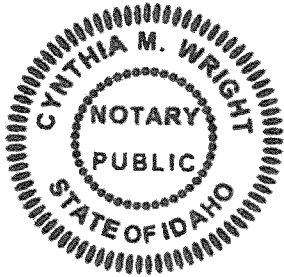
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY** <sup>PLLC</sup>  
827 East Park Boulevard, Suite 201  
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Telephone: 208.489.0100  
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[stacey@mwsslawyers.com](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897628**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:46:21 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *CB*  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 12]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

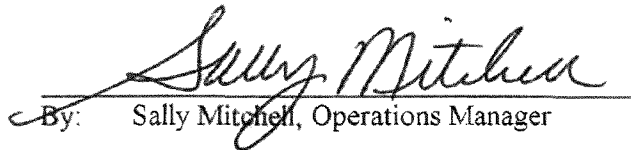
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 10,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

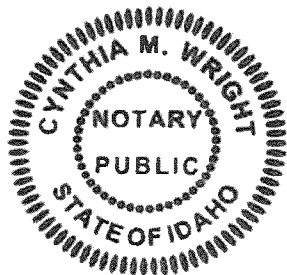
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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

Attorneys For Valiant Idaho, LLC

**Instrument # 897629**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:47:50 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 13]**

**Honorable Barbara A. Buchanan**



**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

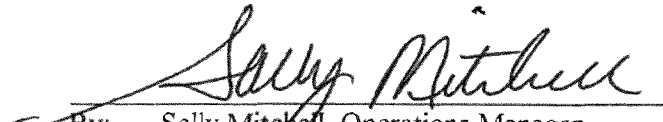
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 10,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

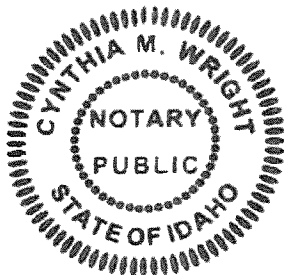
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

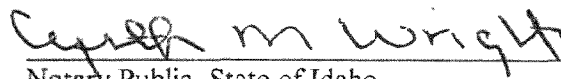
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897630**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:50:02 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *LB*  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 14]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,


916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 5,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

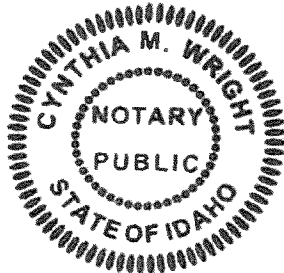
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

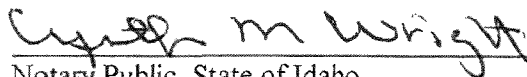
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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

**Instrument # 897631**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:50:55 AM No. of Pages: 3  
Recorded for: RICHARD L STACEY  
MICHAEL W ROSEDALE Ex-Officio Recorder Deputy *CB* Fee: 23.00  
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 15]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,


916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 5,000.<sup>00</sup>, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

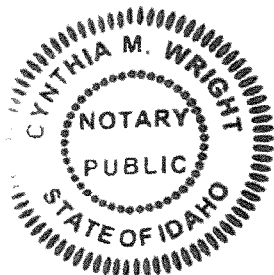
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

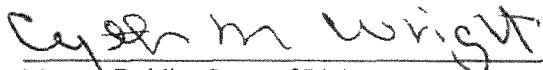
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017



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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[stacey@mwsslawyers.com](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

**Instrument # 897632**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:51:41 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *CB*  
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 16]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

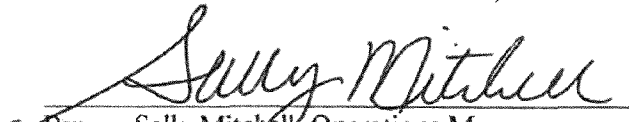
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 5,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

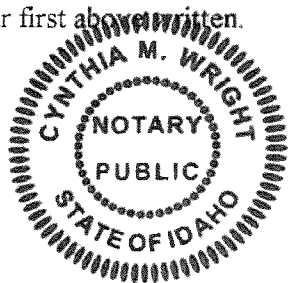
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

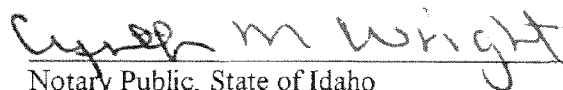
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897633**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:52:25 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *CR*  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 17]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

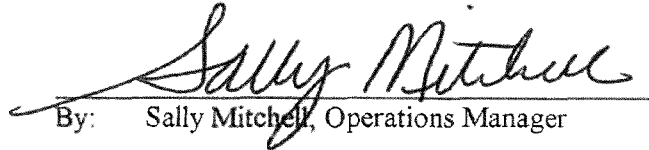
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 5,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

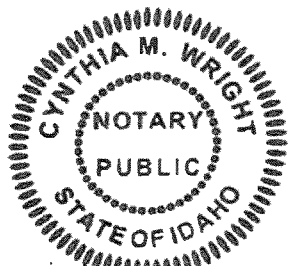
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897634**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:53:13 AM No. of Pages: 4  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 26.00  
Ex-Officio Recorder Deputy *CB*  
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 19]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,



916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 500,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

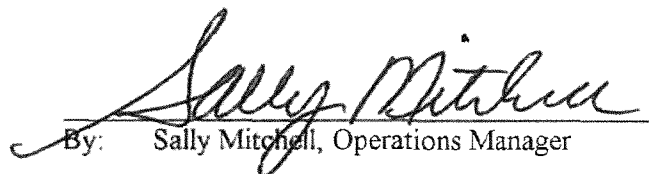
A tract of land located in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

**GIVEN UNDER MY HAND** this 7<sup>th</sup> day of November 2016.

**DARYL WHEELER**  
**SHERIFF OF BONNER COUNTY, IDAHO**

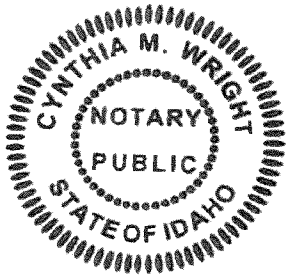
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Cynthia M Wright  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017



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

**Instrument # 897635**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:54:43 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *CR*  
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 20]**

**Honorable Barbara A. Buchanan**

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

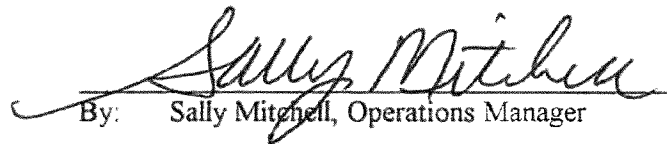
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 50,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

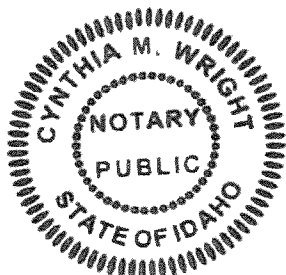
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

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

**Instrument # 897636**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:55:48 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy *CS*  
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE  
[Idaho Club - Parcel 21]**

Honorable Barbara A. Buchanan

**I, DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

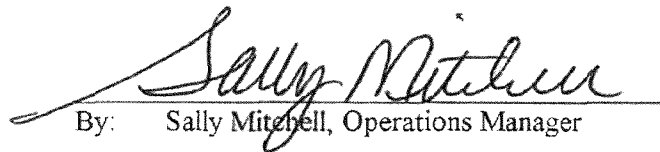
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 50,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

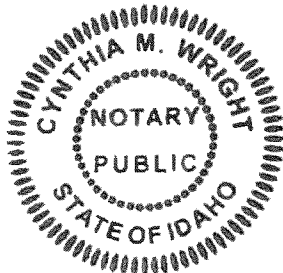
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

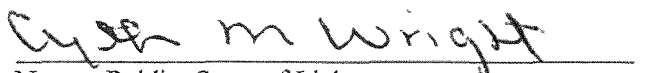
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017



Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY** <sup>PLLC</sup>  
827 East Park Boulevard, Suite 201  
Boise, Idaho 83712  
Telephone: 208.489.0100  
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[stacey@mwsslawyers.com](mailto:stacey@mwsslawyers.com)  
[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

**Instrument # 897637**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:56:41 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 22]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,

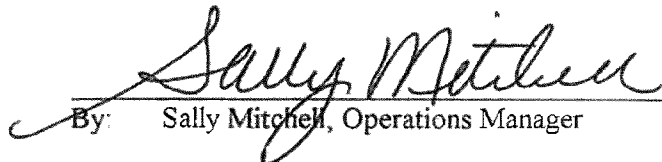
916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 40,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

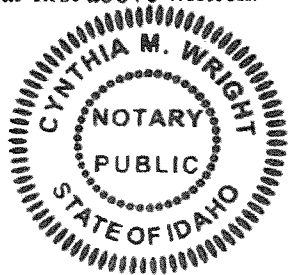
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO


  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
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[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**Instrument # 897638**  
BONNER COUNTY, SANDPOINT, IDAHO  
11-9-2016 08:57:25 AM No. of Pages: 3  
Recorded for : RICHARD L STACEY  
MICHAEL W ROSEDALE Fee: 23.00  
Ex-Officio Recorder Deputy   
Index to: CERTIFICATE OF SALE

**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

**SHERIFF'S CERTIFICATE OF SALE**  
**[Idaho Club - Parcel 23]**

**Honorable Barbara A. Buchanan**

I, **DARYL WHEELER**, as Sheriff of Bonner County, Idaho, do hereby certify that in accordance with a Decree of Foreclosure entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892187, Records of Bonner County, Idaho, ordering the foreclosure of certain mortgages owned by Valiant Idaho, LLC (“Valiant”) identified as:

i. A mortgage recorded on March 15, 2007 as Instrument Nos. 724829 and 724834, Records of Bonner County, Idaho (“RE Loans Mortgage”), securing the total amount of **\$4,317,100.24**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016;

ii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756394, 756395 and 756396, Records of Bonner County, Idaho (“Pensco Mortgage”), securing the total amount of **\$10,273,859.23**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016; and

iii. A mortgage recorded on August 6, 2008 as Instrument Nos. 756397, 756398 and 756399, Records of Bonner County, Idaho (“MF08 Mortgage”), securing the total amount of **\$7,998,415.00**, which amount includes prejudgment and post-judgment interest accrued through November 7, 2016

(the RE Loans Mortgage, the Pensco Mortgage and the MF08 Mortgage shall be collectively referred to herein as the “Valiant Mortgages”); pursuant to the Judgment entered July 20, 2016 by the above-entitled Court and recorded July 22, 2016, as Instrument No. 892188, Records of Bonner County, Idaho; pursuant to a Judgment Re: Costs and Attorneys’ Fees duly entered August 22, 2016 by the above-entitled Court and recorded October 11, 2016, as Instrument No. 896268, Records of Bonner County, Idaho (collectively, “Judgment”); and pursuant to a Writ of Execution (“Writ”) issued October 5, 2016 by the Clerk of the Court of the First Judicial District, in and for the County of Bonner, State of Idaho, directed to me and setting forth the Judgments to be recovered in the amount of \$22,480,344.20 in lawful money of the United States and satisfied out of the real property of Pend Oreille Bonner Development, LLC (“POBD”), securing the Valiant Mortgages; I have levied on and, on the 7<sup>th</sup> day of November 2016, sold at public auction in one lot or parcel, or as directed by the above-referenced Court, to **Valiant Idaho, LLC**,


916 Greenlawn Street, Celebration, Florida 34747, without recourse, together with its successors and assigns, which was the highest bidder, with a credit bid of \$ 40,000.00, which was the whole price paid by Valiant for the claim and interest of POBD as aforesaid in and to the real estate particularly described as follows, to-wit:

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

Further, said real property is subject to redemption upon payment in lawful money of the United States within six (6) months after the sale of the real property consisting of a tract of land of twenty (20) acres or less, pursuant to statute.

GIVEN UNDER MY HAND this 7<sup>th</sup> day of November 2016.

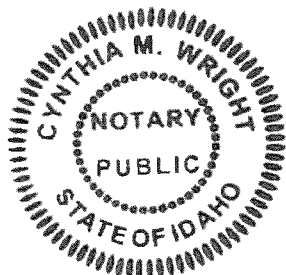
DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO

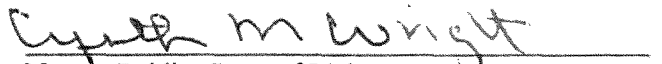
  
By: Sally Mitchell, Operations Manager

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER    )

On this 7<sup>th</sup> day of November 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Sally Mitchell**, known or identified to me to be the person whose name is subscribed to the within instrument as Operations Manager of the Bonner County Sheriff's Office, State of Idaho, and acknowledged to me that she executed the same as such employee of the Bonner County Sheriff's Office, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
Notary Public, State of Idaho  
Residing at: Bonner County, Idaho  
My Commission Expires: 12-22-2017