

Randall C. Budge
 James P. Price
 RACINE, OLSON, NYE, COOPER &
 BUDGE, CHARTERED
 P.O. Box 1391; 201 E. Center
 Pocatello, Idaho 83204-1391
 Telephone: (208) 232-6101
 Fax: (208) 232-6109

7-1

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

HAROLD URE and ELIZABETH)
 (BETTY) LOU URE, husband and wife,)

Plaintiffs,)

vs.)

JOHN C. MARLEY, a single man;)
 DIANE POWELL; DAVID L. EVANS,)
 dba D.L. EVANS, ATTORNEY AT LAW;)
 THE HEIRS AND DEVISEES OF)
 DONNA MARLEY, DECEASED;)
 DOWNEY LUMBER COMPANY, an)
 Idaho corporation; ERNIE R. GUNTER)
 and VICKIE GUNTER, individually and)
 as husband and wife; J. WENDELL)
 MARLEY and MARION MARLEY, as)
 husband and wife; CREDIT BUREAU OF)
 POCATELLO, INC., an Idaho)
 corporation; J. WENDELL MARLEY,)
 S. WAYNE MARLEY, SHARON)
 MARLEY, and DARRYL L. MARLEY,)
 as co-trustees of the JOHN C. MARLEY)
 TRUST,)

Defendants.)

Case No. CVOC-97-01979B

CERTIFICATE OF SALE

STATE OF IDAHO

)

: ss

County of Bannock

)

7-2

I, CAPTAIN J.T. HEINZ, the duly qualified and acting Sheriff of Bannock County, Idaho, do hereby certify that under and by virtue of a Judgment and Decree of Foreclosure issued out and under the seal of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, on April 10, 1998, in favor of Plaintiffs and against Defendants as stated in the caption hereof, together with the Order of Sale and Writ of Execution issued pursuant to said Judgment and Decree of Foreclosure on APRIL 13, 1998, which were delivered and directed to me, thereby I was commanded to sell the property therein described according to law, and out of the proceeds of said sale I was commanded to obtain my fees, disbursements and commissions as provided by law, next to pay Plaintiff the total sum of \$ 149,054.76 plus statutory interest accrued on said amount from April 10, 1998, until paid, together with taxes and other assessments against the subject property or so much of the same as said proceeds of the sale shall pay thereof. In the event Plaintiffs shall be paid in full and a surplus remains, I was commanded to pay the balance thereof to the Court.

I duly levied upon the real property described in Exhibit "A" attached hereto and incorporated herein; and, on MAY 12, 1998, at the hour of 10:00 o'clock a.m., on the front steps of the Bannock County Courthouse in Pocatello Idaho, according to law, and after due and legal notice required by law, sold the described real property to HAROLD & ELIZABETH URE
CREDIT BID, who made the highest bid therefor at such sale in the sum of \$ 150,327.85 lawful money of the United States of America, which was the whole sum paid for the real property and all appurtenances described in said Order of Sale.

1-3

98009167

I further do certify that the whole of said property is subject to redemption pursuant to statute; further, that the Court expressly retained jurisdiction in this case for the purpose of making any further Orders as may be necessary to carry the Judgment and Decree of Foreclosure into effect, including the appointment, if necessary, of a receiver for protection, operation, maintenance, management and preservation of the premises covered by this sale, or the continuation thereof, if the same is now in existence, and any redemption shall be subject to any such receivership and the terms thereof in accordance with the Order of this Court.

GIVEN under my hand and seal this 12 day of MAY, 1998.

Bannock County Sheriff

BY Capt. J. J. Henry
Deputy Sheriff

SUBSCRIBED AND SWORN to before me on this 12 day of May, 1998.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Bozeman, Idaho

(SEAL)

NOTARY SEAL

TO 98009167
RECORDED AT REQUEST OF
Racine Law Office
98 MAY 12 PM 1 06
OFFICIAL BOOKING 711
L. J. H. NO
FEE 2100
RECORDED
DUTY LK

7-4

LEGAL DESCRIPTION
ORDER NO. 25094.LTG

SCHEDULE D

The land referred to in this Commitment is described as follows:

PARCEL 1:

Beginning at a point on the Meridional Center Line of Section 6, Township 9 South, Range 37 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, 133 feet North of the South Quarter Corner of said Section; thence South on the Meridional Center Line of Section 6 and 7, 714.5 feet; thence South 64°17' West 5090 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds; thence North 25°43' West along the said Boundary 643 feet; thence North 64°17' East 5400 feet, more or less, to the PLACE OF BEGINNING. ~~X~~ The same comprising portions of the Southeast Quarter of the Southwest Quarter of Section 6, the Northeast Quarter of the Northwest Quarter and Lots 1 and 2 of Section 7, Township 9 South, Range 37 East of the Boise Meridian, and the Northeast Quarter of the Northeast Quarter and Lots 2, 5 and 6 of Section 12, Township 9 South, Range 36 East of the Boise Meridian, being subject to a lease of 1 acre of said Tract to the Utah Power and Light Company, and to rights of way for roads and Pole Line Easement to the Utah Power and Light Company, power house and to other tracts East of Portneuf River and Pole Line Easement to Utah Power Company.

EXCEPTING FROM THE ABOVE DESCRIBED LAND: Commencing at a point South 54°04' East 4365 feet from the Northwest Corner of Section 12, Township 9 South, Range 36 East of the Boise Meridian; thence running South 23°13' East 100 feet; thence South 66°47' West 100 feet, thence North 23°13' West 100 feet; thence North 66°47' East 100 feet to POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 6, Township 9 South, Range 37 E.B.M. BANNOCK COUNTY, IDAHO, that is 133 feet North of the South Quarter Corner of said Section, thence Southerly along the Meridional Centerline of Section 6 and 7, 714.5 feet, thence South 64°17' West 4690 feet, more or less, to the Westerly bank of the Portneuf River, the POINT OF BEGINNING, thence continuing South 64°17' West 400 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds, thence North 25°43' West along said Boundary 643 feet, thence North 64°17' East 550 feet, more or less, to the Westerly bank of the Portneuf River, thence in a General Southerly direction along said Westerly bank to the POINT OF BEGINNING. Said Tract being a portion of Lots 5 and 6 of Section 12, Township 9 South, Range 36 E.B.M.

LEGAL DESCRIPTION
ORDER NO. 25094.LTG

7-5

ALSO EXCEPTING THEREFROM: A Parcel of land located in the East $\frac{1}{2}$ of Section 12, Township 9 South, Range 36 East, Boise Meridian, BANNOCK COUNTY, IDAHO, more particularly described as follows:

Commencing at Centerline Station 72+23 of U.S. Highway 30 as surveyed and shown on the official Plat of the Old Oregon Trail (N.R.H.60-C) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, which station is described (Instrument-189761 in the records of Bannock County) as being approximately 1065 feet South and 128 feet East from the West Quarter Corner of Section 7, Township 9 South, Range 37 East, Boise Meridian; thence South $31^{\circ}17'$ East along the centerline of the said Highway 91.4 feet to Station 73+14.4; thence North $58^{\circ}43'$ East 60.00 feet to a State of Idaho Highway right of way monument in the Easterly right of way line of said Highway; thence North $31^{\circ}17'$ West along the said Easterly right of way line 1876.14 feet to a point that is South $31^{\circ}17'$ East 1632.5 from a State of Idaho Highway right of way monument marking station 38+05.4; thence North $65^{\circ}43'$ East 90.68 feet to the TRUE POINT OF BEGINNING, said point marked with a $\frac{3}{4}$ " x 24" steel peg; thence continuing North $65^{\circ}43'$ East 419.00 feet to a point marked with a $\frac{3}{4}$ " x 24" steel peg; thence North $31^{\circ}17'$ West 314.25 feet to the point marked with a $\frac{3}{4}$ " x 24" steel peg; thence South $65^{\circ}43'$ West 419.00 feet to the point marked with a $\frac{3}{5}$ " x 24" steel peg; thence South $31^{\circ}17'$ East 314.25 feet to the POINT OF BEGINNING.

TOGETHER HEREWITH: a non exclusive fifty (50) foot Right of Way (easement), said easement being 25 feet from the Centerline of the fifty (50) foot Right of Way, running parallel to and enjoining the said South line of the above said described parcel of land, and connecting with Highway 30, namely for the purpose of ingress, egress and all visible and invisible needs for easements thereof necessary for the reasonable use of the property so described as well as surrounding properties granted, and/or to be granted in the future, for the beneficial use and enjoyment to all parties as mentioned above.

ALSO EXCEPTING THEREFROM: A parcel of land in Lot 2 of Section 12, Township 9 South, Range 36 East, Boise Meridian, described as follows:

Beginning at a point 2621.22 feet South and 3836.60 feet East from the Northwest Corner of said section 12, thence North $66^{\circ}47'$ East 150 feet, thence South $23^{\circ}13'$ East 150 feet, thence South $66^{\circ}47'$ West 150 feet, thence North $23^{\circ}13'$ West 150 feet to THE POINT OF BEGINNING.

Together with a right of way of ingress and egress for foot and vehicle travel to the premises from the adjacent highway over land owned by Grantors

PARCEL 2:

7-6

98009167

Beginning at a point on the Meridional Center Line of Section 7, Township 9 South, Range 37 E.B.M., BANNOCK COUNTY, IDAHO, 581.5 feet South of the North Quarter Corner of the said Section; thence South on the Meridional Center of said Section 759 feet; thence South 64°17' West 4762 feet, more or less, to the Northeast Boundary line of the O.S.L. Railroad Station Grounds; thence North 25°43' West along the said Boundary of the Station Grounds 683 feet; thence North 64°17' East 5090 feet, more or less, to the PLACE OF BEGINNING. The same comprising portions of the East half of the Northwest Quarter and Lots 1, 2 and 3 of Section 7, Township 9 South, Range 37 E.B.M., and Lots 2, 3 and 6 of Section 12, Township 9 South, Range 36 East of the Boise Meridian.

EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 7, Township 9 South, Range 37 E.B.M., that is 581.5 feet Southerly from the North Quarter Corner of said Section; thence Southerly along said Centerline 759 feet, thence South 64°17' West, 4242 feet, more or less, to the Westerly bank of the Portneuf River, the POINT OF BEGINNING, thence continuing South 64°17' West 520 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds, thence North 25°43' West along said Boundary 683 feet, thence North 64°17' East, 400 feet, more or less, to the Westerly bank of the Portneuf River, thence in a general Southerly direction along said Westerly bank to the POINT OF BEGINNING. Said tract being a portion of Lot 6, Section 12, Township 9 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO.

PARCEL 3:

Beginning at a point on the Meridional Center Line of Section 7, Township 9 South, Range 37 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, 1340.5 feet South of the North Quarter Corner of said Section; thence South on the Meridional Center Line of said Section 1197.8 feet; thence South 64°17' West 4209 feet, more or less, to the East right of way line of the O.S.L. Railroad 155 Southeasterly from the Southeast Boundary of the O.S.L. Railroad Station Grounds; thence in a Northwesterly direction along the said right of way line 155 feet to the Southeast Boundary of the O.S.L. Railroad Station Grounds; thence in a Northeasterly direction 75 feet to the East Corner of the said Station Grounds; thence in a Northwesterly direction along the Northeast Boundary of the Station Grounds, to a point on a line parallel with and 1078 feet Northerly from the South Boundary of this Tract as hereinbefore described; thence North 64°17' East 4762 feet, more or less, to the PLACE OF BEGINNING.

The same comprising portions of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter and Lots 2 and 3 in Section 7, Township 9 South, Range 37 E.B.M., and Lots 2, 3, 6 and 7 and the Southwest Quarter of the Southeast Quarter of Section 12, Township 9 South, Range 36 East of the Boise Meridian.

EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 7, Township 9 South, Range 37 E.B.M., that is 1340.5 feet Southerly from the North Quarter Corner of said Section, thence Southerly along said Centerline 1197.8 feet, thence South 64°17' West 3889 feet, more or less, to the Westerly bank of the Portneuf River the POINT OF BEGINNING, thence continuing South 64°17' West, 420 feet, more or less, to the East right of way line of the O.S.L. Railroad to a point that is 155 feet Southeasterly from the Southeast Boundary of the O.S.L. Railroad Station Grounds, thence Northwesterly along said Right of Way line 155 feet to said Southeast Boundary of said Station Grounds, thence Northeasterly along said Southeast Boundary 75 feet to the most Easterly Corner of said Station Grounds.

98009167

SCHEDULE B
ORDER NO. 25094.LTG

7-7

PARCEL 4:

Township 9 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO
Section 5: ~~SW~~~~SW~~
Section 6: ~~S~~~~SE~~
Section 7: ~~NE~~, ~~NW~~~~SE~~