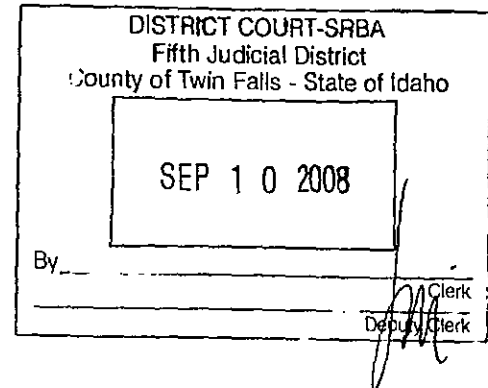


Kimbell D. Gourley/ISB #3578
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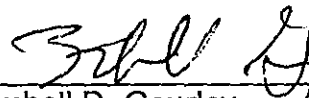
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In re: SRBA	}	Subcase No.: 63-7539
Case No. 39576		
		CROSS-MOTION FOR SUMMARY JUDGMENT

COMES NOW, Craig Whitted, by and through his counsel of record, Trout ♦ Jones ♦ Gledhill ♦ Fuhrman, P.A., and hereby cross-moves for summary judgment, pursuant to I.R.C.P. 56(b), and specifically moves the court to enter summary judgment in favor of Craig Whitted for the reason there is no genuine issue of material fact and Craig Whitted is entitled to summary judgment as a matter of law. Craig Whitted respectfully requests timely oral argument on the matters contained herein. This cross-motion is supported by the Affidavit of Craig Whitted, the Affidavit of Sheila Whitted, the Affidavit of Ava Race, the Affidavit of Alvin Race, and the Affidavit of Carrie Cusic Moore filed contemporaneously herewith.

DATED this 9th day of September, 2008.

TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.

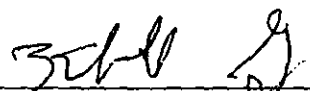


Kimbell D. Gourley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2008, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☒ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
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Kimbell D. Gourley