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HANSEN & HOOPEES, PLLC
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Sean J. Coletti, ISBN 7199
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P.O. Box 51219
Idaho Falls, Idaho 83405-1219
Telephone: 208-523-4445

Attorneys for Intervenor Wells Fargo Bank, N.A.

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

Case No. 39576

NOTICE OF APPEARANCE

Category: I.1.

Fee: \$58.00

PLEASE TAKE NOTICE that C. Timothy Hopkins and Sean J. Coletti, of the law firm Hopkins Roden Crockett Hansen & Hoopes, PLLC, Idaho Falls, Idaho, hereby appear as attorneys of record for Intervenor, Wells Fargo Bank, N.A. ("Intervenor"), in the above-entitled action. Intervenor expressly reserves the right to assert any and all defenses in this matter, including but not limited to reserving and asserting all defenses provided for in Rule 12(b) of the Idaho Rules of Civil Procedure.

NOTICE OF APPEARANCE - 1

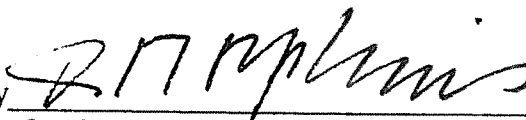
RECEIVED

MAR 09 2012

Department of Water Resources
Eastern Region

DATED this 6th day of March, 2012.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By 
C. Timothy Hopkins
Attorneys for Intervenor

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the person(s) named below, at the address(es) set out below their name, either by mailing, overnight delivering, hand delivering or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by overnight delivery, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 6th day of March, 2012.

By Sean J. Coletti
Sean J. Coletti

Chad Marlowe, Esq.
Marlowe Law Firm, P.C.
P.O. Box 4842
Jackson, WY 83001

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- ☐ Overnight Delivery
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- ☐ Facsimile

Jarin O. Hammer, Esq.
Beard St. Clair Gaffney, P.A.
2105 Coronado St.
Idaho Falls, ID 83404-7495

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Ray W. Rigby, Esq.
Rigby Andrus & Rigby, Chtd.
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Rexburg, ID 83440-0250

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Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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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

Case No. 39576

MOTION TO INTERVENE

COMES NOW WELLS FARGO BANK, N.A., (“Intervenor”), by and through its attorneys of record, Hopkins Roden Crockett Hansen & Hoopes, PLLC, and moves pursuant to Rule 24(a) of the Idaho Rules of Civil Procedure to intervene in this action as a Defendant-Respondent. In support of this Motion, Intervenor states the following:

1. Rule 24(a) of the Idaho Rules of Civil Procedure provides that anyone shall be permitted to intervene in an action “(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the

applicant is so situated that the disposition of the action may as a practical matter impair or impede applicant's ability to protect that interest[.]”

2. In this case the Intervenor moves to intervene under Rule 24(a).

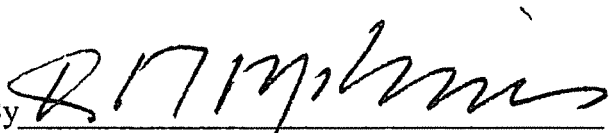
On January 5, 2012, the Intervenor purchased the real property previously owned in this matter by BC Properties LLC. As the owner of one of the properties at issue in this case, Intervenor's interest is not adequately represented by the existing parties. Disposition of this action in its present state as a practical matter may impair or impede Intervenor's ability to protect its interest in the real property it owns. As such, the Intervenor should be allowed to intervene as a matter of right in accordance with the provisions of Rule 24(a) to protect its interest in said real property.

3. This Motion is based upon the pleadings and papers on file herein and the Affidavit of C. Timothy Hopkins filed in support hereof.

WHEREFORE, the Intervenor respectfully requests that the Court grant this Motion to Intervene and allow it to intervene herein as a party Defendant-Respondent for all purposes.

DATED this 14 day of March, 2012.

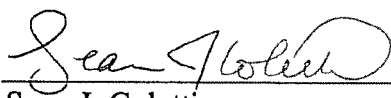
HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By 
C. Timothy Hopkins
Attorneys for Intervenor
Wells Fargo Bank, N.A.

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I hereby certify that a true and correct copy of the foregoing document was on this date served upon the person(s) named below, at the address(es) set out below their name, either by mailing, overnight delivering, hand delivering or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by overnight delivery, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 6th day of March, 2012.

By 
Sean J. Coletti

Chad Marlowe, Esq.
Marlowe Law Firm, P.C.
P.O. Box 4842
Jackson, WY 83001

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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

Case No. 39576

AFFIDAVIT OF C. TIMOTHY
HOPKINS

STATE OF IDAHO)
) ss.
County of Bonneville)

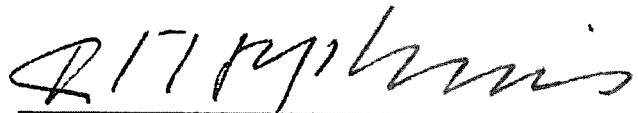
C. TIMOTHY HOPKINS, being first duly sworn on his oath, deposes and
says as follows:

1. I am counsel for the Intervenor Wells Fargo Bank, N.A. in the above
entitled action. This Affidavit is made on personal knowledge, and I am competent to
testify as to the matters stated herein.

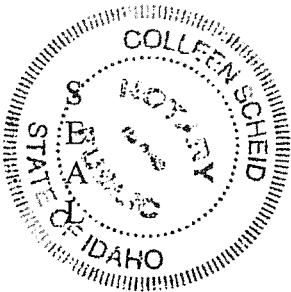
AFFIDAVIT OF C. TIMOTHY HOPKINS - 1

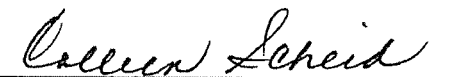
2. On January 5, 2012, Intervenor Wells Fargo Bank, N.A. purchased the property previously owned by BC Properties LLC, at a Sheriff's sale in Teton County, Idaho. Attached as Exhibit A is a true and correct copy of the Sheriff's Certificate on Sale of Real Estate Under Execution, with legal description, identifying the property that was purchased by the Intervenor.

3. Intervenor is the current owner of the property identified in Exhibit A.


C. TIMOTHY HOPKINS

SUBSCRIBED AND SWORN to before me this 6th day of March, 2012.




Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 8/12/14

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OR FACSIMILE TRANSMISSION

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DATED this 6th day of March, 2012.

By 
Sean J. Coletti

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Instrument # 220327
TETON COUNTY, IDAHO
1-6-2012 10:45:30 No. of Pages: 6
Recorded for : HOPKINS RODEN CROCKETT HANSEN
MARY LOU HANSEN Fee: 22.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: CERTIFICATE OF SALE

HOPKINS RODEN CROCKETT
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C. Timothy Hopkins, ISBN 1064
Sean J. Coletti, ISBN 7199
428 Park Avenue
P.O. Box 51219
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Telephone: 208-523-4445
Counsel for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

WELLS FARGO BANK, NA

Plaintiff,

v.

BC PROPERTIES, LLC, an Idaho
limited liability company; LUCRA
INVESTMENTS, INC., a Louisiana
corporation; JEFFREY R. BORER,
ANGELA BORER, KEN R.
CHAMBERS, and V. JAYNE
CHAMBERS,

Defendants.

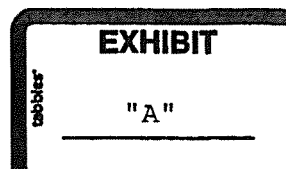
Case No. CV-2011-41

SHERIFF'S CERTIFICATE ON SALE
OF REAL ESTATE UNDER
EXECUTION

STATE OF IDAHO)
) ss.
County of Teton)

I, Cindy Hatch, Deputy Sheriff of Teton County, Idaho, do hereby certify:

{00037696;1}
SHERIFF'S CERTIFICATE ON SALE OF REAL ESTATE UNDER EXECUTION - 1



1. That by virtue of an execution in the above-entitled action, issued the 21st day of October, 2011, to me directed, setting forth a judgment recovered in the amount of \$930,103.16, lawful money of the United States, with interest thereon and costs of record, advances made by the Plaintiff to protect its security interest and costs of sale, to be satisfied out of the real property described herein and belonging to the said Defendants, BC PROPERTIES, LLC, an Idaho limited liability company; LUCRA INVESTMENTS, INC., a Louisiana corporation; JEFFREY R. BORER, ANGELA BORER, KEN R. CHAMBERS, and V. JAYNE CHAMBERS, on the day said execution was levied herein, according to said writ and the statutes provided in such cases, I have levied on and this day sold at public auction the following described real property to Wells Fargo Bank, NA, who was the highest bidder, for the sum of \$387,000⁰⁰, lawful money of the United States, which was the whole price paid by Wells Fargo Bank, NA (credit bid) for the right, claim and interest of the within named Defendants, as aforesaid, in and to the real estate particularly described as follows, to-wit:

See attached Exhibit "A".

2. That the real estate is subject to redemption within one (1) year after the sale on this date and pursuant to the provisions of Idaho Code §11-401 et seq.

{00037696;1}

SHERIFF'S CERTIFICATE ON SALE OF REAL ESTATE UNDER EXECUTION - 2

Given under my hand this 5th day of January, 2012.

TONY LIFORD
Sheriff of Teton County, State of Idaho

Cindy Hatch - Civil Deputy
By: Cindy Hatch, Deputy

{00037696;1}

SHERIFF'S CERTIFICATE ON SALE OF REAL ESTATE UNDER EXECUTION - 3

EXHIBIT A

Real property in the County of Teton, State of Idaho, described as follows:

TRACT I:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho

Section 5: W1/2SW1/4

NOW KNOWN AS:

ALL OF SILVER DOLLAR RANCH DIVISION NO. 1, AS SHOWN ON THE OFFICIAL PLAT THEREOF; RECORDED APRIL 15, 2008, AS INSTRUMENT NO. 196953, RECORDS OF TETON COUNTY, IDAHO.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LOTS:

LOT 5 BLOCK 2, LOTS 2, 3 AND 4, BLOCK 3 AND LOTS 2, 3 AND 5 BLOCK 4, SILVER DOLLAR RANCH DIVISION NO. 1, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED APRIL 15, 2008, AS INSTRUMENT NO. 196953, RECORDS OF TETON COUNTY, IDAHO.

TRACT II:

Parcel 8: A part of the N1/2 of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: From the C ¼ corner of said Section 5, thence North 89°33'31" West 1323.96 feet along the South line of the SE1/4NW1/4 to the SW corner of said SE1/4NW1/4 and thence North 00°01'02" West 667.60 feet further along the West line of the SE1/4NW1/4 to the true point of beginning; thence North 00°01'02" West 667.60 feet further along the West line of the SE1/4NW1/4 to the NW corner of the SE1/4NW1/4 of said Section 5; thence South 89°17'00" East 1331.19 feet to a point; thence South 00°09'41" West 662.55 feet to a point; thence North 89°30'00" West 1329.07 feet to the point of beginning.

Parcel 9: A part of the N1/2 of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: Commencing at the C ¼ corner of said Section 5, the point of beginning, thence North 89°33'31" West 1323.96 feet along the South line of the SE1/4NW1/4 to the SW corner of the SE1/4NW1/4 of said Section 5; thence North 00°01'02" West 667.60 feet along the West line of the SE1/4NW1/4 of said Section 5 to a point; thence South 89°30'00" East 1329.07 feet to a point; thence South 00°09'41" West 67.13 feet to an iron pin; thence South 00°27'01" West 599.09 feet to the point of beginning.

Together with and subject to an easement for ingress, egress and utilities across the following described easement, said easement being 60 feet wide and lying Westerly and Southerly of the following described line: Beginning at the Center $\frac{1}{4}$ corner of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, the point of beginning; thence North $00^{\circ}27'01''$ West 599.09 feet; thence North $00^{\circ}09'41''$ West 729.68 feet; thence North $00^{\circ}46'00''$ West 662.20 feet; thence North $01^{\circ}01'26''$ West 861.16 feet; thence South $89^{\circ}52'09''$ East 2644.94 feet more or less to the point of ending.