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RECEIVED

JUN 18 2010

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES  
WESTERN REGION

or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

- Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water<br>Right No(s)  | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|-----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| PD 65-2631 ✓          | 6-21-02                     |          |                      |                             |          |
| <del>PD 65-1545</del> |                             |          |                      |                             |          |
| PD 65-10532 ✓         | 7-18-02                     |          |                      |                             |          |
| PD 65-19652 ✓         | 12-24-98                    |          |                      |                             |          |
| LLC 65-13653 ✓        |                             |          |                      |                             |          |
| PD 65-2450 ✓          | 6-28-02                     |          |                      |                             |          |

- The following **REQUIRED** information must be submitted with this form:
  - The appropriate **FILING FEE**. See instructions for fee amounts.
  - A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
  - Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

**OR**

- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Merrill's Egg Farm, LLC  
3610 Star Lane  
Emmett, Idaho 83617

4. New Owner/Claimant(s) U.S. Bank National Association, as  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Custodian/Trustee

New Mailing Address Zions Agricultural Finance, c/o Rod Avey  
500 Fifth St.  
 City, State and ZIP Code Ames, Iowa, 50010

New Telephone Number (515) 232-7310 Email: Rod.Avey@zionsbank.com  
ext. 201

5. Date you acquired the property June 2, 2010

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) By: [Signature] - V-P  
 U.S. Bank National Association, as Custodian/  
 Trustee  
 Rodney Avey, Vice President of (title if applicable)  
 Zions First National Bank, its Attorney-in-Fact  
 (title if applicable)

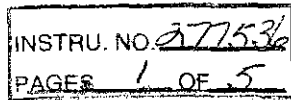
IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature] Date 6-18-10  
 Received by [Signature] Date 6-18-10  
 Processed by AJ Date 6-18-10

Receipt Amt. 150.00  
 Receipt No. W038481  
 WR [Signature] Date 7-8-10

Receipt 65-1545



**Instrument # 277536**

EMMETT, GEM, IDAHO

6-2-2010 03:58:00 No. of Pages: 5

Recorded for : COLEMAN RITCHIE & ROBERTSON

SHELLY GANNON

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

JOHN S. RITCHIE  
COLEMAN, RITCHIE & ROBERTSON  
Attorneys at Law  
156 2nd Avenue West  
P. O. Box 525  
Twin Falls, ID 83303-0525  
Telephone: (208)734-1224  
Fax: (208)734-3983  
Idaho State Bar No. 1790

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

U.S. BANK NATIONAL ASSOCIATION, as  
CUSTODIAN/ TRUSTEE,

Plaintiff,

vs.

MERRILL'S EGG FARM, LLC, an Idaho  
limited liability company; GALAN R.  
MERRILL and NANCY C. MERRILL,  
husband and wife; BANNER BANK, a  
Washington corporation; CITY OF EMMETT,  
an Idaho Municipal Corporation; VENTURE  
FINANCIAL LLC, an Idaho limited liability  
company; PETER COVINO, III, a married  
man; SEAN MERRILL, an unmarried man;  
and GOTHBERG INVESTMENTS, LLC, an  
Idaho limited liability company,

Defendants.

Case No. CV-2008-621

**SHERIFF'S DEED**

BANNER BANK, a Washington corporation,

Cross-Claimant,

vs.

MERRILL'S EGG FARM, LLC, an Idaho limited liability company; GALAN R. MERRILL and NANCY C. MERRILL, husband and wife; BANNER BANK, a Washington corporation; CITY OF EMMETT, an Idaho Municipal Corporation; VENTURE FINANCIAL LLC, an Idaho limited liability company; PETER COVINO, III, a married man; SEAN MERRILL, an unmarried man; and GOTHBERG INVESTMENTS, LLC, an Idaho limited liability company,

Cross-Defendants.

THIS DEED, made this 9<sup>th</sup> day of June, 2010, between CHARLES D. ROLLAND, Sheriff of the County of Gem, State of Idaho, "Grantor", and U.S. BANK NATIONAL ASSOCIATION as Custodian/Trustee, whose address is c/o Zions Agricultural Finance, 500 Fifth Street, Ames, Iowa, 50010, "Grantee".

WHEREAS, by virtue of a Writ of Execution issued out of and under the seal of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, on March 15, 2009, upon a Judgment and Decree of Foreclosure recovered in the said Court on January 26, 2009, in favor of U.S. Bank National Association as Custodian/ Trustee, plaintiff, and against defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other

named defendants, which was directed and delivered to the said Sheriff commanding him to sell real property, appurtenances, fixtures and personal property owned by defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, described in the Notice of Levy on Real Estate under execution accompanying the said Writ of Execution; and

WHEREAS, the said Sheriff did, in obedience to said command to sell the real estate, appurtenances, fixtures and personal property therein and hereinafter particularly described, did, on May 28, 2009, sell the said real estate, appurtenances, fixtures and personal property at public auction at 3610 Star Lane, Emmett, Gem County, Idaho, at the hour of 11:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law; at which sale the said real estate, appurtenances, fixtures and personal property were sold to U.S. Bank National Association as Custodian/Trustee, for the total sum of EIGHTY THOUSAND AND 00/100 DOLLARS (\$80,000.00). The sum of \$80,000.00 was paid by U.S. Bank National Association as Custodian/Trustee by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$80,000.00.

The said U.S. Bank National Association as Custodian/Trustee being the highest bidder, and that being the highest sum bid for the real property and appurtenances, fixtures and personal property, whereupon the said Sheriff, after receiving from the purchaser all costs of sale, with the balance of the bid being a credit bid, gave to said purchasers a Sheriff's Certificate of Sale as is by law directed to be given, which said Sheriff's Certificate of Sale dated May 28, 2009, was recorded on May 28, 2009, as Instrument No. 272195, records of Gem County, Idaho; and

WHEREAS, one year from the date of said sale the recording of the Sheriff's Certificate of Sale has expired without any redemption of the said real property and appurtenances having been made by any of the defendants or anyone claiming under them.

NOW THIS INDENTURE WITNESSETH, that the said Charles D. Rolland, the Sheriff aforesaid, by virtue of the said Writ of Execution, and in consideration of the said sums of money to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presence, does GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the Grantee, and to its assigns, forever, all the right, title, interest and claim which the said judgment debtor Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other defendants, had on January 26, 2009, or any time afterwards, or now have, in and to all of that real property, appurtenances, fixtures and personal property located in Gem County, Idaho, specifically described as follows, to-wit:

**REAL PROPERTY:**

**Parcel 2**

Township 6 North, Range 2 West, B.M., Gem County, Idaho.

Section 22: The NE¼ of the SE¼.

Together with all appurtenances and all water rights and the following equipment:

|       |                 |                         |
|-------|-----------------|-------------------------|
| Pump: | Unknown Turbine | Motor: US Electric 5 hp |
|       | No Plate        | ID #7199/X02W349R001F   |

TO HAVE AND TO HOLD the said real property and appurtenances, unto the said party of the second part, its assigns, forever as fully and absolutely as the said Sheriff can, may or

ought to, by virtue of the said Writ of Execution and of the statute in such case made and provided, grant, bargain, sell, convey and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said Grantor, has hereunto set his hand and seal the day and year first above written.

DATED this 22<sup>nd</sup> day of June, 2010.

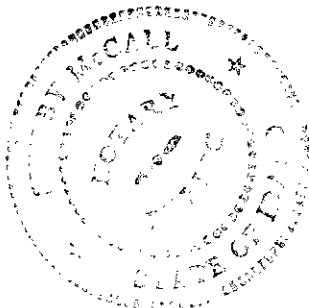
CHARLES D. ROLLAND, Sheriff  
Sheriff of Gem County, Idaho

By Charles D Rolland  
SHERIFF

STATE OF IDAHO                    )  
                                          ) ss.  
County of Gem                    )

On this 2<sup>nd</sup> day of June, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES D. ROLLAND, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Shelby McCall  
NOTARY PUBLIC  
Residing at: Emmett Id  
My Commission Expires: 01/03/13

INSTRUMENT NO. 277537  
PAGES 1 OF 5

**Instrument # 277537**

EMMETT, GEM, IDAHO

6-2-2010 03:59:00 No. of Pages: 5

Recorded for : COLEMAN RITCHIE & ROBERTSON

SHELLY GANNON

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

*Judy Evans*

JOHN S. RITCHIE  
COLEMAN, RITCHIE & ROBERTSON  
Attorneys at Law  
156 2nd Avenue West  
P. O. Box 525  
Twin Falls, ID 83303-0525  
Telephone: (208)734-1224  
Fax: (208)734-3983  
Idaho State Bar No. 1790

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

U.S. BANK NATIONAL ASSOCIATION, as  
CUSTODIAN/ TRUSTEE,

Plaintiff,

vs.

MERRILL'S EGG FARM, LLC, an Idaho  
limited liability company; GALAN R.  
MERRILL and NANCY C. MERRILL,  
husband and wife; BANNER BANK, a  
Washington corporation; CITY OF EMMETT,  
an Idaho Municipal Corporation; VENTURE  
FINANCIAL LLC, an Idaho limited liability  
company; PETER COVINO, III, a married  
man; SEAN MERRILL, an unmarried man;  
and GOTHBERG INVESTMENTS, LLC, an  
Idaho limited liability company,

Defendants.

Case No. CV-2008-621

**SHERIFF'S DEED**

BANNER BANK, a Washington corporation,

Cross-Claimant,

vs.

MERRILL'S EGG FARM, LLC, an Idaho limited liability company; GALAN R. MERRILL and NANCY C. MERRILL, husband and wife; BANNER BANK, a Washington corporation; CITY OF EMMETT, an Idaho Municipal Corporation; VENTURE FINANCIAL LLC, an Idaho limited liability company; PETER COVINO, III, a married man; SEAN MERRILL, an unmarried man; and GOTHBERG INVESTMENTS, LLC, an Idaho limited liability company,

Cross-Defendants.

THIS DEED, made this 2<sup>nd</sup> day of June, 2010, between CHARLES D. ROLLAND, Sheriff of the County of Gem, State of Idaho, "Grantor", and U.S. BANK NATIONAL ASSOCIATION as Custodian/Trustee, whose address is c/o Zions Agricultural Finance, 500 Fifth Street, Ames, Iowa, 50010, "Grantee".

WHEREAS, by virtue of a Writ of Execution issued out of and under the seal of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, on March 15, 2009, upon a Judgment and Decree of Foreclosure recovered in the said Court on January 26, 2009, in favor of U.S. Bank National Association as Custodian/ Trustee, plaintiff, and against defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other

named defendants, which was directed and delivered to the said Sheriff commanding him to sell real property, appurtenances, fixtures and personal property owned by defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, described in the Notice of Levy on Real Estate under execution accompanying the said Writ of Execution; and

WHEREAS, the said Sheriff did, in obedience to said command to sell the real estate, appurtenances, fixtures and personal property therein and hereinafter particularly described, did, on May 28, 2009, sell the said real estate, appurtenances, fixtures and personal property at public auction at 3610 Star Lane, Emmett, Gem County, Idaho, at the hour of 11:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law; at which sale the said real estate, appurtenances, fixtures and personal property were sold to U.S. Bank National Association as Custodian/Trustee, for the total sum of EIGHTY THOUSAND AND 00/100 DOLLARS (\$80,000.00). The sum of \$80,000.00 was paid by U.S. Bank National Association as Custodian/Trustee by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$80,000.00.

The said U.S. Bank National Association as Custodian/Trustee being the highest bidder, and that being the highest sum bid for the real property and appurtenances, fixtures and personal property, whereupon the said Sheriff, after receiving from the purchaser all costs of sale, with the balance of the bid being a credit bid, gave to said purchasers a Sheriff's Certificate of Sale as is by law directed to be given, which said Sheriff's Certificate of Sale dated May 28, 2009, was recorded on May 28, 2009, as Instrument No. 272196, records of Gem County, Idaho; and

WHEREAS, one year from the date of said sale the recording of the Sheriff's Certificate of Sale has expired without any redemption of the said real property and appurtenances having been made by any of the defendants or anyone claiming under them.

NOW THIS INDENTURE WITNESSETH, that the said Charles D. Rolland, the Sheriff aforesaid, by virtue of the said Writ of Execution, and in consideration of the said sums of money to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presence, does GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the Grantee, and to its assigns, forever, all the right, title, interest and claim which the said judgment debtor Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other defendants, had on January 26, 2009, or any time afterwards, or now have, in and to all of that real property, appurtenances, fixtures and personal property located in Gem County, Idaho, specifically described as follows, to-wit:

**Parcel 3**

Township 6 North, Range 2 West, B.M., Gem County, Idaho.

Section 23: The SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ .

Together with all appurtenances and all water rights.

TO HAVE AND TO HOLD the said real property and appurtenances, unto the said party of the second part, its assigns, forever as fully and absolutely as the said Sheriff can, may or ought to, by virtue of the said Writ of Execution and of the statute in such case made and provided, grant, bargain, sell, convey and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said Grantor, has hereunto set his hand and seal the day and year first above written.

DATED this 2<sup>nd</sup> day of June, 2010.

CHARLES D. ROLLAND, Sheriff  
Sheriff of Gem County, Idaho

By Charles D Rolland  
SHERIFF

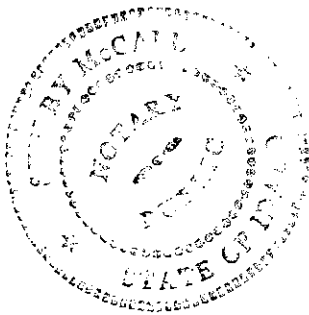
STATE OF IDAHO )

) ss.

County of Gem )

On this 2<sup>nd</sup> day of June, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES D. ROLLAND, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Sherry McCall  
NOTARY PUBLIC  
Residing at: Summit, Id  
My Commission Expires: 01/03/13

INSTRUMENT NO. 277538  
PAGES 1 OF 5

Instrument # 277538

EMMETT, GEM, IDAHO

6-2-2010 04:00:00 No. of Pages: 5

Recorded for : COLEMAN RITCHIE & ROBERTSON

SHELLY GANNON

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

JOHN S. RITCHIE  
COLEMAN, RITCHIE & ROBERTSON  
Attorneys at Law  
156 2nd Avenue West  
P. O. Box 525  
Twin Falls, ID 83303-0525  
Telephone: (208)734-1224  
Fax: (208)734-3983  
Idaho State Bar No. 1790

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

U.S. BANK NATIONAL ASSOCIATION, as  
CUSTODIAN/ TRUSTEE,

Plaintiff,

vs.

MERRILL'S EGG FARM, LLC, an Idaho  
limited liability company; GALAN R.  
MERRILL and NANCY C. MERRILL,  
husband and wife; BANNER BANK, a  
Washington corporation; CITY OF EMMETT,  
an Idaho Municipal Corporation; VENTURE  
FINANCIAL LLC, an Idaho limited liability  
company; PETER COVINO, III, a married  
man; SEAN MERRILL, an unmarried man;  
and GOTHBERG INVESTMENTS, LLC, an  
Idaho limited liability company,

Defendants.

Case No. CV-2008-621

**SHERIFF'S DEED**

BANNER BANK, a Washington corporation,

Cross-Claimant,

vs.

MERRILL'S EGG FARM, LLC, an Idaho limited liability company; GALAN R. MERRILL and NANCY C. MERRILL, husband and wife; BANNER BANK, a Washington corporation; CITY OF EMMETT, an Idaho Municipal Corporation; VENTURE FINANCIAL LLC, an Idaho limited liability company; PETER COVINO, III, a married man; SEAN MERRILL, an unmarried man; and GOTHBERG INVESTMENTS, LLC, an Idaho limited liability company,

Cross-Defendants.

THIS DEED, made this 2<sup>nd</sup> day of June, 2010, between CHARLES D. ROLLAND, Sheriff of the County of Gem, State of Idaho, "Grantor", and U.S. BANK NATIONAL ASSOCIATION as Custodian/Trustee, whose address is c/o Zions Agricultural Finance, 500 Fifth Street, Ames, Iowa, 50010, "Grantee".

WHEREAS, by virtue of a Writ of Execution issued out of and under the seal of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, on March 15, 2009, upon a Judgment and Decree of Foreclosure recovered in the said Court on January 26, 2009, in favor of U.S. Bank National Association as Custodian/ Trustee, plaintiff, and against defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other

named defendants, which was directed and delivered to the said Sheriff commanding him to sell real property, appurtenances, fixtures and personal property owned by defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, described in the Notice of Levy on Real Estate under execution accompanying the said Writ of Execution; and

WHEREAS, the said Sheriff did, in obedience to said command to sell the real estate, appurtenances, fixtures and personal property therein and hereinafter particularly described, did, on May 28, 2009, sell the said real estate, appurtenances, fixtures and personal property at public auction at 3610 Star Lane, Emmett, Gem County, Idaho, at the hour of 11:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law; at which sale the said real estate, appurtenances, fixtures and personal property were sold to U.S. Bank National Association as Custodian/Trustee, for the total sum of EIGHTY THOUSAND AND 00/100 DOLLARS (\$80,000.00). The sum of \$80,000.00 was paid by U.S. Bank National Association as Custodian/Trustee by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$80,000.00.

The said U.S. Bank National Association as Custodian/Trustee being the highest bidder, and that being the highest sum bid for the real property and appurtenances, fixtures and personal property, whereupon the said Sheriff, after receiving from the purchaser all costs of sale, with the balance of the bid being a credit bid, gave to said purchasers a Sheriff's Certificate of Sale as is by law directed to be given, which said Sheriff's Certificate of Sale dated May 28, 2009, was recorded on May 28, 2009, as Instrument No. 272197, records of Gem County, Idaho; and

WHEREAS, one year from the date of said sale the recording of the Sheriff's Certificate of Sale has expired without any redemption of the said real property and appurtenances having been made by any of the defendants or anyone claiming under them.

NOW THIS INDENTURE WITNESSETH, that the said Charles D. Rolland, the Sheriff aforesaid, by virtue of the said Writ of Execution, and in consideration of the said sums of money to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presence, does GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the Grantee, and to its assigns, forever, all the right, title, interest and claim which the said judgment debtor Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other defendants, had on January 26, 2009, or any time afterwards, or now have, in and to all of that real property, appurtenances, fixtures and personal property located in Gem County, Idaho, specifically described as follows, to-wit:

**Parcel 4**

Township 6 North, Range 2 West, B.M., Gem County, Idaho.

Section 23: The NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ .

Together with all appurtenances and all water rights and the following equipment:

|       |                    |                          |
|-------|--------------------|--------------------------|
| Pump: | Parma Water Lifter | Motor: Marathon 10 hp    |
|       | Belt Drive         | Model #DXF 215TBFW7044BB |
|       | Serial #50449-15   |                          |

TO HAVE AND TO HOLD the said real property and appurtenances, unto the said party of the second part, its assigns, forever as fully and absolutely as the said Sheriff can, may or

ought to, by virtue of the said Writ of Execution and of the statute in such case made and provided, grant, bargain, sell, convey and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said Grantor, has hereunto set his hand and seal the day and year first above written.

DATED this 22<sup>nd</sup> day of June, 2010.

CHARLES D. ROLLAND, Sheriff  
Sheriff of Gem County, Idaho

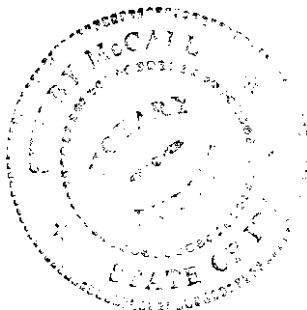
By Charles D Rolland  
SHERIFF

STATE OF IDAHO )

) ss.  
County of Gem )

On this 22<sup>nd</sup> day of June, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES D. ROLLAND, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Shelby McCall  
NOTARY PUBLIC  
Residing at: Emmett, Id  
My Commission Expires: 01/03/13

INSTRUMENT NO. 277539  
PAGES 1 OF 5

Instrument # 277539

EMMETT, GEM, IDAHO  
6-2-2010 04:01:00 No. of Pages: 5  
Recorded for : COLEMAN RITCHIE & ROBERTSON  
SHELLY GANNON Fee: 15.00  
Ex-Officio Recorder Deputy Judith Evans  
Index to: DEED

JOHN S. RITCHIE  
COLEMAN, RITCHIE & ROBERTSON  
Attorneys at Law  
156 2nd Avenue West  
P. O. Box 525  
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Telephone: (208)734-1224  
Fax: (208)734-3983  
Idaho State Bar No. 1790

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

U.S. BANK NATIONAL ASSOCIATION, as  
CUSTODIAN/ TRUSTEE,

Plaintiff,

vs.

MERRILL'S EGG FARM, LLC, an Idaho  
limited liability company; GALAN R.  
MERRILL and NANCY C. MERRILL,  
husband and wife; BANNER BANK, a  
Washington corporation; CITY OF EMMETT,  
an Idaho Municipal Corporation; VENTURE  
FINANCIAL LLC, an Idaho limited liability  
company; PETER COVINO, III, a married  
man; SEAN MERRILL, an unmarried man;  
and GOTHBERG INVESTMENTS, LLC, an  
Idaho limited liability company,

Defendants.

Case No. CV-2008-621

**SHERIFF'S DEED**

BANNER BANK, a Washington corporation,

Cross-Claimant,

vs.

MERRILL'S EGG FARM, LLC, an Idaho limited liability company; GALAN R. MERRILL and NANCY C. MERRILL, husband and wife; BANNER BANK, a Washington corporation; CITY OF EMMETT, an Idaho Municipal Corporation; VENTURE FINANCIAL LLC, an Idaho limited liability company; PETER COVINO, III, a married man; SEAN MERRILL, an unmarried man; and GOTHBERG INVESTMENTS, LLC, an Idaho limited liability company,

Cross-Defendants.

THIS DEED, made this 2<sup>nd</sup> day of June, 2010, between CHARLES D. ROLLAND, Sheriff of the County of Gem, State of Idaho, "Grantor", and U.S. BANK NATIONAL ASSOCIATION as Custodian/Trustee, whose address is c/o Zions Agricultural Finance, 500 Fifth Street, Ames, Iowa, 50010, "Grantee".

WHEREAS, by virtue of a Writ of Execution issued out of and under the seal of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, on March 15, 2009, upon a Judgment and Decree of Foreclosure recovered in the said Court on January 26, 2009, in favor of U.S. Bank National Association as Custodian/ Trustee, plaintiff, and against defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other

named defendants, which was directed and delivered to the said Sheriff commanding him to sell real property, appurtenances, fixtures and personal property owned by defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, described in the Notice of Levy on Real Estate under execution accompanying the said Writ of Execution; and

WHEREAS, the said Sheriff did, in obedience to said command to sell the real estate, appurtenances, fixtures and personal property therein and hereinafter particularly described, did, on May 28, 2009, sell the said real estate, appurtenances, fixtures and personal property at public auction at 3610 Star Lane, Emmett, Gem County, Idaho, at the hour of 11:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law; at which sale the said real estate, appurtenances, fixtures and personal property were sold to U.S. Bank National Association as Custodian/Trustee, for the total sum of FIVE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$550,000.00). The sum of \$550,000.00 was paid by U.S. Bank National Association as Custodian/Trustee by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$550,000.00.

The said U.S. Bank National Association as Custodian/Trustee being the highest bidder, and that being the highest sum bid for the real property and appurtenances, fixtures and personal property, whereupon the said Sheriff, after receiving from the purchaser all costs of sale, with the balance of the bid being a credit bid, gave to said purchasers a Sheriff's Certificate of Sale as is by law directed to be given, which said Sheriff's Certificate of Sale dated May 28, 2009, was recorded on May 28, 2009, as Instrument No. 272198, records of Gem County, Idaho; and

WHEREAS, one year from the date of said sale the recording of the Sheriff's Certificate of Sale has expired without any redemption of the said real property and appurtenances having been made by any of the defendants or anyone claiming under them.

NOW THIS INDENTURE WITNESSETH, that the said Charles D. Rolland, the Sheriff aforesaid, by virtue of the said Writ of Execution, and in consideration of the said sums of money to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presence, does GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the Grantee, and to its assigns, forever, all the right, title, interest and claim which the said judgment debtor Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other defendants, had on January 26, 2009, or any time afterwards, or now have, in and to all of that real property, appurtenances, fixtures and personal property located in Gem County, Idaho, specifically described as follows, to-wit:

**REAL PROPERTY:**

**Parcel 1**

Township 6 North, Range 2 West, B.M., Gem County, Idaho.

Section 22: The SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ; the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  lying North of the Drainage Ditch Gem County No. 1.

AND

Section 27: The NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  lying North of the Drainage Ditch Gem County No. 1.

Together with all appurtenances and all water rights and the following equipment:

|       |                 |                         |
|-------|-----------------|-------------------------|
| Pump: | Unknown Turbine | Motor: US Electric 5 hp |
|       | No Plate        | ID #7200W07W148R045F    |

TO HAVE AND TO HOLD the said real property and appurtenances, unto the said party of the second part, its assigns, forever as fully and absolutely as the said Sheriff can, may or ought to, by virtue of the said Writ of Execution and of the statute in such case made and provided, grant, bargain, sell, convey and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said Grantor, has hereunto set his hand and seal the day and year first above written.

DATED this 2<sup>nd</sup> day of June, 2010.

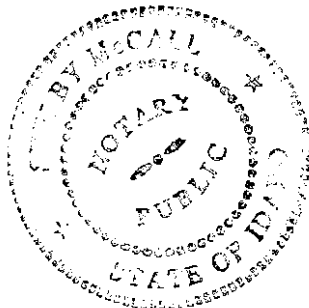
CHARLES D. ROLLAND, Sheriff  
Sheriff of Gem County, Idaho

By Charles D Rolland  
SHERIFF

STATE OF IDAHO           )  
                                          ) ss.  
County of Gem            )

On this 2<sup>nd</sup> day of June, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES D. ROLLAND, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Shelley McCall  
NOTARY PUBLIC  
Residing at: Emmett, Idaho  
My Commission Expires: 01/03/13

**Instrument # 277540**

EMMETT, GEM, IDAHO

6-2-2010 04:02:00 No. of Pages: 6

Recorded for : COLEMAN RITCHIE & ROBERTSON

SHELLY GANNON

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: DEED

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COLEMAN, RITCHIE & ROBERTSON  
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Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

U.S. BANK NATIONAL ASSOCIATION, as  
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Plaintiff,

vs.

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Cross-Defendants.

THIS DEED, made this 2<sup>nd</sup> day of June, 2010, between CHARLES D. ROLLAND, Sheriff of the County of Gem, State of Idaho, "Grantor", and U.S. BANK NATIONAL ASSOCIATION as Custodian/Trustee, whose address is c/o Zions Agricultural Finance, 500 Fifth Street, Ames, Iowa, 50010, "Grantee".

WHEREAS, by virtue of a Writ of Execution issued out of and under the seal of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, on March 15, 2009, upon a Judgment and Decree of Foreclosure recovered in the said Court on January 26, 2009, in favor of U.S. Bank National Association as Custodian/ Trustee, plaintiff, and against defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other

named defendants, which was directed and delivered to the said Sheriff commanding him to sell real property, appurtenances, fixtures and personal property owned by defendant Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, described in the Notice of Levy on Real Estate under execution accompanying the said Writ of Execution; and

WHEREAS, the said Sheriff did, in obedience to said command to sell the real estate, appurtenances, fixtures and personal property therein and hereinafter particularly described, did, on May 28, 2009, sell the said real estate, appurtenances, fixtures and personal property at public auction at 3610 Star Lane, Emmett, Gem County, Idaho, at the hour of 11:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law; at which sale the said real estate, appurtenances, fixtures and personal property were sold to U.S. Bank National Association as Custodian/Trustee, for the total sum of THREE HUNDRED SIXTEEN THOUSAND SIX HUNDRED SEVENTY AND 24/100 DOLLARS (\$316,670.24). The sum of \$316,670.24 was paid by U.S. Bank National Association as Custodian/Trustee by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$315,762.13 and payment of costs of sale in the amount of \$908.11.

The said U.S. Bank National Association as Custodian/Trustee being the highest bidder, and that being the highest sum bid for the real property and appurtenances, fixtures and personal property, whereupon the said Sheriff, after receiving from the purchaser all costs of sale, with the balance of the bid being a credit bid, gave to said purchasers a Sheriff's Certificate of Sale as is by law directed to be given, which said Sheriff's Certificate of Sale dated May 28, 2009, was

recorded on May 28, 2009, as Instrument No. 272194, records of Gem County, Idaho; and

WHEREAS, one year from the date of said sale the recording of the Sheriff's Certificate of Sale has expired without any redemption of the said real property and appurtenances having been made by any of the defendants or anyone claiming under them.

NOW THIS INDENTURE WITNESSETH, that the said Charles D. Rolland, the Sheriff aforesaid, by virtue of the said Writ of Execution, and in consideration of the said sums of money to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presence, does GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the Grantee, and to its assigns, forever, all the right, title, interest and claim which the said judgment debtor Merrill's Egg Farm, LLC, an Idaho Limited Liability Company, and all other defendants, had on January 26, 2009, or any time afterwards, or now have, in and to all of that real property, appurtenances, fixtures and personal property located in Gem County, Idaho, specifically described as follows, to-wit:

**Parcel 5**

Township 6 North, Range 2 West, B.M., Gem County, Idaho.

That portion of the NE ¼, Section 22, Township 6 North, Range 2 West, B.M., Gem County, Idaho, lying South of the Oregon Shortline Railroad.

EXCEPT that portion described as follows:

A tract of land situate in a portion of the SW ¼ of the NE ¼ of Section 22, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the North quarter corner of Section 22, T. 6 N., R. 2 W., marked by a found brass cap monument CE 878; thence

South 00°05'40" West along the North/South mid-section line, a distance of 1689.44 feet to a point on the Southerly right of way line of the Idaho Northern Railroad Co. Limited as described in Book 4 of Deeds at Page 19, records of Gem County, Idaho, marked by a set ½" iron pin L.S. 4108, the REAL POINT OF BEGINNING; thence

North 54°29'43" East along the Southern right of way line of the Idaho Northern Railroad Co. Limited, a distance of 505.20 feet to a set ½" iron pin L.S. 4108; thence

South 00°05'40" West, a distance of 1208.72 feet to a point on the East/West mid-section line; thence

North 89°33'05" West along the East/West mid-section line, a distance of 410.79 feet to the center of said Section 22; thence

North 00°05'40" East along the North/South mid-section line, a distance of 912.10 feet to the REAL POINT OF BEGINNING.

EXCEPT 100 feet right of way for Idaho Northern Railway Company Limited, as granted by Deed recorded in Book B of Deeds, Page 115, records of Gem County, Idaho.

Together with all appurtenances and all water rights and the following equipment:

|       |                    |        |                   |
|-------|--------------------|--------|-------------------|
| Pump: | Parma Water Lifter | Motor: | Century 7½ hp     |
|       | Belt Drive         |        | Part #6-364560-01 |
|       | Serial #19047-15   |        |                   |

TO HAVE AND TO HOLD the said real property and appurtenances, unto the said party of the second part, its assigns, forever as fully and absolutely as the said Sheriff can, may or ought to, by virtue of the said Writ of Execution and of the statute in such case made and provided, grant, bargain, sell, convey and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said Grantor, has hereunto set his hand and seal the day and year first above written.

DATED this 2<sup>nd</sup> day of June, 2010.

CHARLES D. ROLLAND, Sheriff  
Sheriff of Gem County, Idaho

By Charles D Rolland  
SHERIFF

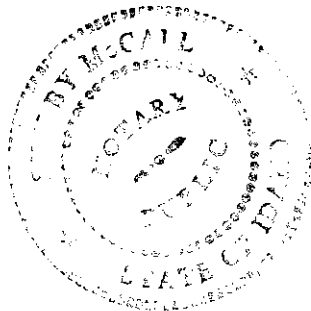
STATE OF IDAHO )

) ss.

County of Gem )

On this 2<sup>nd</sup> day of June, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES D. ROLLAND, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Shelley McCall  
NOTARY PUBLIC  
Residing at: Emmett Idaho  
My Commission Expires: 01/03/13

# SUBJECT PROPERTY PLAT

## LEGEND

- Farmstead / Facility Site
- Buildings
- 1 House & Garage
- 2 Office / Processing
- 3 Shop
- 4 Quonset
- 5 Pump House
- Irrigated Cropland
- Irrigation Drain
- X Irrigation Headgate
- ⊕ Irrigation Pump w/Bubble Screen
- Bubble Screen
- | Gated Pipe
- | Concrete Ditch
- | Buried Irrigation Pipeline
- ← Direction of Slope
- Field Waste Ditch

Scale  
1" = Approx. 660'  
T.6N., R.2W., B.M.

