



FINANCIAL • ASSET MANAGEMENT • LEGAL STRATEGY

January 5, 2005

VIA FACSIMILE TRANSMISSION
208-287-6700

Mr. John Homan
Deputy Attorney General
Idaho Department of Water Resources

Re: White Arrow Ranch and Devils Corral; pending application

Dear John:

Pursuant to our telephone conversation of yesterday, enclosed please find the following documents:

- Copy of the Meglon Trust's motion for reconsideration dated May 1, 2003;
- Copy of Judge Winmill's Order staying the case because of the Erkins' bankruptcy filing;
- Copy of the assignment of Tina Panagiotou Valcarengi to the Meglon Trust of her 50% interest in the judgment and real property obtained pursuant thereto;
- Copy of Meglon Trust's claim filed in the Erkins bankruptcy which is secured by the real property of White Arrow Ranch and Devils Corral

As I stated yesterday, and as set forth in the documents, the motion for reconsideration was timely filed prior to the Final Order of the court. Accordingly, the motion was pending at the time of the filing of the bankruptcy petition by Mr. and Mrs. Erkins in Florida. Judge Winmill's stay order followed pursuant to bankruptcy stay provisions. If you have any questions regarding the enclosed documents, or any questions about any other aspect of the status of the various litigations related to the water rights and the real property, please contact me.

It is my understanding that the applications will be held until the water rights and/or water agreement and related permit have been fully litigated in the Florida bankruptcy court and/or the Ninth Circuit Court of Appeals. If my understanding is incorrect in any way, please contact me immediately.

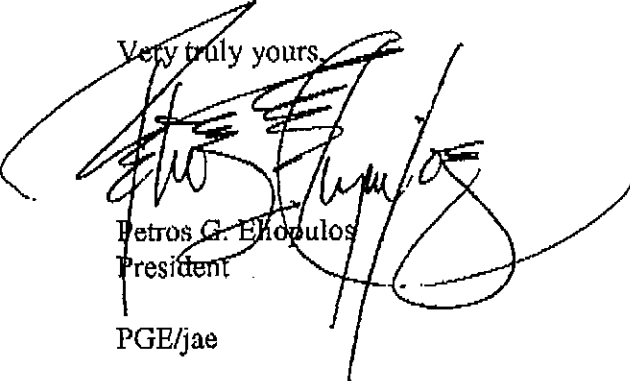
As I stated in our conversation, I intend to instruct Trust counsel to pursue Mr. Panagiotou and his various entities for violation of the stay in effect under 11 U.S.C. §362(a). I will contact you to set a time to review and copy the applications for forwarding to Trust counsel as additional support for the Motion for Order to Show

Mr. John Homan
January 5, 2005
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Cause for filing in the United States Bankruptcy Court for the Middle District of Florida.

If you have any questions whatsoever, I can be reached through the following numbers:
my office phone number 208.345.2214; my fax number 208.345.5723.

Very truly yours,



Petros G. Elhopulos
President

PGE/jae

cc: Mr. Jerry Shulkin, Esq.
Mr. Charles Vihon, Esq.
Mr. Gcoffery Aaronson, Esq.

JOHN F. MAGNUSON
Attorney at Law
P.O. Box 2350
1250 Northwood Center Court, Suite A
Coeur d'Alene, ID 83814
Phone: (208) 667-0100
ISB #4270

LAWRENCE G. SIRHALL, JR.
Imperial Plaza
200 N. Third, Suite 8
Boise, ID 83702
Phone: (208) 342-2444
ISB #3272

Attorney for Defendants Meglon Domestic Non-Grantor Trust

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

PANA-TEK, INC., a California corporation
as successor by assignment from ALFRED J.
BIANCO, as Plan Administrator to the
Estate of Gaston & Snow,

Plaintiff,

vs.

ROLLE NEWTON & COMPANY, Trustee
of the COASTAL FOREIGN SECURITY
TRUST; PETROS G. ELIOPULOS, an
individual, as Trustee of the LISSALIN
ULTRA TRUST dated February 27, 2001
and the MEGLON DOMESTIC NON
GRANTOR TRUST dated February 27,
2001; GEO/PLEUROTUS GROWERS
LIMITED PARTNERSHIP; IDAHO FIRST
NATIONAL BANK also known as WEST
ONE BANK now known as U.S. BANK,
NATIONAL ASSOCIATION;

CASE NO. CV-02-142-S-BLW ✓
(Lead Case)

MOTION FOR
RECONSIDERATION

ROBERT A. ERKINS and BERNARDINE M. ERKINS, husband and wife; BLISS VALLEY FOODS, INC., an Idaho corporation; THOMAS G. WALKER and DONNA I. WALKER, husband and wife; BARBOB LIMITED PARTNERSHIP LLP, formerly known as TWO B LIMITED PARTNERSHIP, an Arizona limited partnership; CAPITAL GROUP, INC.; CUNNINGHAM, LYONS & CABANNIS, S.C.; TEN E LIMITED PARTNERSHIP, an Arizona limited partnership; Robert Randolph Erkins; and JOHN DOES 1 through X,

Defendants.

ROLLE NEWTON & CO., as Trustee of COASTAL FOREIGN SECURITY TRUST, a foreign trust,

Plaintiff,

v.

ALFRED J. BIANCO, as Plan Administrator to the Estate of Gaston & Snow; IDAHO DEPARTMENT OF WATER RESOURCES, ex rel.; STATE OF IDAHO; and JOHN DOES I THROUGH XXV,

Defendants.

Case No. CV-02-094-S-BLW
Case No. CV-02-095-S-BLW

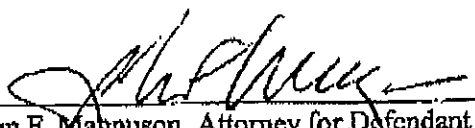
COMES NOW Defendant Meglon Domestic Non-Grantor Trust, by and through its attorneys of record, and respectfully moves the Court pursuant to the Federal Rules of Civil Procedure, including but not limited to Rule 59(e), for reconsideration of the following portions of the Court's April 22, 2003 "Memorandum Decision and Order":

MOTION FOR RECONSIDERATION -- PAGE 2

- (1) The Court's factual finding, expressed at page 2, footnote 2, that, "The remaining interest in the New York judgment was and still is owned by Pana-Tek."
- (2) The Court's finding that any interest of Pana-Tek in and to the White Arrow or Devil's Corral real properties, as defined therein, is not subject to any interest of the Meglon Domestic Non-Grantor Trust.

This Motion is supported by the pleadings and submissions on file herein, as well as those pleadings and submissions on file in Case No. MS-00-5065 (denominated Bianco v. Erkins), which was judicially noticed by the Court in its April 22, 2003 "Memorandum Decision and Order." This Motion is also supported by the accompanying Memorandum and the Affidavit of John F. Magnuson, both filed herewith.

DATED this 15th day of May, 2003.



John F. Magnuson, Attorney for Defendant
Meglon Domestic Non-Grantor Trust

CERTIFICATE OF SERVICE

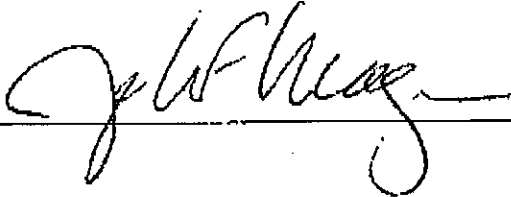
I certify that a true and correct copy of the foregoing was transmitted via as indicated on this

1st day of May, 2003 to the following named individuals at the following addresses:

J. Walter Sinclair
Steel Rives, LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702-5958
(Overnight Mail)

H. James Magnuson
Attorney at Law
P.O. Box 2288
Coeur d'Alene, ID 83816
(Hand Delivery)

Lawrence G. Sirhall, Jr.
Imperial Plaza
200 N. Third, Suite 8
Boise, ID 83702
(First Class Mail)



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

PANA-TEK, INC. a California corporation, as
successor by assignment from ALFRED J. BIANCO,
as Plan Administrator to the Estate of Gaston and
Snow,

Plaintiff,

v.

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G. ELIOPoulos, an individual, as Trustee of
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and MEGLON DOMESTIC NON GRANTOR
TRUST dated February 27, 2001; GEO/PLEUROTUS
GROWERS LIMITED PARTNERSHIP; IDAHO
FIRST NATIONAL BANK also known as WEST
ONE BANK now known as U.S. BANK, NATIONAL
ASSOCIATION; ROBERT A. ERKINS and
BERNARDINE ERKINS, husband and wife; BLISS
VALLEY FOODS, INC., an Idaho corporation;
THOMAS G. WALKER and DONNA I. WALKER,
husband and wife; BARBOB LIMITED
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E LIMITED PARTNERSHIP, an Arizona limited
partnership; ROBERT RANDOLPH ERKINS; and
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JOHN DOES I through XXV,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF IDAHO

2005-1-5

Case No. CV-02-142-S-BLW ✓
(Lead Case)

ORDER

Case No. CV-02-094-S-BLW
Case No. CV-02-095-S-BLW

On May 12, 2003, the Court's Judgment in this case was entered. The Court has been informed that a motion for reconsideration has been filed from that Judgment. In addition, the Court is aware that the time within which Pana-Tek, Inc., may seek recovery of attorneys' fees and costs is about to expire.

The Court has just been informed by counsel for Pana-Tek, Inc., that on May 21, 2003, Defendants Robert A. Erkins and Bernardine Erkins (the "Erkins") filed a *Pro Se* Chapter 11 Bankruptcy Petition in the U.S. Bankruptcy Court for the Middle District of Florida, Case No. 03-10509-9P1. Pursuant to 11 U.S.C. § 362(a), upon the filing of a petition under Chapter 11, all proceedings to enforce a claim against the debtor are automatically stayed. The Court will accordingly stay the proceedings in this matter until such time as the automatic stay imposed by the Erkins' filing of the *Pro Se* Chapter 11 Bankruptcy Petition in the U.S. District Court for the Middle District of Florida has been terminated or annulled.

NOW THEREFORE IT IS HEREBY ORDERED that this case is STAYED until such time as the Court has been notified that the automatic stay resulting from Defendants' filing of a *Pro Se* Chapter 11 Bankruptcy Petition, Case No. 03-10509-9P1, U.S. Bankruptcy Court for the Middle District of Florida,

has been terminated or annulled.

Dated this 22nd day of May, 2003.



B. LYNN WINMILL
Chief Judge, United States District Court

ASSIGNMENT

FOR AND IN RECEIPT of good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, Tina Valcarenghi, formerly known as Tina Valcarenghi-Panagiotou and Tina Panagiotou, referred to herein as "Assignor," hereby unconditionally, irrevocably, and absolutely, and without reservation, assigns unto Meglon Domestic Non-Grantor Trust, a Nevada Trust, all right, title, interest, and claim of Assignor in and to the following:

That certain Civil Judgment entered in favor of Alfred J. Bianco, as Plan Administrator to the Estate of Gaston & Snow, Plaintiff, and against Robert A. Erkins and Bernardine Erkins, Defendants, on April 6, 2000 in the United States District Court (Southern District of New York) (Case No. 99-CIVIL-9343 (JSR)), including any and all right, title, and interest arising under any domestication or registration of said Judgment in any other state of the United States (including but not limited to the registration of said Judgment in the United States District Court for the District of Idaho on June 5, 2000 (Case No. MS-5065)).

The claims, interests, and judgment rights assigned hereunder, as described in the paragraph immediately preceding, are without reservation or limitation except as is provided in that certain Judgment of Dissolution entered in Case No. LD 030835 in the Superior Court of the State of California in and for the County of Los Angeles (denominated Valcarenghi-Panagiotou v. Panagiotou), wherein Assignor released unto George Panagiotou her right to recover the sum of \$150,000 (previously advanced by Assignor to Pana-Tek, Inc., a California corporation, for the cost of acquiring from Alfred J. Bianco, as Plan Administrator to the Estate of Gaston & Snow, ownership rights and claims against Robert and Bernardine Erkins in Case No. MS-5039 in the United States District Court for the District of Idaho and any and all related cases or litigation claims), as well as Assignor's right to share in any post-judgment interest accrued, due, or owing on that certain Civil Judgment entered against Robert and Bernardine Erkins by the United States District Court for the Southern District of New York on April 6, 2000 in the principal amount of \$3,915,206.35.

The Meglon Domestic Non-Grantor Trust, a Nevada Trust, through its duly-authorized Trustee, Petros Eliopoulos, as evidenced by the acceptance set forth hereunder, accepts the Assignment accomplished hereby.

ASSIGNOR:

DATE

9/30/02

By: Tina Valcarenghi (formerly known as Tina Valcarenghi-Panagiotou and Tina Panagiotou)

ASSIGNMENT - PAGE 1

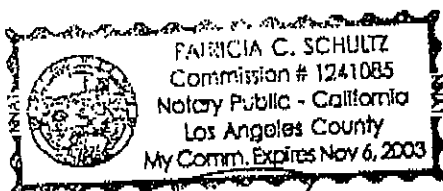
EXHIBIT A

STATE OF CALIFORNIA)

COUNTY OF Los Angeles) ss:

On this 30th day of September, 2002, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared Tina Valcarengi, known or identified to me to be the person whose name is subscribed to the within instrument and who acknowledged that she executed the same.

WITNESS my hand and official seal.



Patricia C Schultz
Notary Public in and for the State of California
Residing at: Agoura Calif
My commission expires: Nov 6, 2003

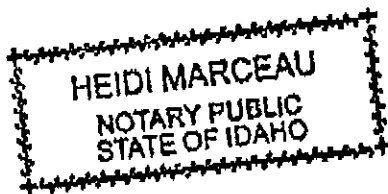
ACCEPTANCE BY ASSIGNEE:

[Signature]
Meglon Domestic Non-Grantor Trust, a Nevada Trust
By: Petros Ellopoulos, Trustee

STATE OF Idaho)COUNTY OF Ada) ss:

On this 11 day of October, 2002, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared Petros Ellopoulos, known or identified to me to be the Trustee of Meglon Domestic Non-Grantor Trust, a Nevada Trust, the person whose name is subscribed to the within instrument and who acknowledged that he is authorized to execute the same.

WITNESS my hand and official seal.



Heidi Marceau
Notary Public in and for the State of ID
Residing at: Boise
My commission expires: 6-20-07

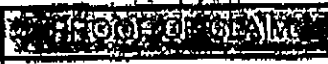
ERKINS-PANA.ASSIGN.wpd

ASSIGNMENT - PAGE 2

ASSIGNMENT - PAGE 1

EXHIBIT B

FORM B10 (Official Form 10) (4/98)

UNITED STATES BANKRUPTCY COURT <u>Middle</u> DISTRICT OF <u>Florida</u>			
Name of Debtor <u>Robert/Bernardine Erkins</u>		Case Number <u>03-10502-9PI</u>	
Name of Creditor (The person or other entity to whom the debtor owes money or property): <u>Meglon Domestic Non-Grantor Trust</u>		☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. ☐ Check box if you have never received any notices from the bankruptcy court in this case. ☐ Check box if the address differs from the address on the envelope sent to you by the court.	
Name and address where notices should be sent: <u>c/o Charles F. Vihon</u> <u>4738 Howard Avenue</u> <u>Western Springs, Illinois 60558</u> Telephone number: <u>708.246.6565</u>		SEP 19 2003 CLERK U.S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA THIS SPACE IS FOR COURT USE ONLY	
Account or other number by which creditor identifies debtor:		Check here If this claim ☐ replaces a previously filed claim, dated: _____ ☐ amends	
1. Basis for Claim ☐ Goods sold ☐ Services performed ☐ Money loaned ☐ Personal injury/wrongful death ☐ Taxes ☒ Other <u>interest in judgment</u>		☐ Retiree benefits as defined in 11 U.S.C. § 1114(a) ☐ Wages, salaries, and compensation (fill out below) Your SS #: _____ Unpaid compensation for services performed from _____ (date) to _____ (date)	
2. Date debt was incurred: <u>September 30, 2002</u>		3. If court judgment, date obtained: <u>April 6, 2000</u>	
4. Total Amount of Claim at Time Case Filed: <u>\$ 1,300,000</u> If all or part of your claim is secured or entitled to priority, also complete item 5 or 6 below. ☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5. Secured Claim. ☒ Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: ☒ Real Estate ☐ Motor Vehicle ☐ Other _____ Value of Collateral: <u>> \$8,000,000</u> Amount of arrearage and other charges at time case filed included in secured claim. If any: \$ _____		6. Unsecured Priority Claim. ☐ Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: ☐ Wages, salaries, or commissions (up to \$4,300)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). ☐ Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/96 and every 3 years thereafter with respect to dates commencing on or after the date of adjustment.	
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY	
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date <u>16 Sept. '03</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <u>Charles F. Vihon</u>		
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 1571 and 1577.			



FINANCIAL • ASSET MANAGEMENT • LEGAL STRATEGY

FACSIMILE COVER SHEET

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via United States Postal Service.

Date:

January 5, 2005

PLEASE DELIVER THE FOLLOWING MESSAGE TO:

Name:

John Homan

Company:

Idaho Attorney General's Office

Telecopy No:

208.287.6700

Time:

3:25 PM

Re:

Water applications

From:

PETROS G. ELIOPULOS

Total number of pages including this page: 13

MESSAGE AND/OR COPIES TRANSMITTED:

Letter dated 1-5-05 w/enc.

Please call if the message you received was incomplete or illegible. The phone number is (208) 345-2214.

Operator:

A handwritten signature, likely of the operator, written over a horizontal line.



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Very truly yours,

Petros G. Eliopoulos
President

PGE/jae

cc: Mr. Jerry Shulkin, Esq.
Mr. Charles Vihon, Esq.
Mr. Geoffery Aaronson, Esq.