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Department of Water Resources
 Southern Region

Attorneys for Plaintiffs

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

WATERONE ENTERPRISES, LLC,
 A California Limited Liability Company,
 THOMAS SCROGGINS, an individual,
 and VIRGINIA CANAVERO, an individual,

Plaintiffs,

vs.

MATTHEW OLIVAS and TRINA OLIVAS,
 et al.,

Defendants.

Case No. CV 01-03402

ORDER

MATTHEW OLIVAS and TRINA OLIVAS,
 husband and wife; DON DOZIER, an
 individual, NANCY DOZIER, an individual,
 BRENT DOZIER, an individual, DANNY
 CRYSTAL, an individual, TRUST
 COMPANY OF AMERICA, and HIGH

DESERT RESOURCES, LLC, an Idaho
 limited liability company, PURITY
 SWEET, INC., an Idaho corporation,
)
)
)
)
 Counterclaimants and
 Cross-claimants,
)
)
 vs.)
)
)
 WATERONE ENTERPRISES, LLC, A)
 California Limited Liability Company,)
 THOMAS SCROGGINS, an individual,)
 and VIRGINIA CANAVERO, an individual,)
)
 Counterdefendants,)
)
)
 JOE SHELTON, C. CRELLIN SCOTT,)
 and TRUST COMPANY OF AMERICA as)
 custodian for C. CRELLIN SCOTT,)
)
)
 Cross-Defendants.)
)
)

THIS MATTER having come on before the court on September 9, 2005, at 1:30 p.m. upon the Defendant Purity Sweet, Inc.'s Motion for Return of Property, the Defendants having appeared by and through its counsel of record, Ray Pena, the Plaintiffs' counsel having informed the court and Mr. Pena that he was not intending to appear or object to the motion, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, and this does order, adjudge, and decree:

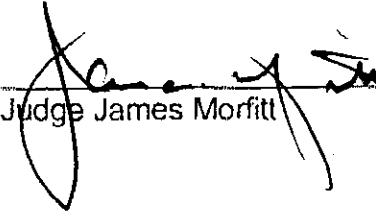
1. That the Defendant Purity Sweet, Inc. shall be entitled to immediately take possession of the subject real property upon the issuance of a Sheriff's Deed by the

Owyhee County Sheriff to Purity Sweet, Inc. pursuant to the foreclosure sale upon the subject Showalter Judgment;

2. That the clerk of the court is authorized to issue a writ of assistance directed to the Owyhee County Sheriff instructing the sheriff to assist the Defendant, Purity Sweet, Inc., if necessary, to take possession of the subject real estate; and

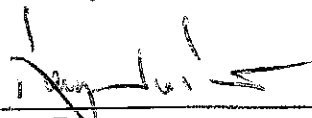
3. That the court's February 10, 2003, Restraining Order entered in this matter is hereby revoked in part in order to allow the Defendant Purity Sweet, Inc., and its members, managers, and agents to lawfully access, enter onto, and take possession of, the subject real property.

DATED this 9TH day of September, 2005.


Judge James Morfitt

APPROVED AS TO FORM:


Kimbell D. Gourley,
Attorney for Plaintiffs


Ray Pena
Attorney for Defendants Purity Sweet, Inc.,
Matthew Olivas, Trina Olivas, High Desert
Resources, LLC, Nancy Dozier, Brent Dozier,
Danny Crystal, and Trust Company of America

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2005, a true and correct copy of the foregoing document was served as follows:

Richard D. Greenwood P.O. Box 5737 Twin Falls, ID 83303-5737	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Raymundo G. Pena P.O. Box 676 Rupert, ID 83350	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Cynthia Woolley WOOLLEY & POGUE, PLLC P.O. Box 6999 Ketchum, ID 83340	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Michael M. Brown, Esq. 1150 West Center Street, Suite 105 Manteca, CA 95337-4380	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Michael D. McGranahan Chapter 7 Trustee P.O. Box 5018 Modesto, CA 95352-5018	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Carl W. Collins ALTMAN & COLLINS, LLP P.O. Box 3291 Modesto, CA 95353	☐ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery


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