

Filed **AUG 19 2016** 210
No.

By MARY PRISCO, Clerk
DEPUTY

Kelly Greene McConnell [ISB #4900]

Amber N. Dina [ISB #7708]

GIVENS PURSLEY LLP

601 West Bannock Street

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Boise, Idaho 83701-2720

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11044978v1

Attorneys for Plaintiff / Counterdefendant

Federal National Mortgage Association

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

JOHN DOE, JANE DOE and JOHN DOES 1-
10, as occupants of the premises located at 126
West Castle Creek Road, Garden Valley, ID
83622,

Defendants.

GARY D. PETERSON and RICHARD J.
DRENNON

Counterclaimants,

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterdefendant.

Case No. CV 2015 151


**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

The Court having considered the Motion For Summary Judgment filed by Plaintiff/Counterdefendant Federal National Mortgage Association ("Fannie Mae") on or about June 16, 2016, and having heard oral argument on the same on July 14, 2016, and finding good cause therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Fannie Mae's Motion for Summary Judgment is GRANTED;
2. Fannie Mae is entitled to immediate and exclusive possession of the property located at 126 West Castle Creek Road, Garden Valley, Idaho, as more fully described in the Post Foreclosure Complaint for Ejectment and Restitution of Property (the "Premises");
3. All rights of Defendants/Counterclaimants Gary Peterson and Richard Drennon ("Defendants") with respect to possession of the Premises are hereby terminated, and deemed forever forfeited by Defendants; and
4. Upon application by Fannie Mae, the Clerk of the Court shall issue a Writ of Ejectment in favor of Fannie Mae and against Defendants as prayed for in Fannie Mae's Complaint, which Writ shall instruct and order the Sheriff to take all steps necessary to restore possession of the Premises to Fannie Mae.

DATED this 19 day of August, 2016


The Honorable Patrick Owen
District Court Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of August, 2016, I caused to be served a true and correct copy of the foregoing document to the persons listed below by the method indicated:

Derrick J. O'Neill
RCO Legal, P.S.
300 Main Street, Ste 150
Boise, ID 83702
*Attorneys for Federal National
Mortgage Association*

☐ Hand Delivery
☐ Facsimile
☐ Overnight Courier
☒ U.S. Mail

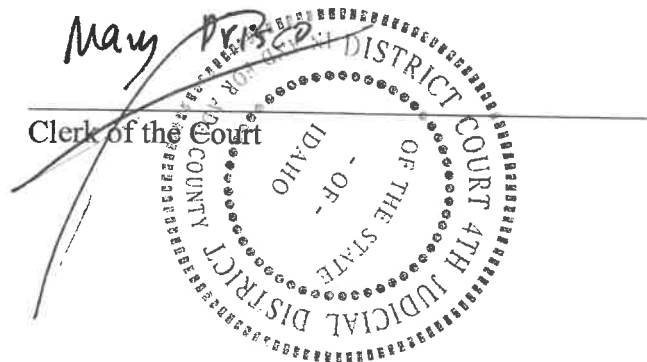
Amber N. Dina
Kelly Greene McConnell
GIVENS PURSLEY LLP
601 W. Bannock
Boise, ID 83702
*Attorneys for Federal National
Mortgage Association*

☐ Hand Delivery
☒ Facsimile
☐ Overnight Courier
☒ U.S. Mail

Gary Peterson
126 West Castle Creek Road
Garden Valley, ID 83622
Pro Se Defendant

☐ Hand Delivery
☐ Facsimile
☐ Overnight Courier
☒ U.S. Mail

*Gary Peterson
Richard Drennon
4227 Emerald Street
Boise, Idaho 83706
(by U.S. Mail)*



Filed **OCT 02 2015** No. _____By MARY PRISCO, Clerk DEPUTY

Derrick J. O'Neill #4021
Attorney for Plaintiff

RCO Legal, P.S.

13555 SE 36th St., Ste. 300

Bellevue, WA 98006

Phone: 425.458.2121

Fax: 425.458.2131

www.rcolegal.com

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

JOHN DOE, JANE DOE, AND John Does 1-10
as Occupants of the Premises located at 126 West
Castle Creek Road, Garden Valley, ID 83622,
Defendants.

Case No. CV 2015-151

**POST FORECLOSURE
COMPLAINT FOR EJECTMENT
AND RESTITUTION OF
PROPERTY**

**Fee Category A
Filing Fee \$221**

The plaintiff, by and through its attorneys of record, RCO LEGAL, P.S., hereby complains
and alleges as follows:

I.

By virtue of a sheriff's sale, plaintiff is the owner of real property located at 126 West
Castle Creek Road, Garden Valley, Idaho, 83622 and currently occupied by the defendants.

II.

Plaintiff is authorized to bring this lawsuit as it owns the above named property and
currently conducts business in Boise County, Idaho.

III.

Defendants John Doe and Jane Doe are believed to be tenants on the property and are individuals currently residing in Boise County, Idaho.

IV.

Does 1-10 are residents of property located at 126 West Castle Creek Road, Garden Valley, Idaho 83622.

V.

Michelle Mims executed a Note secured by Deed of Trust on the real property located at 126 West Castle Creek Road, Garden Valley, Idaho 83622 recorded on April 26, 2007, under Boise County Recording number 213416.

VI.

On January 15, 2015, the Boise County Sheriff conducted a sheriff's sale of the property located at 126 West Castle Creek Road, Garden Valley, Idaho 83622. A Sheriff's Deed was issued to Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP. The property was subsequently vested to Federal National Mortgage Association. True and Correct copies of the Sheriff's Deed and Quit Claim Deed are attached hereto, and incorporated herein, as "Exhibit A."

VII.

Plaintiff was entitled to possession of the property on the 10th following sale. Defendants have failed and refused to surrender the property at 126 West Castle Creek Road, Garden Valley, Idaho 83622.

VIII.

Because of Defendant's failure to surrender the property, plaintiff has been required to retain the law firm of RCO Legal, P.S. to represent it in this action and is entitled to an award of attorney's fees pursuant to Idaho Code 12-120, 12-121, and other applicable Idaho statutes. Plaintiff request fees in the amount of \$1,000.00 if this matter is not contested and reserves the right to request additional fees or other further relief if this matter is contested.

WHEREFORE, plaintiff prays for the following relief:

1. For surrender of the premises located at 126 West Castle Creek Road, Garden Valley, Idaho 83622;
2. For attorney fees and cost in the amount of \$1,000.00 if judgment is entered in this matter by default; and
3. For such further and reasonable sums as the court may deem just if this matter is contested.

DATED on September 30, 2015.

RCO LEGAL, P.S.

By: 

☐ Derrick J. O'Neill, ISB #4021
Attorney for Plaintiff

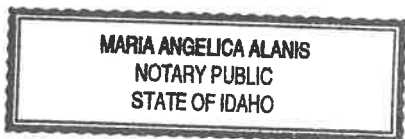
VERIFICATION

State of Idaho)
)ss.
County of Ada)

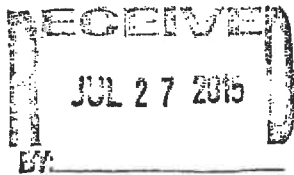
Danah D. Noll being first duly sworn, deposes and says:

That I am one of the attorneys for Federal National Mortgage Association, the plaintiff herein; that the facts in the foregoing Complaint are confirmed in the verified trustee's deed. Attached hereto is a true and correct copy of the subject trustee's deed.

Subscribed and sworn to before me this 30th day of September, 2015.



By: Maria Angelica Alanis
Notary Public in and for the State of Idaho
Residing at Boise, Idaho
My Commission Expires: 4-21-2020



Instrument # 247696

IDAHO CITY, BOISE COUNTY, IDAHO
7-22-2015 11:18:01 AM No. of Pages: 3
Recorded for : BOISE COUNTY SHERIFF
MARY T. PRISCO Fee: 0.00
Ex-Officio Recorder Deputy *Shirley*
Index to: DEEDS

SHERIFF'S DEED

THIS INDENTURE made this 16th day of July, 2015, by and between the Sheriff of Boise County, State of Idaho, and BANK OF AMERICA, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP, 400 National Way, Simi Valley, California 93065, purchaser.

WHEREAS, in and by that certain judgment and decree of foreclosure rendered by the District Court of the Fourth Judicial District in and for the State of Idaho, in and for the County of Boise, entered on April 10, 2014 Case No. CV 2012-72 then pending in said court, wherein BANK OF AMERICA, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP was Plaintiff, and Michelle F. Mims (Deceased) and the Unknown Heirs, Assigns and Devisees of Michelle F. Mims; Gary D. Peterson; James Roland Rodes and Shirley Loise Rodes, husband and wife; Pensco Trust Company, Custodian FBO Teena R. Lawton IRA; State of Idaho, Estate Recovery; David A. Lawton; Thomas K. Moore, Jr.; and Does 1-10 as residents of 126 West Castle Creek Road, Garden Valley, Idaho 83622 were Defendants, and of which said decree a copy, with an order of sale thereon, was delivered to said sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that all and singular the premises described in the complaint in said action, and specifically described in said decree, be sold at public auction by said sheriff, in the manner required by law, and according to the court and practice of said court; that any of the parties to said action might become the purchaser at said sale; and that said sheriff execute the usual certificates and deed to the purchaser, as required by law;

AND WHEREAS, said sheriff did, at the hour of 2 o'clock p.m. on January 15, 2015 after due public notice had been given, as required by the laws of this State, and the course and practice of said court, duly sell at public auction, at the main lobby of the Boise County Courthouse, Idaho City, Idaho, pursuant to said decree, and the provisions of law, the premises in said decree mentioned; at which sale the premises in said decree, and hereinafter described were fairly struck off to said purchaser for the sum of \$262,188.17, credit bid, in lawful money of the United States, it being the highest bidder, and that being the highest sum bidden for the same;

AND WHEREAS, said sheriff thereupon made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered on thereof to said purchaser, and caused the other to be filed and recorded in the Recorder's office of the County of Boise, State of Idaho, as 245936;

AND WHEREAS, the time allowed by statute for redemption has elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of said defendants, or by or on behalf of any other person;

NOW, said Boise County Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said decree, and in conformity to the statute in such case made and provided, and also; in consideration of the premises and of said credit bid in the sum of \$262,188.17 in lawful money of the United States, pursuant to the judgment rendered in favor of

A

BANK OF AMERICA, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto BANK OF AMERICA, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP and to its successors and assigns forever, the real property described as:

The South half (S1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) and the North half (N1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), of Section 16, Township 9 North, Range 4 East, Boise Meridian, Boise County, Idaho.

Excepting therefrom the following described parcel:

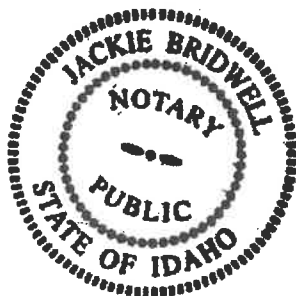
The East 30 feet of the South one half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter in Section 16, Township 9 North, Range 4 East, Boise Meridian

Which may commonly be known as: 126 West Castle Creek Road, Garden Valley, Idaho 83622

Together with all singular and tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all singular, the premises above mentioned and described and hereby conveyed, or intended so to be, together with the appurtenances, to BANK OF AMERICA, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP for the, its successors and assigns forever.

IN WITNESS WHEREOF, said grantor, as sheriff aforesaid hereunto sets his hand the day and year first above written.




A handwritten signature in black ink, appearing to be "B. W.", written over a horizontal line.

SHERIFF OF BOISE COUNTY
STATE OF IDAHO

STATE OF IDAHO)
: ss.
County of Boise)

On the 22 day of July, 2015, before me, the undersigned notary public in and for said State, personally appeared, Ben Roeber, sheriff of Boise County, know or identified 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 seal the day and year first above written.



Notary Public for Idaho
Residing at Boise County
My Commission Expires 12/01/20

Instrument # 248301

IDAHO CITY, BOISE COUNTY, IDAHO

8-31-2015 04:15:51 PM No. of Pages: 7

Recorded for : RCO LEGAL

MARY T. PRISCO

Fee: 28.00

Ex-Officio Recorder Deputy

Index to: DEEDS

After recording return to:
RCO Legal, P.S.
Attn: Derrick J. O'Neill
300 Main St., Ste. 150
Boise, ID 83702
RCO file: 40580

QUIT CLAIM DEED

Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, THE GRANTOR(S), for and in valuable consideration in hand paid, conveys and quit claims to Federal National Mortgage Association, 3900 Wisconsin Avenue NW, Drawer: LR, Washington, D.C. 20016, the Grantee, all interest in the following described real estate, situated in the County of Boise, State of Idaho, together with all after acquired title of the Grantor(s) herein:

The South half (S1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) and the North half (N1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), of Section 16, Township 9 north, Range 4 East, Boise Meridian, Boise County, Idaho.

Excepting therefrom the following described parcel:

The East 30 feet of the South one half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter in Section 16, Township 9 North, Range 4 East, Boise Meridian

Which may commonly be known as: 126 West Castle Creek Road, Garden Valley, Idaho 83622

BANK OF AMERICA, N.A., AS SUCCESSOR BY
MERGER TO BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING, LP

By: [Signature] 7-9-15
Elysha James Armbruster
Its: Assistant Vice President (AVP)
Dated: July 9, 2015

STATE OF Pennsylvania)
COUNTY OF Allegheny) ss.

I certify that I know or have satisfactory evidence that Elysha James Armbruster is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and stated that (he/she) was authorized to execute the instrument and acknowledged it as the AVP of Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

[Signature] 7-9-2015
Notary Public in and for the State of Pennsylvania
Residing at Allegheny County
Commission expires: May 28, 2019

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
STEVEN JAMES GOGARTY, NOTARY PUBLIC
CITY OF PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES MAY 28, 2019

**CERTIFICATE OF ASSISTANT SECRETARY
OF
BANK OF AMERICA, NATIONAL ASSOCIATION**
a national banking association

The undersigned, a duly appointed and acting Assistant Secretary of Bank of America, National Association (the "Association"), a national banking association organized and existing under the laws of the United States of America and having its principal place of business in the City of Charlotte, County of Mecklenburg, State of North Carolina, does hereby certify that:

1. The following is a true and complete copy of an excerpt from the Bylaws of the Association, and the same is in full force and effect as of the date hereof:

Section 5.2. Execution of Instruments. All indentures, mortgages, deeds, conveyances, contracts, notes, loan documents, letters of credit, master agreements, swap agreements, guarantees, discharges, releases, satisfactions, settlements, affidavits, bonds, undertakings, powers of attorney, and other instruments or contracts may be signed, executed, acknowledged, verified, attested, delivered or accepted on behalf of the Association by the Chairman of the Board, the Chief Executive Officer, the President, any Vice Chairman of the Board, any Division President, any Managing Director, any Director (as described in Section 4.7 of these Bylaws), any Principal, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Officer, or any individual who is listed on the Association's personnel records in a position equal to any of the aforementioned officer positions, or such other officers, employees or agents as the Board of Directors, the Chief Executive Officer or any officer reporting directly to the Chief Executive Officer may direct in a written delegation kept in the minute book of the Association. The provisions of this Section 5.2 are supplementary to any other provision of these Bylaws and shall not be construed to authorize execution of instruments otherwise dictated by law.

2. Each of the individuals named on Exhibit A attached hereto is a duly elected or appointed and acting officer of the Association holding the title of Assistant Vice President.

IN WITNESS WHEREOF, I have hereunto signed my name on this 17th day of June, 2015.

BANK OF AMERICA, NATIONAL ASSOCIATION

By: _____

Christine Costamagna
Assistant Secretary

EXHIBIT A

FORECLOSURE SERVICES DOCUMENT EXECUTION ASSISTANT VICE PRESIDENTS

Abbott, Marquita LaRae
Adragna, Jacklyn Ann
Ali, Shamim
Altieri, Aimie Christine
Altman, Robert R.
Anderson, Becky Lynn
Anderson, Jason Richmond
Armbruster, Elysha James
Arrington, Danielle Lynne
Augoustidis, Jackie Lyn
Azceem, Milton P.
Baldwin, Robert Lane
Banks, Caressa Jenice
Barry, Darlene Jeannene
Beatty, Gloria Ann
Bell, Carolyn Wanjiku
Biggs, Paula R.
Bluemle, James Francis
Bolds, Rickey Trent
Bolick, Bryan R.
Boyer, Joseph M.
Braby, Sherry LaSha
Brandemarte, James M.
Brandstetter, Julie M.
Bratton, Teylore Laurice
Brenen, Kasey M.
Brown, Kimberly Ann
Bryan, Sandra Leyda
Carmona, Elvia
Carmino, Amy J.
Carrillo, Matthew Caleb
Catalano, Bradley Frank
Cawley, Jay S
Ceaser, Natasha
Chartrand, Erica Ashley
Chinchilla, Gregory David
Christmann, Erica Renay
Clark, Amber Johnac
Connolly, Mary F.
Coulchan, Megan Nicole
Cramer, Caryn Elaine
Davis, Sherry D.
Dennison, Evelyn Delores
Dennison, Kevin Vaughn
Devita, Timothy James
Dilla, Paul Michael

Divecchio Jr., Gino
Dolanch, Tyler J.
Donovan, Lisa Maria
Eckert, Whitney E.
Egan, Katherine M.
Ehrman, McKay Dodds
Estrin, Yisroel Tzvi
Ewing, Salvatrice M.
Fabrick, Ashley Rae
Fetkovich, Mary Beth
Fitts, Michael D.
Fitzgerald, Millicent
Flannigan, Jonathan G.
Forbin, Patrick
Foster, Dana Nicole
Foster, Danielle L.
Fought, Rochelle Renee
Franciscus, Charles James
Francois, Regina Irving
Fuentes, Andra
Gaire, Rajan
Galiszewski, Todd E.
Ganison, DeKendrick K.
Ganison, Everly Jasmin
Garcia, Marcela
Garcia, Yanira Izel
Geresti, Jan Marie
Gibson, Janice R.
Gogarty, Steven James
Gonzalez-Weikel, Lucy Lynn
Graziani, Rosemarie
Griffin, Verlina Ann
Guerrero, Myra P.
Hannah II, Owen
Hassett, Benjamin Walter
Havrilla-Spak, Kristen
Heath, Michael D.
Hernandez, Celia Regina
Hillberry, Johnny Richard
Hillberry, Justi Nicole
Hillberry, Katelin Marie
Hillman, Brittany
Hirak, Adam Michael
Hirak, Anthony A.
Holtz, Lisha Marie
Hosey, Matthew J.

Hostovich, Rose J.
Howden, Christina
Hunter, Pamela Jean
Iskierski, Denise Wall
Ivanoff, Janet Lynn
Jackson, Adrian Lawrence
Jandrasits, Kristy Ann
Jenkins, Junell
Johnson, JaNell LaTrice
Johnson, Scott R.
Johnson, Stephen Allen
Jones, Charlene Michelle
Joseph, Chasity Sharrell
Juarez, Greg
Karnes, Jay Robert
Katruska, Joshua L.
Kautzman, Marian Joann
Kerestes, Kevin Anthony
King, Audrea Melissa
Koons, Karen Elaine
Kopp, Nancy
Krane, Ryan R.
Krenitsky, Robert Andrew
Kroll, Kody Nathaniel
Krystek, Ann M.
Kusich, Samantha Yvonne
Kwolek, John Dennis
Lacey, Joseph Wayne
Lewarchik, Michael Paul
Loebig, Charla Jen
Long, Matthew R.
Lucas, Jacob Lee
Lyon, Christiny A.
Macormac, Evelyn
Manko, Jonathan Louis
Marsh, Lorene
Martin, Kellie Sharee
Matthews, Nicole Lyn
McCabe, Mary S.
McCreary, Anthony Randall
McNair, Michelle L.
Miles Jr., Michael John
Miller, Jr., Gene R.
Moore, Tametka
Moreno, Daniel Gregory
Morgan, Courtney

Morgan, Lori Ann
Mornak, Matthew P.
Mosberger, Shaun Robert
Mosely, Mitchell Craig
Mutschler, Judith L.
Nase, Catherine A.
Nunez, Dwayne A.
Nunn, Sanetrick Darnell
Olander, Dana Gail
Ortiz, Isabel
Outman, Robert Leon
Pacelli, Jessica
Pack, Judy Smith
Pajewski, Sandra Lyn
Palmer, Elizabeth J.
Panzino, Lynne M.
Peclesky, Carolyn
Peretin Jr., Joseph A.
Perez Jr., Roberto
Pham, Luan
Pham, TU-UYEN NU
Pluebell, Rachel Elizabeth
Pulver, Raymond Glen
Rainey, Victoria
Redling, Beth Ann
Reese, Michelle A.
Renock, Rachel Ann
Reynolds, Tiona Larayne

Rhoades, Brandon Lee
Rhodes, Regina Lenale
Rodriguez, John Carlos
Romano Jr., John V
Salapow, Kathleen D.
Sargent, Jonathan Charles
Savers, Kristen L.
Sed, Asli Olad
Shears II, Clayton
Sherer, Adele Ruth
Silva, Lidia
Singleton, Ulysees P.
Skelly, Cara Lynn
Smith, Jamie Christine
Smith, Shauna Marie
Smith, TaLor Ashlee
Smith, Yulonda Marie
Soto Lopez, Stalia M.
Spera, Lacy Lynn
Stedeford, Oliver Daniel
Stewart, David Shawn
Stewart, Ronald Wade
Stillwell, Denise L.
Sunrall, Kimberly Yetta
Susick, Julia
Swan, Belinda Lou
Sweazen, Barbara Ann
Swinton, Brenda G.

Szymanski, Jaclyn Christina
Thiry, Eileen P.
Thomas, Duane Wells
Thomas, Tramelle M.
Thompson, Christopher M.
Tichenor, Lindsay Nichols
Timms, Jason Lee
Tooks, Suprena Lanell
Tornetta, Michael G.
Townsend-Brown, Lisa K.
Turner, Nicole Lee
Ussery, Glenda Faye
Varner, Shannon Nicole
Walker, Grisel E.
Walker, Lisa Martin
Wallace, Laureen Lynn
Washington, Symeon
Wiley Jr., Dossey C.
Wilkerson, Shawndolyn M.
Williams, Nichole Renee
Wilson III, Lewis
Wojciechowski, Debra Lee
Woods, Jacqueline
Yagusic, Carol Ann
Yates, Shari Lynn
Yuille, Lorri A.
Zupke, Paul O.

Filed **JAN 19 2016** 4:52 PM
No.

By MARY PRISCO, Clerk
Stacy Walker
DEPUTY

Gary D. Peterson
126 West Castle Creek Road
Garden Valley, Idaho 83622
(208) 462-3704

DEFENDANT PRO SE

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE)
ASSOCIATION)
)
Plaintiff,)
)
vs.)
)
JOHN DOE, JANE DOE, AND John Does 1-10)
As Occupants of the Premises located at 126)
West Castle Creek Road, Garden Valley, ID)
83622,)
Defendants.)
_____)

Case No. CV-2015-151

**VERIFIED
ANSWER AND RESPONSE TO
POST FORECLOSURE
COMPLAINT FOR
EJECTMENT AND
RESTITUTION OF PROPERTY**

COMES NOW, Gary D. Peterson Husband of **MICHELLE F. MIMS**, Defendant Pro
Se, **Richard J. Drennon**, John and Jane Does **SUBMITS THEIR ANSWER AND RESPONSE**
TO POST FORECLOSURE COMPLAINT FOR EJECTMENT AND RESTITUTION OF
PROPERTY known as:

The South half (S1/2) of the Northeast Quarter
(NE1/4) of the Northeast Quarter
(NE1/4) of the Northeast Quarter (NE1/4) and
The North half (N1/3) of the Southeast
Quarter (SE1/4) of the Northeast Quarter
(NE1/4) OF THE Northeast Quarter (NE1/4), of
Section 16, Township 9, Range 4 East, Boise
Meridian, Boise County, Idaho

Or by the address
126 West Castle Creek Road, Garden Valley, ID 83622,

Defendants state as follows:

1. Defendants deny claims in paragraph number-I;
2. Defendants deny claim number-II as they have no basis to verify that information;
3. Defendants admit claims in paragraph number-III;
4. Defendants admit claims in paragraph number-IV;
5. Defendants partially admits and partially deny claims in paragraph number -V due to the remainder of the property documentation not being fairly brought forward or included;
6. Defendants deny claims in each and every sentence in paragraph number-VI due to adequate documentation. Defendants attachments have not been properly authenticated pursuant to Idaho statutes ;
7. Defendants deny claims in paragraph number-VII;
8. Defendants deny claims in paragraph number-VIII, and request that any fees be stricken from the record;

PLAINTIFFS' PRAY FOR RELIEF

That plaintiffs receive nothing from this lawsuit.

FACTUAL ALLEGATIONS SUPPORTING COUNTER CLAIMS

- A. In May, 2010 **MICHELLE F. MIMS** died of cancer.
- B. Defendant **GARY D. PETERSEN** continued to make the payments on the mortgage note through December, 2010 but in January, 2011 **Bank of America, N.A.** refused to accept additional payments from Defendant **GARY D. PETERSEN**.
- C. There is no dispute that Defendant **GARY D. PETERSEN** made numerous payments on the loan prior to and after the death of his spouse, and that the **Bank of America, N.A.** interfered with these payments by declining to accept further payments. The

property was not in default when the **Bank of America, N.A.** chose to reject Defendant **GARY D. PETERSEN's** payments and was only claimed to be in default after the **Bank of America, N.A.** rejected further payments from Plaintiff.

D. **Bank of America, N.A.** are estopped from any claim on the property because of their refusal to accept payments. Idaho Code 28-3-603(2) clearly states that a refusal of tender results in a discharge of the debt.

E. Defendant **GARY D. PETERSEN** and **MICHELLE F. MIMS**, (deceased) had been together for over 21-years prior to her demise, and Defendant/Petitioner **Gary D. Peterson** and **MICHELLE F. MIMS**, (deceased) were both accepted as common-law marriage as well as married under statutes. This is an undisputed fact as shown by the Court's Order denying Plaintiff/Respondent's Motion to Reconsider denial of summary judgment in the Case No. CV-2012-72 in Boise County. There were multiple affidavits from different witnesses of their marriage and living as husband and wife submitted to the court in case CV-2012-72. The attorney for Bank of America, N.A. admitted finally that they were married.

The Court in the above case held that common law marriages that were created before January 1, 1996 are recognized. If you met Idaho's criteria for common law marriage before January 1, 1996, then you are legally married and you will be treated as a married couple for legal purposes, including the requirement that you get a legal divorce in order to end your relationship. In order to have a valid common law marriage, a couple must have intended to be married, must have lived together for a significant period of time, and must have held themselves out as a married couple.

- F. As the Court recognized in its order denying reconsideration of the denial of summary judgment in case CV-2012-72. Defendant **Gary D. Peterson** continued to make the payments on the property due to his community property interest in the property. **Bank of America, N.A.** accepted Defendants payments without question for many months. This is an undisputed fact as **Bank of America, N.A.** stated that no payments were made after January 1, 2011, which is the date **Bank of America, N.A.** refused to accept further payments from Defendant. Without notification to Defendant the **Bank of America, N.A.** refused to accept Defendants payments on the property, nor would **Bank of America, N.A.** communicate with Defendant regarding this matter. This is an undisputed fact.
- G. Plaintiff/Respondents' make a claim on the property without a valid interest in the property, nor can the Plaintiff/Respondents provide the necessary documentation that demonstrates Plaintiff/Respondents' standing to foreclosure on Defendant/Petitioner's property. **Bank of America, N.A.** waived their ownership interest and right to foreclosure on the property when they refused to accept Defendant/Petitioner's mortgage payments. Under Idaho Statute 32-101 et seq, the survivors and family members are the heirs to the property, with the remaining spouse as sole executor of the property. This is an undisputed fact. **Bank of America, N.A.** could not sell its interest in the property to **FEDERAL NATIONAL MORTGAGE ASSOCIATION** because they lost their interest in the property when they estopped **Gary D. Peterson** starting in January 2011 and refused to take his offered payments stating that he couldn't pay because he wasn't the spouse. **Bank of America, N.A.** caused a lack of payments and the Defendant **Gary D. Peterson** never caused a default. If there is no default there can be no foreclosure.

- H. Defendant **GARY D. PETERSEN** has signed no waiver of his Community Property interest in the property and has acted in good faith in all his dealings with the **Bank of America, N.A.** This is an undisputed fact.
- I. Defendant **GARY D. PETERSEN** is a 75-year old multiply disabled military veteran.
- J. Defendant **GARY D. PETERSEN** suffers from numerous medical conditions that require continuous visits to the V.A. hospital in Boise. This was explained in the previous court case with **Bank of America, N.A.**, and the same attorney was used in that case and knew the name of Defendant and that he was often in Boise for treatments.
- K. The attorney for Plaintiff knew **GARY D. PETERSEN's** physical address and also sent documents to his P.O. Box in Garden Valley which hasn't changed. In Garden Valley you have to have a P.O. Box to get mail, they won't deliver it to the house. **GARY D. PETERSEN's** had also given the court and the attorney for the Plaintiff in this case his home and cell phone numbers.
- L. The Plaintiff through their attorney never sent information about this complaint to **GARY D. PETERSEN's** P.O. Box nor did they call him on his cell phone both of which the attorney knew from the previous case.
- M. The Plaintiff through their attorney never used **GARY D. PETERSEN's** name in the complaint even though they knew his name from the previous case and a neighbor told them that Pete Peterson lived there and Pete is the nickname everyone uses for **GARY D. PETERSEN.**
- N. The Plaintiff through their attorney never used **GARY D. PETERSEN's** name in the publication of the complaint even though they knew his name from the previous case CV-

2012-72, that he was the spouse and heir of **MICHELLE F. MIMS** and that the house phone number was in **GARY D. PETERSEN's** name.

- O. Defendant's have never been given a hearing as specified in I.C. 45-1302 that will determine the title, estate, validity and interest of all parties relating to the property. Plaintiffs requested this hearing many times in the CV-2012-72 but were denied a hearing by the state district court.
- P. Defendant **Richard J. Drennon** called the court in Boise County at 1:40 PM on the day of the alleged property sale to talk to **Gary D. Peterson** about the sale and the court employee said the sale had already been held and that Gary D. Peterson hadn't arrived yet. This is clearly before the advertised time of 2:00 PM. This makes the sale invalid.
- Q. Defendant **Gary D. Peterson** went to the court house to attend the foreclosure sale with the intent to purchase the property with species money. But due to various conditions arrived at 2:05 PM.
- R. **Gary D. Peterson** has quit claimed 5% of the property at 126 West Castle Creek Road, Garden Valley, ID 83622 to **Richard J. Drennon**.
- S. The Court recognized that there were genuine issues of material fact in the previous case CV-2012-72 that forbid reversing the denial of summary judgment. The bottom line is that Defendant/Petitioner is the legal heir and Plaintiff/Respondents have violated Defendant/Petitioner's survivor property rights by filing an unlawful judicial foreclosure complaint.

COUNTER CLAIMS

#1 Defendant Gary D. Peterson and John and Janes Does 1-10 claim that Defendants have never received a fair, due process hearing on the merits of Defendants Marital/Inheritance rights to the property.

#2 Defendant Gary D. Peterson and John and Janes Does 1-10 claim that the court in Bank of America vs Michelle F. Mims in Boise County Case No. CV-2012-72 the court held that Gary D. Peterson was the legitimate heir of Michelle F. Mims.

#3 Defendant Gary D. Peterson claims that Plaintiff's are estopped and /or forbidden to seek a Post Foreclosure Complaint for Ejectment and restitution of property due to the original note holder Bank of America, N.A., LPfka Country Home Loan Services LP, refusal to accept tendered payments, six months months after Micehelle's demise.

#4 Defendant Gary D. Peterson and John and Janes Does 1-10 claim the property was never sold at a valid foreclosure sale as alleged in the complaint.

#5 Defendant Gary D. Peterson attended the foreclosure the sale with the intent to purchase the property with species money.

#6 Defendant Gary D. Peterson and John and Janes Does 1-10 claim Plaintiff's have intentionally failed to properly serve Defendants with the eviction/ejectment application.

#7 Defendant Gary D. Peterson and John and Janes Does 1-10 claim Plaintiff's attorney Derrick J. O'Neill was the same attorney as on the Boise County Case No. CV-2012-72.

#8 Defendant Gary D. Peterson and John and Janes Does 1-10 claim Plaintiff's attorney Derrick J. O'Neill was the same attorney as on the Boise County Case No. CV-2012-72 and the quit claim deed recorded as indtrument 248301 demonstrates the attorney's Boise address in this case and his addressed used in the previous case CV-2012-72.

#9 Defendant Gary D. Peterson and John and Janes Does 1-10 claim they are not tenants in sufferance on the property and are true tenants / or owners pursuant to inheritance rights.

#10 Defendant Gary D. Peterson and John and Janes Does 1-10 claim Plaintiff and Plaintiffs' attorney has know and continues to know Defendant Gary D. Peterson's name and his physical and Post Office Box address, as well as house phone number and cell phone number, as well as the knowledge in that Defendant has to spend significant time in Boise for treatments at the Veterans Administration hospital.

#11 Defendant Gary D. Peterson and John and Janes Does 1-10 claim they have a vested interest and financial interest in the property identified in the case.

#12 Defendant Gary D. Peterson and John and Janes Does 1-10

#13 Defendant Gary D. Peterson claims that the property claimed herein is under a clouded title and all proceedings regarding the property herein should be stayed pending resolution of this matter.

#14 Plaintiffs have committed fraud upon the Court, by submitting and ejectment action upon false and misleading information.

#15 Defendant Gary D. Peterson and John and Janes Does 1-10 claim Plaintiff's have failed to raise a claim under Idaho Rules of Procedure 12(b)(6).

**DEFENDANT RESERVES THE RIGHT TO AMMEND ANSWER AND
RESPONSE TO POST FORECLOSURE COMPLAINT FOR EJECTMENT AND
RESTITUTION OF PROPERTY**


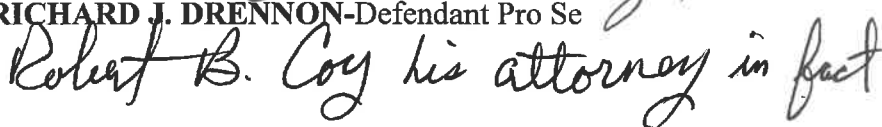
DEFENDANTS' PRAY FOR RELIEF

DEFENDANT PRAYS THE FOLLOWING:

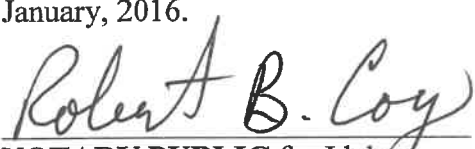
- a. That the court reject jurisdiction over this case;
- b. That the Court determine that the plaintiff has failed to state a claim for relief;
- c. The court declare Defendants have a vested interest in the property;
- d. That the Courts hold that the alleged January 1st, 2015 sale violated Idaho statutes, Idaho and Federal Constitutions protected due process of rights;
- e. That the Court hold Plaintiff in contempt of court for violations of fraud upon the court;
- f. Any and further relief the Court deems appropriate.

Dated this 19th day of January, 2016.

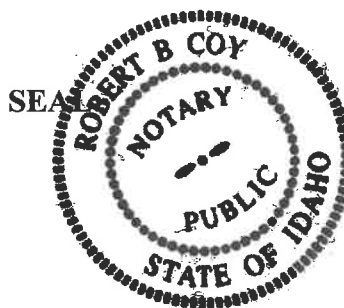

GARY PETERSON-Defendant Pro Se


RICHARD J. DRENNON-Defendant Pro Se
 his attorney in fact

GARY D. PETERSON SUBSCRIBED AND SWORN TO BEFORE ME this 19th day of January, 2016.


NOTARY PUBLIC for Idaho

Commission expires: March 19, 2021



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2013, a true and correct copy of the foregoing **VERIFIED AMENDED ANSWER TO COMPLAINT FOR JUDICIAL FORECLOSURE** was mailed to:

Derrick J. O'Neill, Attorney
Routh Crabtree Olsen PS
300 Main St., Ste 150
Boise, Idaho 83702

Derrick J. O'Neill #4023
Attorney for Plaintiff
RCO Legal, P.S.
13555 SE 36th st., Ste. 300
Bellevue, WA 98006



GARY D. PETERSON

Filed **MAR 24 2016** *10:01 AM*
No.

By MARY PRISCO, Clerk
Stacy Walker DEPUTY

Kelly Greene McConnell [ISB #4900]
Amber N. Dina [ISB #7708]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
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www.givenspursley.com
7958538v2

Attorneys for Plaintiff/Counterdefendant Federal National Mortgage Association

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

JOHN DOE, JANE DOE and JOHN DOES 1-
10, as occupants of the premises located at 126
West Castle Creek Road, Garden Valley, ID
83622,

Defendants.

GARY D. PETERSON, an individual,

Counterclaimant,

vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterdefendant.

Case No. CV 2015 151

ANSWER TO COUNTERCLAIMS

Plaintiff/Counterdefendant Federal National Mortgage Association ("Fannie Mae"), by and through its undersigned counsel of record, and for its answer to the Counterclaims ("Counterclaim") filed by Defendant/Counterclaimant Gary Peterson ("Peterson"), admits, denies and affirmatively alleges as follows:

GENERAL ALLEGATIONS

A. In response to Paragraph A of the Counterclaim, Fannie Mae admits only that based upon information and belief, Michelle F. Mims is deceased.

B. In response to Paragraph B of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph B, and therefore denies them. Moreover, the allegations contained therein appear to be directed at a party other than Fannie Mae.

C. In response to Paragraph C of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph C, and therefore denies them. Moreover, the allegations contained therein appear to be directed at a party other than Fannie Mae.

D. Fannie Mae denies the allegations and representations contained in Paragraph D of the Counterclaim. Moreover, the allegations contained therein appear to be directed at a party other than Fannie Mae.

E. Paragraph E of the Counterclaim states a legal conclusion to which no response is required. To the extent a response is required, Fannie Mae denies the same based upon lack of information or belief as to the truth of the allegations.

F. In response to Paragraph F of the Counterclaim, Fannie Mae avers that the referenced order in case CV-2012-72 speaks for itself and is the best evidence of its contents.

Fannie Mae denies the allegations based upon the record in CV 2012-72, specifically the entry of summary judgment against Gary Peterson.

G. Fannie Mae denies the allegations contained in Paragraph G of the Counterclaim.

H. In response to Paragraph H of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph H, and therefore denies them.

I. In response to Paragraph I of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph I, and therefore denies them.

J. In response to Paragraph J of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph J, and therefore denies them.

K. In response to Paragraph K of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph K, and therefore denies them.

L. In response to Paragraph L of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph L, and therefore denies them.

M. In response to Paragraph M of the Counterclaim, Fannie Mae admits this action did not expressly name Peterson as a Defendant. Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the remaining allegations of paragraph M, and therefore denies them.

N. In response to Paragraph N of the Counterclaim, Fannie Mae states that the service by publication speaks for itself and thus no response is required. To the extent a response is

required, Fannie Mae admits that Peterson was not expressly named as a Defendant but denies all other allegations based upon insufficient knowledge or information upon which to form a belief as to the truth of the remaining allegations of paragraph N.

O. Fannie Mae denies the allegations and representations contained in Paragraph O of the Counterclaim.

P. In response to Paragraph P of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph P, and therefore denies them.

Q. In response to Paragraph Q of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph Q, and therefore denies them.

R. In response to Paragraph R of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph R, and therefore denies them.

S. Fannie Mae denies the allegations and representations contained in Paragraph S of the Counterclaim.

SPECIFIC ALLEGATIONS

1. Fannie Mae denies the allegations contained in paragraph 1 of the Counterclaim.
2. Fannie Mae denies the allegations contained in paragraph 2 of the Counterclaim on the basis of lack of information or belief as to the truth of the allegations.
3. Fannie Mae denies the allegations contained in paragraph 3 of the Counterclaim.
4. Fannie Mae denies the allegations contained in paragraph 4 of the Counterclaim.

5. In response to Paragraph 5 of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph 5, and therefore denies them.

6. Fannie Mae denies the allegations contained in paragraph 6 of the Counterclaim.

7. Fannie Mae admits the allegations contained in paragraph 7 of the Counterclaim.

8. Fannie Mae admits the allegations contained in paragraph 8 of the Counterclaim.

9. Fannie Mae denies the allegations contained in paragraph 9 of the Counterclaim.

10. In response to Paragraph 10 of the Counterclaim, Fannie Mae possesses insufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph 10, and therefore denies them.

11. Fannie Mae denies the allegations contained in paragraph 11 of the Counterclaim.

12. Fannie Mae denies the allegations contained in paragraph 12 of the Counterclaim.

13. Fannie Mae denies the allegations contained in paragraph 13 of the Counterclaim.

14. Fannie Mae denies the allegations contained in paragraph 14 of the Counterclaim.

15. Fannie Mae denies the allegations contained in paragraph 15 of the Counterclaim.

RESPONSE TO PETERSON'S PRAYER FOR RELIEF

In response to the prayer for relief in the Counterclaim, Fannie Mae denies that Peterson is entitled to the relief requested therein.

AFFIRMATIVE AND OTHER DEFENSES

In defense of the Counterclaim, Fannie Mae alleges the following affirmative and other defenses:

1. Fannie Mae denies each and every allegation not specifically admitted herein.
2. The Counterclaim and each and every allegation contained therein fails to state a claim upon which relief may be granted.

3. Peterson's claims are barred by the doctrines of collateral estoppel and *res judicata*.
4. Peterson's claims are barred by the doctrine of unclean hands as arising from his own actions and omissions.
5. Peterson's claims are barred by the equitable doctrine of estoppel.
6. Peterson's claims are barred by prior judgment.
7. Upon further investigation and/or discovery, Fannie Mae may have additional affirmative defenses to the Counterclaim. Accordingly, Fannie Mae reserves the right to add to, delete or modify the affirmative defenses alleged herein and to amend these affirmative defenses to conform to proof at or before trial.

PRAYER FOR RELIEF

Wherefore, Fannie Mae prays for judgment in its favor and against Peterson, dismissing the Counterclaim with prejudice and for judgment awarding Fannie Mae its costs incurred in defending this action and for such other and further relief as the Court may deem just and equitable under the circumstances.

DATED this 24th day of March, 2016.

GIVENS PURSLEY LLP



Amber N. Dina
*Attorneys for Plaintiff/Counterdefendant
Federal National Mortgage Association*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2016 I caused to be served a true and correct copy of the foregoing document to the persons listed below the method indicated:

Derrick J. O'Neill
Lewis Stoddard
RCO Legal, P.S.
300 Main Street, Ste 150
Boise, ID 83702

☐ Hand Delivery
☐ Facsimile
☐ Overnight Courier
☒ U.S. Mail

*Additional Attorneys for Federal National
Mortgage Association*

Gary Peterson
126 West Castle Creek Road
Garden Valley, ID 83622

☐ Hand Delivery
☐ Facsimile
☐ Overnight Courier
☒ U.S. Mail

Pro Se Defendant/Counterclaimant

Amber N. Dina
Amber N. Dina

Lewis N. Stoddard [ISB #7766]
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Kelly Greene McConnell [ISB #4900]
Amber N. Dina [ISB #7708]
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Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
11045063v1
*Attorneys for Plaintiff/Counterdefendant
Federal National Mortgage Association*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

JOHN DOE, JANE DOE and JOHN DOES 1-
10, as occupants of the premises located at 126
West Castle Creek Road, Garden Valley, ID
83622,

Defendants.

Case No. CV 2015 151

WRIT OF EJECTMENT

GARY D. PETERSON and RICHARD J.
DRENNON

Counterclaimants,

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterdefendant.

STATE OF IDAHO)
):ss.
County of BOISE)

TO THE SHERIFF OF THE COUNTY OF BOISE, STATE OF IDAHO:

WHEREAS, a certain action for the possession of the following-described premises at 126 West Castle Creek Road, Garden Valley, ID 83622, was filed with the above-entitled Court.

WHEREAS, Summary Judgment was entered on the 19th day of August 2016, in favor of Plaintiff, wherein Federal National Mortgage Association was the Plaintiff and Gary D. Peterson and Richard J. Drennon and John Does 1-10 as Occupants of the Premises located at 126 West Castle Creek Road, Garden Valley, ID 83622 were the Defendants and it is the order of this Court that the Plaintiff have restitution of the premises.

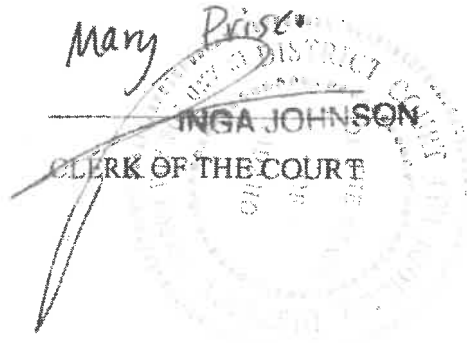
NOW THEREFORE, in the name of the State of Idaho, you are hereby commanded to cause Defendants and their goods and chattels to be forthwith removed from the premises and the Plaintiff is to have restitution of the same. In the event the goods and chattels are not promptly removed thereafter by the said Defendants, you are authorized and empowered to cause the same to be removed to be a safe place for storage. You are also commanded to levy on the

goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to make legal service and due return of this writ.

WITNESS, by hand and official seal this 29 day of Oct, 2016

Mary Price

INGA JOHNSON
CLERK OF THE COURT



Lewis N. Stoddard [ISB #7766]
RCO LEGAL, P.C.
300 Main Street, Suite 150
Boise, ID 83702
Office: (208) 489-3035
Fax: (208) 854-3035

Kelly Greene McConnell [ISB #4900]
Amber N. Dina [ISB #7708]
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11045063v1
*Attorneys for Plaintiff /Counterdefendant
Federal National Mortgage Association*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

JOHN DOE, JANE DOE and JOHN DOES 1-
10, as occupants of the premises located at 126
West Castle Creek Road, Garden Valley, ID
83622,

Defendants.

Case No. CV 2015 151

THIRD WRIT OF EJECTMENT

GARY D. PETERSON and RICHARD J.
DRENNON

Counterclaimants,

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterdefendant.

STATE OF IDAHO

)

):ss.

County of BOISE

)

TO THE SHERIFF OF THE COUNTY OF BOISE, STATE OF IDAHO:

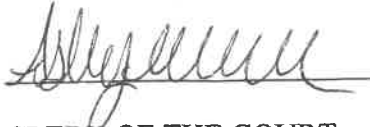
WHEREAS, a certain action for the possession of the following-described premises at 126 West Castle Creek Road, Garden Valley, ID 83622, was filed with the above-entitled Court.

WHEREAS, Summary Judgment was entered on the 19th day of August 2017, in favor of Plaintiff, wherein Federal National Mortgage Association was the Plaintiff and Gary D. Peterson and Richard J. Drennon and John Does 1-10 as Occupants of the Premises located at 126 West Castle Creek Road, Garden Valley, ID 83622 were the Defendants and it is the order of this Court that the Plaintiff have restitution of the premises.

NOW THEREFORE, in the name of the State of Idaho, you are hereby commanded to cause Defendants and their goods and chattels to be forthwith removed from inside the residence commonly known as 126 West Castle Creek Road, Garden Valley, ID 83622 and the Plaintiff is to have restitution of the same. In the event the goods and chattels inside the residence are not promptly removed thereafter by the said Defendants, you are authorized and empowered to cause the same to be removed to be a safe place for storage. You are also commanded to levy on the

goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to make legal service and due return of this writ. Because of the specific circumstances of this property, for purposes of this writ at this time, you are to leave the goods and chattels that are outside the residence, and not maintain a keeper on the premises to secure the goods and chattels outside the residence. Plaintiff may seek your assistance with removal of additional personal belongings located on the property but outside of the residence at a later date. If such action becomes necessary, the Plaintiff will obtain an additional Writ from the Court.

WITNESS, by hand and official seal this 26 day of January, 2017.


Deputy CLERK OF THE COURT

*Attorneys for Plaintiff /Counterdefendant
Federal National Mortgage Association*

WRIT - 1

TO THE SHERIFF OF THE COUNTY OF BOISE, STATE OF IDAHO:

WHEREAS, a certain action for the possession of the following-described premises at 126 West Castle Creek Road, Garden Valley, ID 83622, was filed with the above-entitled Court.

WHEREAS, Judgment was entered on the 18th day of October 2017, in favor of Plaintiff, wherein Federal National Mortgage Association was the Plaintiff and Gary D. Peterson and Richard J. Drennon and John Does 1-10 as Occupants of the Premises located at 126 West Castle Creek Road, Garden Valley, ID 83622 were the Defendants and it is the order of this Court that the Plaintiff have restitution of the premises.

NOW THEREFORE, in the name of the State of Idaho, you are hereby commanded to cause Defendants and their goods and chattels to be forthwith removed from the residence commonly known as 126 West Castle Creek Road, Garden Valley, ID 83622 and the Plaintiff is to have restitution of the same. In the event the goods and chattels are not promptly removed thereafter by the said Defendants, you are authorized and empowered to cause the same to be removed to be a safe place for storage. You are also commanded to levy on the goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to make legal service and due return of this writ.

Plaintiff may seek your assistance with removal of additional personal belongings located on the property but outside of the residence at a later date and if such action becomes necessary it will obtain an additional Writ from the Court.

WITNESS, by hand and official seal this 14 day of February, 20 17

ASHLEY HILEMAN

Deputy CLERK OF THE COURT

Lewis N. Stoddard [ISB #7766]
RCO LEGAL, P.C.
300 Main Street, Suite 150
Boise, ID 83702
Office: (208) 489-3035
Fax: (208) 854-3035

*Attorneys for Plaintiff /Counterdefendant
Federal National Mortgage Association*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

JOHN DOE, JANE DOE and JOHN DOES 1-
10, as occupants of the premises located at 126
West Castle Creek Road, Garden Valley, ID
83622,

Defendants.

GARY D. PETERSON and RICHARD J.
DRENNON

Counterclaimants,

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterdefendant.

Case No. CV 2015 151

FIFTH WRIT OF EJECTMENT

STATE OF IDAHO)
)ss.
County of BOISE)

TO THE SHERIFF OF THE COUNTY OF BOISE, STATE OF IDAHO:

WHEREAS, a certain action for the possession of the following-described premises at 126 West Castle Creek Road, Garden Valley, ID 83622, was filed with the above-entitled Court.

WHEREAS, Judgment was entered on the 18th day of October 2017, in favor of Plaintiff, wherein Federal National Mortgage Association was the Plaintiff and Gary D. Peterson and Richard J. Drennon and John Does 1-10 as Occupants of the Premises located at 126 West Castle Creek Road, Garden Valley, ID 83622 were the Defendants and it is the order of this Court that the Plaintiff have restitution of the premises.

NOW THEREFORE, in the name of the State of Idaho, you are hereby commanded to cause Defendants and their goods and chattels to be forthwith removed from inside the residence commonly known as 126 West Castle Creek Road, Garden Valley, ID 83622 and the Plaintiff is to have restitution of the same. In the event the goods and chattels inside the residence are not promptly removed thereafter by the said Defendants, you are authorized and empowered to cause the same to be removed to be a safe place for storage. You are also commanded to levy on the goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to make legal service and due return of this writ. Because of the specific circumstances of this property, for purposes of this writ at this time you are to leave the goods and chattels that are outside the residence, and not to maintain a keeper on the premises to secure the goods and chattels outside the residence. Plaintiff may seek your assistance with removal of additional personal belongings located on the property but outside of the residence at a later date and if such action becomes necessary it will obtain an additional Writ from the Court.

WITNESS, by hand and official seal this 14 day of March, 2017

ASHLEY HILEMAN

Deputy CLERK OF THE COURT