

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO  
SOUTHERN DIVISION

---

ZIONS FIRST NATIONAL BANK

Plaintiff,

v.

BOISE 170, LLC, a Nevada Limited Liability Company, BRADLEY F. BURNS, an individual, LORI A. BURNS, an individual, BRADLEY F. AND LORI A. BURNS FAMILY TRUST, and DANIEL KRAMER, an individual,

Defendants.

**ORDER OF SALE**

Civil No.: 1:09-cv-608 BLW

Judge: B. Lynn Winmill

BOISE 170, LLC, BRADLEY F. BURNS, an individual, LORI A. BURNS, an individual, BRADLEY F. AND LORI A. BURNS FAMILY TRUST,

Counterclaimants,

v.

ZIONS FIRST NATIONAL BANK

Counterclaim Defendant.

THE SHERIFF OF ADA COUNTY, STATE OF IDAHO:

WHEREAS, the above-entitled court has entered a Foreclosure Judgment adjudging that the Plaintiff is entitled, and was thereby granted judgment foreclosing the interests of all parties of any interest, and

WHEREAS, pursuant to said Foreclosure Judgment the above-entitled Court ordered the sale of the following described real property ("Property") located in Ada County, Idaho, with all proceeds from said sale to be delivered to Zions First National Bank:

*See Legal Description of the Property attached to this Order of Sale as Exhibit A.*

THESE ARE, THEREFORE, to command you to sell the above-described Property according to the provisions of law relating to sale on execution together with accruing costs (or such portion of those amounts as shall be realized from the sale), and this shall be your sufficient warrant for so doing. You are to make due return of this Order of Sale with your doings in the premises herein endorsed within two (2) months of the date of your receipt hereof.

DATED: October 6, 2010



*B. Lynn Winmill*  
B. LYNN WINMILL  
Chief Judge  
United States District Court

# EXHIBIT A

Real property in the City of Meridian, County of Ada, State of Idaho, described as follows:

PARCEL I:

Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 30, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and all those portions of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 30, said township and range, lying Westerly of the right of way of Phyllis Canal.

Also including those portions of Lot 3 and the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of said Section 30, lying North of the center line of the Dickman Lateral from the Phyllis Canal, which entire tract is particularly described as follows:

Beginning at the quarter section corner of the West line of said Section 30; thence South  $01^{\circ}13'34''$  West 5.50 feet (formerly described as South 5.5 feet); thence South  $89^{\circ}06'48''$  East 3734.83 feet (formerly described as South  $89^{\circ}59'$  East 3,733.9 feet) to an intersection with the West line of the right of way of the Phyllis Canal; thence North  $13^{\circ}53'10''$  East 1361.42 feet (formerly described as North  $12^{\circ}43'$  East 1,362 feet) along the West line of said right of way to a point on the North line of the Southeast Quarter of the Northeast Quarter of said Section 30; thence North  $89^{\circ}12'24''$  West 1506.24 feet (formerly described as West 4,033.7 feet to the Northwest corner of Lot 2 of said Section 30) to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 30; thence North  $89^{\circ}02'56''$  West 2526.96 feet to the Northwest corner of Lot 2 of said Section 30; thence South  $01^{\circ}13'34''$  West 1321.44 feet (formerly described as South 1,321.8 feet) to the PLACE OF BEGINNING.

EXCEPTING from the above described parcel the following:

A parcel of land more particularly described as, beginning at the Northwest corner of Lot 2 of said Section 30, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence South  $01^{\circ}13'34''$  West 200.00 feet (formerly described as South 200 feet); thence South  $89^{\circ}02'56''$  East 450.00 feet (formerly described as East 450 feet); thence North  $01^{\circ}13'34''$  East 200.00 feet (formerly described as North 200 feet); thence North  $89^{\circ}02'56''$  West 450.00 feet (formerly described as West 450 feet) to the PLACE OF BEGINNING.

PARCEL II:

A parcel of land more particularly described as, beginning at the Northwest corner of Lot 2 of said Section 30, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence South  $01^{\circ}13'34''$  West 200.00 feet (formerly described as South 200 feet); thence South  $89^{\circ}02'56''$  East 450.00 feet (formerly described as East 450 feet); thence North  $01^{\circ}13'34''$  East 200.00 feet (formerly described as North 200 feet); thence North  $89^{\circ}02'56''$  West 450.00 feet (formerly described as West 450 feet) to the PLACE OF BEGINNING

PARCEL III:

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NORTH QUARTER CORNER OF SECTION 30), SAID CORNER MONUMENTED WITH A 5/8 INCH DIAMETER IRON PIN; THENCE SOUTH  $00^{\circ}53'52''$  WEST, A DISTANCE OF 40.00 FEET ALONG THE WEST BOUNDARY OF SAID

NORTHWEST QUARTER OF THE NORTHEAST QUARTER, TO A POINT ON THE SOUTH RIGHT-OF-WAY BOUNDARY OF U.S. HIGHWAY 20, SAID POINT BEING THE POINT OF BEGINNING AND MONUMENTED WITH A 3 INCH BRASS DISK RIGHT-OF-WAY MONUMENT, STAMPED ITD STA. 429+54.1 PER INST. NO. 182117; THENCE

SOUTH 89°20'52" EAST, A DISTANCE OF 1800.62 (FORMERLY DESCRIBED AS 1826.27 FEET) ALONG SAID SOUTH RIGHT-OF-WAY BOUNDARY OF U.S. HIGHWAY 20, TO A 5/8 DIAMETER IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF THE PHYLLIS CANAL (FORMERLY DESCRIBED AS TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE PHYLLIS CANAL, FROM WHICH A WITNESS CORNER BEARS NORTH 89°20'52" WEST, A DISTANCE OF 21.62 FEET, TO A 5/8 INCH DIAMETER IRON PIN); THENCE SOUTH 13°47'38" WEST, A DISTANCE OF 1318.93 FEET (FORMERLY DESCRIBED AS SOUTH 13°47'35" WEST, A DISTANCE OF 1318.99 FEET) ALONG THE WESTERLY RIGHT-OF-WAY BOUNDARY OF SAID PHYLLIS CANAL, TO A 5/8" IRON PIN ON THE SOUTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER (FORMERLY DESCRIBED AS TO A POINT ON THE SOUTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, FROM WHICH A WITNESS CORNER BEARS NORTH 89°12'27" WEST, A DISTANCE OF 18.67 FEET TO A 5/8 INCH DIAMETER IRON PIN); THENCE NORTH 89°12'24" WEST, A DISTANCE OF 1506.24 FEET (FORMERLY DESCRIBED AS NORTH 89°12'27" WEST, A DISTANCE OF 1531.90 FEET) ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (CN 1/16 CORNER), SAID CORNER MONUMENTED WITH A 5/8 INCH DIAMETER IRON PIN; THENCE NORTH 00°53'52" EAST, A DISTANCE OF 1280.69 FEET (FORMERLY DESCRIBED AS 1280.70 FEET) ALONG THE WEST BOUNDARY OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER TO THE POINT OF BEGINNING.