

I:\Orders\Orders10\Scenic Valley\_AtorneyFees.WPD

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

SCENIC VALLEY VIEW, L.L.C., an Idaho  
limited liability company,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as RECEIVER for  
AMERICA WEST BANK MEMBERS, LC,  
d/b/a AMERICA WEST BANK, a Utah  
limited liability company, RIDGEWAY  
HOLDINGS, LLC, an Idaho limited liability  
company; ESTATE OF GEORGE  
MCDANIEL, and WENDY MCDANIEL, its  
PERSONAL REPRESENTATIVE, the  
successor(s) to George McDaniel, deceased.

Defendants.

Case No. CV-09-439-E-EJL

**ORDER AND DECREE OF  
JUDGMENT RE: ATTORNEYS FEES  
AND COSTS**

Before the Court in the above-entitled matter is Plaintiff Scenic Valley View, L.L.C.’s Motion for Attorney Fees. (Dkt. No. 38.) There was no opposition to the Motion filed. The Motion was referred to Chief Magistrate Judge Candy W. Dale who, on August 13, 2010, entered a Report and Recommendation on the Motion finding the requested award amount of \$52,101.00 in attorney fees should be granted. (Dkt. No. 39.) No objection was filed as provided in 268 U.S.C. § 636(b)(1) and Local Rule 72.1(b). The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the Magistrate Judge. *Id.*; *see also* Fed. R. Civ. P. 72(b).

Having reviewed the Motion, supporting materials, the Report and Recommendation, and the entire record herein, the Court is in agreement with the Magistrate Judge’s analysis and recommendation and will adopt the same. This Court finds that Magistrate Judge Dale’s

Report is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Magistrate Judge Dale, and this Court being fully advised in the premises, the Court will grant the Motion for Attorney Fees and award the amount of \$52,101.00 to Scenic Valley.

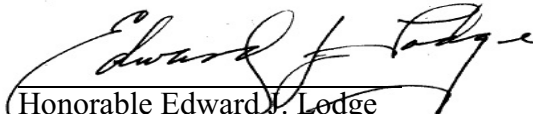
**ORDER**

NOW IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. The Motion for Attorney Fees (Dkt. No. 38) is **GRANTED**. Scenic Valley is entitled to recover its attorney fees and costs under the terms of the Promissory Note and Mortgage and pursuant to Idaho Code § 12-120(3).
2. That Scenic Valley is entitled to \$52,101.00 in reasonable attorneys' fees and costs to be added to the amount awarded in this Court's July 1, 2010 Order and Decree of Judgment (Dkt. No. 36.)



DATED: **September 30, 2010**

  
Honorable Edward J. Lodge  
U. S. District Judge