

CASPER J. RANKIN (SBN 9107)
SYDNEY K. LEAVITT (SBN 8933)
ALDRIDGE PITE, LLP
3597 E. MONARCH SKY LN., STE. 240
MERIDIAN, ID 83646
Telephone: (208) 908-0709
Facsimile: (858) 726-6254
E-mail: sleavitt@aldridgepite.com

Attorneys for Plaintiff M&T BANK

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

M&T BANK,

Plaintiff,

v.

THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF WYATT T. HAZELTINE;
AND DOES 1 THROUGH 20, et al.,

Defendants.

Case No. CV35-23-1775

**WRIT OF EXECUTION ON
JUDGMENT FORECLOSURE**

TO THE NEZ PERCE COUNTY, IDAHO SHERIFF:

On January 22, 2024, the Second Judicial District Court of the State of Idaho, in and for the County of Nez Perce, entered a Judgment for Foreclosure ("Judgment") in favor of Plaintiff M&T Bank ("Plaintiff") for judicial foreclosure. A true and correct copy of the Judgment is attached hereto as Exhibit A and incorporated herein by reference.

This action was one to, among other things, foreclose Plaintiff's Deed of Trust recorded as instrument number 853880 on December 5, 2017, with the Nez Perce County recorder's office ("Deed of Trust") executed in favor of Plaintiff against the following property ("the Subject Property") located in Nez Perce County, Idaho:

557 Park Street Apt. 1, Lewiston, ID 83501, and legally described as follows:

CONDOMINIUM UNIT 1 OF BUILDING NO. 1, AS SHOWN ON THE CONDOMINIUM MAP FOR PARK PLACE CONDOMINIUMS APPEARING IN THE RECORDS OF NEZ PERCE COUNTY, IDAHO, AS INSTRUMENT NO. 428772 AND AS DEFINED AND DESCRIBED IN THE CONDOMINIUM DECLARATION FOR PARK PLACE CONDOMINIUMS, RECORDED IN THE RECORDS OF NEZ PERCE COUNTY, IDAHO, AS INSTRUMENT NO. 428781

Plaintiff requested that the Court order and that Plaintiff's Deed of Trust be foreclosed and the Subject Property be sold at a foreclosure sale in the manner provided by law, and the proceeds of such sale, after paying costs of foreclosure sale, be paid to Plaintiff and applied against the amounts due it on the Judgment. Judgment was entered against Defendants, foreclosing any interest it may have in the Subject Property described herein.

The total judgment amount is as follows:

a. TOTAL JUDGMENT.....\$61,122.18

Post-Judgment interest continues to accrue at 10.25% which is the current rate set by the Idaho State Treasurer's Office, or the per diem rate of \$17.16 from January 22, 2024, the date that judgment was rendered.

NOW, THEREFORE, you are commanded to execute the Judgment, with interest thereon, plus accruing costs and fees incurred in connection with the execution of this writ, by selling, as under execution, the above-described Subject Property in Nez Perce County, Idaho secured by a deed of trust described in the Judgment.

FURTHER, you are to execute and deliver to the purchaser a deed of the Subject Property.

FURTHER, you are also commanded to take all required actions and provide all required notices and comply with all procedures required under Idaho Code §§ 11-102, 6-101, et seq., 11-301, et seq., and other applicable law. You are requested to make your return of this Writ of Execution on Judgment of foreclosure within sixty (60) days after the receipt hereof with an

endorsement of what steps you have completed.

WITNESS the Clerk of the Court of the Second Judicial District, County of Nez Perce,
designated below on 1/30/2024

ATTEST my hand and seal of said court the day and year last above written.

CLERK OF COURT

By *Jimmy Sanders*
Deputy Clerk, Nez Perce County

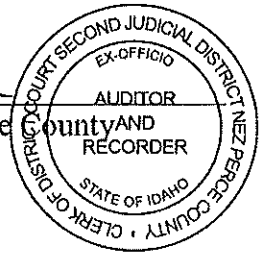


EXHIBIT A

CASPER J. RANKIN (SBN 9107)
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M&T BANK,

Plaintiff,

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THE UNKNOWN HEIRS, ASSIGNS AND
DEWISEES OF WYATT T. HAZELTINE;
AND DOES 1 THROUGH 20, et al.,

Defendants.

Case No. CV35-23-1775

JUDGMENT

JUDGMENT IS ENTERED AS FOLLOWS:

1. Foreclosure of the Deed of Trust executed by Wyatt T. Hazeltine, issued on December 4, 2017, and recorded on December 5, 2017, in the official records of Nez Perce County, Idaho as instrument number 853880 ("Deed of Trust"), IS HEREBY GRANTED in favor of Plaintiff M&T Bank ("Plaintiff") against the interests of Defendants in the real property at issue and against the real property legally described herein, in an amount as follows:

- Amount due under the Subject Loan..... \$55,624.88
- Reasonable attorney fees and costs..... \$5,497.30
- TOTAL AMOUNT DUE ON JUDGMENT \$61,122.18

Interest shall accrue after the date of judgment at the rate set forth by Idaho Code Section 28-22-104 and the Idaho State Treasurer's Office.

2. The following described real property (the "Subject Property"), which commonly may be known as **557 Park Street Apt. 1, Lewiston, ID 83501** shall be sold at public auction in the County of Nez Perce, State of Idaho, by and under the direction of the sheriff of Nez Perce County, Idaho, under the direct of the Order of Sale and Decree of Foreclosure and Idaho Law, subject to the statutory right of said Defendants to redeem the same in accordance with the laws of the State of Idaho, to wit:

CONDOMINIUM UNIT 1 OF BUILDING NO. 1, AS SHOWN ON THE CONDOMINIUM MAP FOR PARK PLACE CONDOMINIUMS APPEARING IN THE RECORDS OF NEZ PERCE COUNTY, IDAHO, AS INSTRUMENT NO. 428772 AND AS DEFINED AND DESCRIBED IN THE CONDOMINIUM DECLARATION FOR PARK PLACE CONDOMINIUMS, RECORDED IN THE RECORDS OF NEZ PERCE COUNTY, IDAHO, AS INSTRUMENT NO. 428781

That a Writ of Execution and Order For Sale and Decree of Foreclosure be issued to grant the power of sale of the Subject Property to the Nez Perce County, Idaho Sheriff; and that the proceeds of such sale be paid to Plaintiff, its successors and/or assigns, in an amount due Plaintiff under this judgment, after deducting the amount of sheriff fees and expenses to carry out the foreclosure sale; and that each of the Defendants and all persons claiming under them be barred and foreclosed from all rights, claims, interest or equity of redemption in the Subject Property, when the time for redemption has elapsed under Idaho Law;

3. The Court hereby declares Plaintiff has a first priority lien on the Subject Property, as evidenced by the Deed of Trust recorded on December 5, 2017, as instrument 853880, in the official records of Nez Perce County, Idaho, and all rights, claims, ownerships, liens, titles and demands of Defendants to the Subject Property are subsequent to and subject to Plaintiff's first priority lien, including but not limited to any homestead exemption.

4. That the Plaintiff may pay any taxes and insurance upon the Subject Property which shall hereinafter and before sale become due, and Plaintiff shall have a lien on such premises for the amount so paid, with interest thereon as provided by the laws of the State of Idaho, and in case of such payment and upon application to the Court, Plaintiff may have an order directing that the amount so paid, together with interest, be paid out of the proceeds of the sale of such premises.

5. That Defendants, and all persons claiming under them, shall be and hereby are enjoined from committing waste upon such mortgage premises, and from doing any other action that may impair the value of said premises, at any time between the date of the judgment and the date of such sale unless meanwhile such premises shall have been redeemed as provided by law.

6. Upon completion of the foreclosure sale, and after payment to Plaintiff, as the judgment creditor, any surplus funds from the foreclosure sale shall be deposited with the Clerk of the Court for distribution pursuant to further order of the Court or by stipulation amongst the parties appearing in this action.

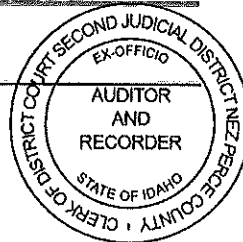
Dated: 1/22/2024

M. Evans 1/22/2024 9:09:09 AM
JUDGE OF THE DISTRICT COURT

I, **Patty O. Weeks**, Clerk of the above entitled Court do hereby certify the foregoing to be a full, true and correct copy of the original Judgment in the above entitled cause as the same now appears on file and of record in my office.

WITNESS my hand and official seal this 1/22/2024
PATTY O. WEEKS, Clerk

By *Jimmy Landrum*
Deputy



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 1/22/2024, I caused a true and correct copy of this document to be served to:

Sydney K. Leavitt ALDRIDGE PITE, LLP sleavitt@aldridgepite.com <i>Attorney for Plaintiff</i>	<input checked="" type="checkbox"/> E-Mail
Occupants 557 Park St., #1 Lewiston, ID 83501	<input checked="" type="checkbox"/> US Mail


Clerk of the Court

