

564484

Derrick J. O'Neill/ISB #4021  
Blaine N. Stoddard/ISB #7766  
RCO LEGAL, P.C.  
300 Main Street, Suite 150  
Boise, Idaho 83702  
Telephone: 208-489-3033  
Facsimile: 208-854-3998  
[doneill@rcolegal.com](mailto:doneill@rcolegal.com)  
[lstoddard@rcolegal.com](mailto:lstoddard@rcolegal.com)

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

BANK OF AMERICA, N.A., Successor by  
merger to BAC Home Loans Servicing, LP  
FKA Countrywide Home Loans Servicing  
LP,

Plaintiff,

vs.

ALVIN L. MERRIFIELD (Deceased) and  
Unknown Heirs, Assigns and devisees of  
ALVIN L. MERRIFIELD; RAMONA J.  
MERRIFIELD; AMANDA RAY SWAM,  
and Does 1-10 as individuals with an interest  
in the property legally described as:

Lot 1, Block D, ORIGINAL TOWN OF  
KENDRICK, as shown by the recorded plat  
thereof. AND a triangular shaped piece, 15  
feet front, 50 feet to a point on the East side  
of Lot 1, Block 98, OAKS ADDITION to the  
Town of Kendrick, as shown by the recorded  
plat thereof.

Which may commonly be known as: 101 W.  
Main Street, Kendrick, Idaho 83537.

Defendants..

NO. \_\_\_\_\_ AT THE REQUEST OF:

LATAH COUNTY SHERIFF

DATE & HOUR 3-17-14 11:38 AM

SUSAN PETERSEN  
LATAH COUNTY RECORDER

FEE \$ 0 BY [Signature]

CASE NO CV2013-00232

2013 JUN -7 PM 12:02

CLERK OF DISTRICT COURT  
LATAH COUNTY

BY [Signature] DEPUTY

Case No. CV2013-00232

**JUDGMENT AND DECREE OF  
FORECLOSURE**

COMES NOW the Court and the remaining non responding Defendants having been served with the Summons and Complaint, and having failed to appear or otherwise defend, the legal time for pleading or otherwise defending having expired, and the Plaintiff having shown by Affidavit of Non-Military Service that Defendants are not members of the military forces of the United States of America on active duty, nor infants or incompetents, and the default of Defendants having been duly entered herein according to law upon the application of Plaintiff, supported by Affidavit of Default and Failure to Plead or Otherwise Defend in support of Application of Entry of Default, Complaint and Affidavit of Amount Due and Attorney Fees, the Court having considered the same, hereby determines that Plaintiff is entitled to judgment against Defendants as hereinafter set forth;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. That Plaintiff, Bank of America, N.A., Successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing LP, have and recover a judgment and decree of foreclosure against the interests of Defendants in the real property at issue, and against the real property at issue legally described above and commonly known as 101 W. Main Street, Kendrick, Idaho 83537, for the sum of \$153,035.37 and reasonable attorney fees and costs in the amount of \$3,161.93, for a total of \$156,197.30, which sum shall bear interest from June 6<sup>th</sup>, 2013 at the rate allowed by law on judgments.

2. That the following described mortgage premises be sold at public auction in the County of Latah, State of Idaho, by and under the direction of the sheriff of Latah County, Idaho, subject to the statutory right of said Defendants to redeem the same in accordance with the laws of the State of Idaho, to-wit:

Lot 1, Block D, ORIGINAL TOWN OF KENDRICK, as shown by the recorded plat thereof. AND a triangular shaped piece, 15 feet front, 50 feet to a point on the East side of Lot 1, Block 98, OAKS ADDITION to the Town of Kendrick, as shown by the recorded plat thereof.

Which may commonly be known as: 101 W. Main Street, Kendrick, Idaho 83537.

3. That the Sheriff give notice of such sale in the manner provided by law; that either or any of the parties to this action may purchase at such sale; that the Sheriff will make, execute and deliver to the purchaser or purchasers a certificate of sale and, following the expiration of the period of redemption, a Sheriff's Deed of the premises so sold, and setting forth each tract or parcel of land so sold and the sum paid therefore, that out of the monies arising from such sale, after deducting the amount of Sheriff's fees and expenses of such sale, the Sheriff pay to the Plaintiff or the Plaintiff's attorney all monies up to the sum of \$156,197.30, together with interest thereon from June 6, 2013 at the rate allowed by law upon judgments through the date of sale, and that such Sheriff deposit any surplus money arising from such sale of the mortgage property under this Judgment with the Clerk of this Court, subject to further order of this Court, and that the Sheriff make a report of such sale and file it with the Clerk of this Court within the time required by law.

4. That the Plaintiff be permitted to credit bid at such sale any amount up to and including the amount of this Judgment.

5. That after the confirmation of the sale of the mortgage premises, the purchaser or purchasers at such sale, or their heirs or assigns, be let into possession of the premises so sold on production of the certificate of sale or a duly authenticated copy thereof, and that each and every other party to this action who may be in possession of the premises, and every other person who since the filing of notice of pendency of this action has come into possession thereof, or any part thereof, under them or either of them shall deliver to such grantee or grantees named in such

certificate of sale possession of such portion of the premises as shall be described under the certificate of sale.

6. The interests of Defendants are junior and subordinate to those of Plaintiff's, and that Defendants and all persons claiming under Defendants, be forever barred and foreclosed of all right, title and interest and equity of redemption to the mortgage premises, except the right of redemption as provided by the statutes of the State of Idaho.

7. That the Plaintiff may pay any taxes and insurance upon the mortgage premises 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.

8. That Defendants, and all persons claiming under her, 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 this judgment and the date of such sale unless meanwhile such premises shall have been redeemed as provided by law.

IT IS FURTHER ORDERED that jurisdiction of this cause is hereby expressly reserved and retained for the purpose of making such further orders as may be necessary in order to carry this Judgment and Decree of Foreclosure into effect and correct any mathematical error, to grant any accrued credits, or for the purpose of making such further orders as may be necessary or desirable.

June 7, 2013  
John R. Stegner

John R. Stegner  
District Judge

DATED This \_\_\_\_\_ day of \_\_\_\_\_ 2013.

HONORABLE JOHN R. STEGNER  
DISTRICT COURT JUDGE

**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7 day of June, 2013, I caused a true and correct copy of this document to be mailed, postage prepaid, to:

Does 1-10 Current Occupants 101 w. Main Street Kendrick, Idaho 83537	<input checked="" type="checkbox"/> US Mail
Romona J. Merrifield Amanda Ray Swam 2778 Rideout Lane Apt E 508 Marfreesboro, TN 37128	<input checked="" type="checkbox"/> US Mail
Derrick J. O'Neill Lewis N. Stoddard RCO LEGAL, P.C. 300 Main Street, Suite 150 Boise, Idaho 83702	<input checked="" type="checkbox"/> US Mail

Sue Anderson  
Clerk of the Court

COPY

I certify that I have legal custody of the original of the above record, that the above is a true and correct copy of that record and that I have a seal of office and that seal is affixed hereto.

Date JUN - 7 2013

Sue Anderson  
by \_\_\_\_\_  
Susan R. Petersen  
Clerk of District Court  
Latah County, Idaho Deputy