

After Recording Return To:

Dennis M. Davis  
Witherspoon, Kelley, Davenport & Toole  
The Spokesman Review Building  
608 Northwest Boulevard, Suite 401  
Coeur d'Alene, ID 83814-2146

6001-22958

DANIEL J. ENGLISH 4P I 2183738000  
KOOTENAI CO. RECORDER Page 1 of 4  
AAA Date 10/28/2008 Time 15:40:44  
REC-REQ OF NORTH IDAHO TITLE INSURA  
RECORDING FEE: 12.00  
2183738000 HV 5

## NOTICE OF DEFAULT

### 1. DEFAULT:

Notice is hereby given that a Construction Deed of Trust was made and entered into on May 7, 2007, by Robert Howard, a married person, as his separate estate, as Grantor; Brad L. Williams, Attorney at Law, c/o UPF, Incorporated, as Trustee; and American West Bank, as Beneficiary, whereby the Grantor did irrevocably grant, bargain, sell and convey to the Trustee in trust with the power of sale that certain real property located in the County of Kootenai, State of Idaho, and described as follows, to wit:

Lot 1, Block 1, Honeysuckle Grove, according to the plat recorded in Book "J" of Plats at Page 350, Records of Kootenai County, Idaho.

The Trustee has no knowledge of a more particular description of the above-referenced real property, but for purposes of compliance with Idaho Code § 60-113, the Trustee has been informed that the address of 8888 North Prescott Drive, Hayden, Idaho 83835 is sometimes associated with this real property.

Said Deed of Trust was recorded on May 10, 2007, as Instrument No. 2099114000, records of Kootenai County, Idaho.

The original Trustee has been succeeded by Dennis M. Davis, a member in good standing of the Idaho State Bar, as evidenced by that certain Appointment of Successor Trustee recorded October 28, 2008, as Instrument No. 2183737000, records of the Kootenai County Recorder.

### 2. STATEMENT OF DEFAULT AND ITEMIZED ACCOUNT OF AMOUNT IN ARREARS:

The Beneficiary states that you are in default for the following reasons:

Failure to pay the following past due amounts, which are in arrears:

Failure to pay accrued interest due from February 7 through October 28, 2008 \$ 12,681.00

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COPY

Failure to pay the principal balance due May 7, 2008	\$244,453.35
Failure to pay Late Fees	\$ 300.00
<b>TOTAL DUE AS OF OCTOBER 28, 2008</b>	<b><u>\$257,434.35</u></b>

The following additional loan covenant defaults now exist pursuant to the Construction Deed of Trust, Promissory Note and Construction Loan Agreement which are secured by the Construction Deed of Trust as follows:

A. Failure to pay real property taxes due for 2007.

3. OTHER CHARGES, COSTS AND FEES:

In addition to the amounts in arrears specified above, you are obliged to pay the following charges, costs and fees to reinstate the Deed of Trust and the obligation secured thereby:

a.	Cost of title report for foreclosure	\$ 1,100.00
b.	Service of Notice of Default and Notice of Sale	*
c.	Posting of Notice of Default and Notice of Sale	*
d.	Postage and Copies	**
e.	Legal Fees	** 1,575.00
f.	Appraisal Fee	350.00
g.	Trustee's Fees	** 750.00
h.	Publication Fees	*
i.	Inspection Fees	*
j.	Recording Fees	** 24.00

**TOTAL CHARGES AND FEES TO DATE      \*\*\$ 3,799.00**

\* To be added as incurred.

\*\* Plus additional charges as incurred.

4. REINSTATEMENT:

In order to cure the above default and reinstate the Deed of Trust, you must do the following prior to the expiration of 115 days following recordation of this Notice of Default with the County Recorder:

**IMPORTANT! PLEASE READ!**

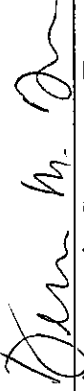
- a. Payment of the following sums: The obligation secured by said Deed of Trust matured on May 7, 2008. Therefore, the total amount necessary to cure the default in the terms of your Deed of Trust and the obligation secured is the sum of paragraphs 2 and 3 above, in the amount of **\$261,233.35** plus additional principal, interest, and late charges accruing subsequent to October 28, 2008, and additional fees and charges hereafter incurred.
- b. Tender of payment or performance may be made in certified funds or cash to:  
  
Dennis M. Davis, Trustee  
Witherspoon, Kelley, Davenport & Toole, P.S.  
The Spokesman Review Building  
608 Northwest Boulevard, Suite 401  
Coeur d'Alene, ID 83814-2146
- c. Release, removal and/or extinguishment of any and all claims of liens on the Property.

5. CONSEQUENCE OF DEFAULT:

- a. The Beneficiary declares that all sums secured by said Deed of Trust are immediately due and payable by the Beneficiary.
- b. The Beneficiary elects to sell or cause the trust property to be sold, with the proceeds applied to the expenses of the sale, and then to the obligations secured by the Trust Deed.
- c. If the sale proceeds are not sufficient to pay in full the sums described above, the Beneficiary may commence a judicial action to collect such deficiency.
- d. The effect of the sale of the above described property by the Trustee would be to deprive you or your successor in interest, and all those who hold by, through or under you, of all of your or their interest in the property described in paragraph 1 above.

*The above Grantor is named to comply with Idaho Code § 45-1506(4)(a). No representation is made that they are, or are not, presently responsible for this obligation.*

DATED this 28<sup>th</sup> day of October, 2008.

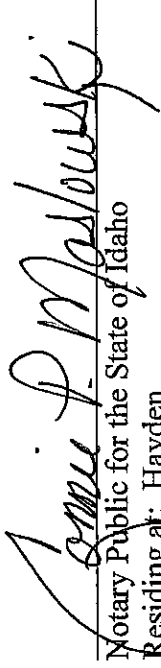
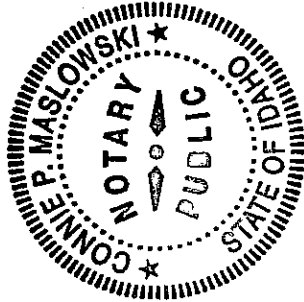


Dennis M. Davis, Successor Trustee  
Witherspoon, Kelley, Davenport & Toole, P.S.  
Spokesman Review Building  
608 Northwest Boulevard, Suite 401  
Coeur d'Alene, Idaho 83814-2146

STATE OF IDAHO     )  
                                  : ss.  
County of Kootenai    )

On this 28th day of October, 2008, before me, a Notary Public in and for said county and state, personally appeared DENNIS M. DAVIS, known or identified to be the Successor Trustee of the Deed of Trust mentioned in this Notice of Default, and whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the Successor Trustee.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho  
Residing at: Hayden  
My commission expires: 02/27/2009