

NOTICE OF SHERIFF'S SALE

Under and by virtue of a Writ of Execution on Judgment of Foreclosure issued on August 9, 2023, and an Order of Sale of Foreclosure issued on April 12, 2023, out of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai in the case of:

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF GARY J. ELLIOTT; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF BONNIE R. ELLIOTT; MICHAEL ELLIOTT; STATE OF IDAHO, DEPARTMENT OF HEALTH AND WELFARE; AND DOES 1 THROUGH 20, et al.,

Defendants.

Case No. CV28-22-7199

Sheriff Case No. 23004561

NOTICE OF SALE

Date of Sale: October 11, 2023

Time of Sale: 10:00 A.M.

Place of Sale: **17571 West Rice Avenue, Post Falls, ID 83854**

NOTICE IS HEREBY GIVEN, that on the **11th day of October, 2023, at 10 o'clock am** of said day, at **17571 West Rice Avenue, Post Falls, ID 83854**, I am commanded and required to proceed to notice for sale to sell at public auction the real property described in said Order for Sale of Foreclosure and Writ of Execution and to apply the proceeds of such sale to the satisfaction of said Judgment and Decree of Foreclosure with interest thereon and my fees and costs, all payable at time of sale to the highest bidder, for the following described property, situated in Kootenai County, Idaho:

17571 West Rice Avenue, Post Falls, ID 83854 and legally described as follows:

THE WEST 126 FEET OF THE SOUTH 395 FEET OF THE EAST HALF, WEST HALF, NORTHWEST QUARTER, SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, EXCEPT COUNTY ROAD RIGHT OF WAY.

The sale will be made without covenant or warranty regarding title, possession, or encumbrances to satisfy the obligation of Defendants pursuant to the Judgment entered in this matter, and recorded in the official records of Kootenai County.

The real property sold at the sale shall be subject to the redemption rights of redemptioners, as that term is defined in Idaho Code Section 11-402, may redeem the property from the purchaser within six months after the sale, upon paying the purchaser the amount of their purchase, with interest on that amount at the rate allowed by Idaho Code from the date of the sale to the date of redemption, together with the amount of any assessment or taxes which the purchaser may have paid after the commencement of the action and which are not included in the judgment and interest allowed pursuant to Idaho Code Section.

In the event the purchaser is a creditor having a prior lien to that of the redemptioners, other than the judgment under which the purchase is made, the purchaser will also be entitled to payment of that lien amount with interest at the rate allowed in Idaho Code Section 18-22-104(1).

The Sheriff, by Certificate of Sale, will transfer all right, title and interest of the judgment debtors in and to the property at the time of execution of attachment was levied.

DATED this 13th day of September 2023.

DEPUTY SHERIFF OF KOOTENAI
COUNTY, IDAHO

By: DEP. P. BOYD

NOTE: THE SHERIFF'S OFFICE DOES NOT GUARANTEE CLEAR TITLE OR GUARANTEE CONTINUED POSSESSORY RIGHTS.

EVERY PERSON WHO INTENTIONALLY DEFACES, OBLITERATES, TEARS DOWN OR DESTROYS THIS NOTICE, BEFORE THE EXPIRATION OF THE TIME FOR WHICH IT IS TO REMAIN SET UP, IS GUILTY OF A MISDEMEANOR (I.C. ' 18-3205).

RECEIVED

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

Electronically Filed
8/9/2023 1:53 PM
First Judicial District, Kootenai County
Jennifer Locke, Clerk of the Court
By: Calvin Graham, Deputy Clerk

JENNIFER LOCKE 8 P 2947996000
KOOTENAI COUNTY RECORDER
CDB Date 09/12/2023 11:18 AM
REQ OF ALDRIDGE PTE LLP

RECORDING FEE: \$31.00 XW



Attorneys for Plaintiff NATIONSTAR MORTGAGE LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF GARY J. ELLIOTT; THE
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF BONNIE R. ELLIOTT;
MICHAEL ELLIOTT; STATE OF IDAHO,
DEPARTMENT OF HEALTH AND
WELFARE; AND DOES 1 THROUGH 20, et
al.,

Defendants.

Case No. CV28-22-7199

**WRIT OF EXECUTION ON
JUDGMENT FORECLOSURE**

TO THE KOOTENAI COUNTY, IDAHO SHERIFF:

On April 12, 2023, the First Judicial District Court of the State of Idaho, in and for the County of Kootenai, entered a Judgment for Foreclosure ("Judgment") in favor of Plaintiff Nationstar Mortgage LLC ("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 2150051000 on March 20, 2008, with the Kootenai County recorder's office

("Deed of Trust") executed in favor of Plaintiff against the following property ("the Subject Property") located in Kootenai County, Idaho:

17571 West Rice Avenue, Post Falls, Idaho 83854, and legally described as follows:

THE WEST 126 FEET OF THE SOUTH 395 FEET OF THE EAST HALF, WEST HALF, NORTHWEST QUARTER, SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, EXCEPT COUNTY ROAD RIGHT OF WAY.

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.....\$78,822.33

Post-Judgment interest continues to accrue at 7.375% which is the current rate set by the Idaho State Treasurer's Office, or the per diem rate of \$15.92 from April 12, 2023, 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 Kootenai 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-

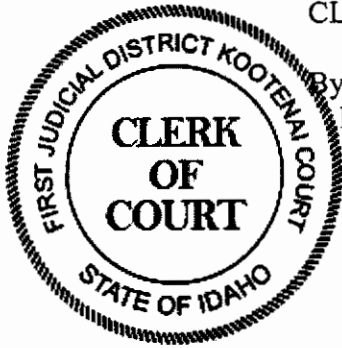
301, et seq., and other applicable law. You are requested to make your return of this Writ of Execution on Judgment of foreclosure within sixty (60) days after the receipt hereof with an endorsement of what steps you have completed.

WITNESS the Clerk of the Court of the First Judicial District, County of Kootenai, designated below on 8/9/2023 1:53 PM

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

Jennifer Locke

CLERK OF COURT



By _____
Deputy Clerk, Kootenai County

A handwritten signature in black ink, appearing to be "C. Locke", written over a horizontal line.

EXHIBIT A

Filed: 04/12/2023 09:10:13
First Judicial District, Kootenai County
Jennifer Locke, Clerk of the Court
By: Deputy Clerk - Grilley, Lori

CASPER J. RANKIN (SBN 9107)
TYLER S. WIRICK (SBN 7267)
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

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss

THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE COPY OF THE ORIGINAL NOW
ON FILE OR RECORD IN THIS OFFICE.

DATED
4/12/2023 09:37 AM

JENNIFER LOCKE, CLERK OF THE DISTRICT

By Lori A. Grilley
Deputy

Attorneys for Plaintiff NATIONSTAR MORTGAGE LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF GARY J. ELLIOTT; THE
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF BONNIE R. ELLIOTT;
MICHAEL ELLIOTT; STATE OF IDAHO,
DEPARTMENT OF HEALTH AND
WELFARE; AND DOES 1 THROUGH 20, et
al.,

Defendants.

Case No. CV28-22-7199

JUDGMENT

JUDGMENT IS ENTERED AS FOLLOWS:

1. Foreclosure of the Deed of Trust executed by Gary J. Elliott and Bonnie R. Elliott, issued on February 25, 2008, and recorded on March 20, 2008, in the official records of Kootenai County, Idaho as instrument number 2150051000 ("Deed of Trust"), IS HEREBY GRANTED in favor of Plaintiff Nationstar Mortgage LLC ("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..... \$74,760.33
- Reasonable attorney fees and costs \$4,062.00
- TOTAL AMOUNT DUE ON JUDGMENT \$78,822.33

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 **17571 West Rice Avenue, Post Falls, Idaho 83854** shall be sold at public auction in the County of Kootenai, State of Idaho, by and under the direction of the sheriff of Kootenai 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:

THE WEST 126 FEET OF THE SOUTH 395 FEET OF THE EAST HALF, WEST HALF, NORTHWEST QUARTER, SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, EXCEPT COUNTY ROAD RIGHT OF WAY.

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 Kootenai 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 March 20, 2008, as instrument 2150051000, in the official records of Kootenai County, Idaho, and all rights, claims, ownerships, liens, titles and

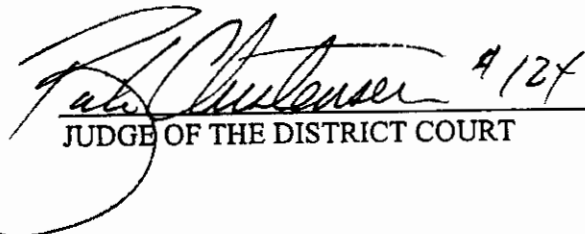
demands of Defendants to the Subject Property are subsequent to and subject to Plaintiff's first priority lien, including but not limited to any homestead exemption.

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: 4/10/23


JUDGE OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **4/12/2023 09:09 AM**, 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
<i>Attorney for Defendant</i> State of Idaho, Dept of Health & Welfare: State of Idaho, Dept. of Health and Welfare Jeremy C. Younggren Deputy Attorney General OFFICE OF THE ATTORNEY GENERAL 450 W. State St., 9 th Floor Boise, ID 83720 Fax: 208-334-6515 Patricia.campbell@dhw.idaho.gov	<input checked="" type="checkbox"/> E-Mail
Michael Elliott 17571 W. Rice Ave. Post Falls, ID 83854	<input checked="" type="checkbox"/> US Mail
Occupants 17571 W. Rice Ave. Post Falls, ID 83854	<input checked="" type="checkbox"/> US Mail

Joi A. Gidley
Clerk of the Court