

Sheila R. Schwager, ISB No. 5059
 HAWLEY TROXELL ENNIS & HAWLEY LLP
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U.S. DISTRICT COURT _____
 U.S. BANKRUPTCY COURT _____
 DISTRICT OF IDAHO

DEC 30 2003

_____ M. REC'D _____
 LODGED _____ FILED _____

Attorneys for Creditors
 Virgil Vial, Mark Vial, Mike Vial, d/b/a Au Mining, and
 David Vial

IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF IDAHO
 (Moscow)

In Re:)	
)	Case No. 03-21652
GERALD LINDSEY and ONA LINDSEY,)	
)	Chapter 13
)	
Debtors.)	AFFIDAVIT OF SHEILA R.
)	SCHWAGER IN SUPPORT OF
)	OBJECTION TO CHAPTER 13 PLAN
)	AND JOINDER OF TRUSTEE'S
)	MOTION TO CONVERT CASE

Sheila R. Schwager, being first duly sworn on oath, deposes and says:

1. I am one of the attorneys for Virgil Vial, Mark Vial, Mike Vial, d/b/a Au Mining (collectively referred to herein as "Virgil Vial") and David Vial. I am over the age of eighteen (18) years of age, of sound mind and capable of making this Affidavit.

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2. I am attaching hereto as Exhibit 1 a true and correct copy of the Complaint filed by Virgil Vial against the Judgment Debtor, Gerald Lindsey, in the State of Alaska.

3. I am attaching hereto as Exhibit 2 a true and correct copy of the Affidavit of John Kluksdal in Support of Opposition to Motion to Quash Subpeona *Duces Tecum* filed in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

4. On November 22, 2002, I delivered Notice of Garnishment, with all supporting documents to be served upon the Searchlight Trust, as garnishee. I am attaching hereto as Exhibit 3 true and correct copies of letters received by Hawley Troxell Ennis & Hawley, LLP, from Julie Fowler, in response to the Notice of Garnishment.

5. I am attaching hereto as Exhibit 4 a true and correct copy of the Affidavit of Gregory Fitzmaurice in Support of Motion for Order to Show Cause filed in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

6. I am attaching hereto as Exhibit 5 a true and correct copy of a letter received by Hawley Troxell Ennis & Hawley, LLP from First Amendment Publishers.

7. No response to the Interrogatories and Document Request contained in the Notice of Garnishment served on the Searchlight Trust were ever received from First Amendment Publishers.

8. I am attaching hereto as Exhibit 6 true and correct copies of a letter received by Hawley Troxell Ennis & Hawley, LLP from Boyd Hopkins as former Trustee of the Searchlight Trust.

9. On March 19, 2003, Brit D. Groom filed a Motion to Quash the Subpoenas *Duces Tecum* of Boyd Hopkins, James Spickelmire and Julie Fowler stating they had no knowledge of the Searchlight Trust.

10. I am attaching hereto as Exhibit 7 a true and correct copy of the Searchlight Trust document dated July 16, 1994.

11. I am attaching hereto as Exhibit 8 true and correct copies of the tax assessment records provided to Hawley Troxell Ennis & Hawley, LLP from the Idaho County Assessor's Office.

12. I am attaching hereto as Exhibit 9 a true and correct copy of the Certificate of Assumed Business Name for River Mountain Ranch obtained from the Idaho Secretary of State's Web page.

13. I am attaching hereto as Exhibit 10 a true and correct copy of the Opposition to Motion to Quash Subpoena *Duces Tecum* which I filed in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

14. I am attaching hereto as Exhibit 11 the Order issued by the Honorable John Bradbury issued on or about March 27, 2003 in the matter filed in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

15. I am attaching hereto as Exhibit 12 a true and correct copy of the Complaint filed by David Vial and Bruce Comstock against the Judgment Debtor, Gerald Lindsey, along with an inventory list and copies of the \$25,000.00 payment made from the Searchlight Trust account.

16. I am attaching hereto as Exhibit 13 a true and correct copy of the Motion to Continue and a Supporting Affidavit of Cathryn Walsingham filed by Brit D. Groom in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

17. I am attaching as Exhibit 14 hereto a true and correct copy of the Affidavit of Service filed with the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey, showing service upon the Judgment Debtor, Gerald Lindsey, in Mud Creek, Alaska.

18. I am attaching hereto as Exhibit 15 the Amended Order for Examination of Judgment Debtor issued by the Honorable John Bradbury issued on or about September 24, 2003 in the matter filed in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho in an action against the Judgment Debtor, Gerald Lindsey.

19. I am attaching hereto as Exhibit 16 a true and correct copy of a letter produced to me by the Judgment Debtor, Gerald Lindsey, from the First Amendment Publishers stating that the First Amendment Publishers owned all the documents requested of Gerald Lindsey and "pursuant to the Contract" Gerald Lindsey was not entitled to them.

20. I am attaching hereto as Exhibit 17 a true and correct copy of the Objection to Motion for Order to Show Cause which was filed by Mr. Groom, in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho on behalf of the Judgment Debtor, Gerald Lindsey.

21. I am attaching hereto as Exhibit 18 a true and correct copy of the Annual Reclamation Statement filed by the Judgment Debtor, Gerald Lindsey, as the manager of Mud Creek Mining, Inc.

22. I am attaching hereto as Exhibit 19 a true and correct copy of the corporate status report for Mud Creek Mining, Inc. obtained from the Alaska Department of Community and Economic Development's web site.

23. I am attaching hereto as Exhibit 20 a true and correct copy of the Annual Placer Mining Application filed by the Judgment Debtor, Gerald Lindsey, as the manager of Nevak, LLC and Mud Creek Mining, Inc.

24. I am attaching hereto as Exhibit 21 a true and correct copy of the corporate status report for Nevak Mining, Ltd. obtained from the Nevada Secretary of State's web site.

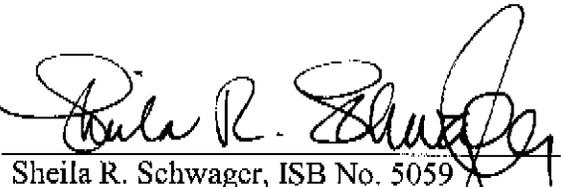
25. I am attaching hereto as Exhibit 22 a true and correct copy of the corporate status report for Mud Creek Mining, Inc. obtained from the Alaska Department of Community and Economic Development's web site.

Further your affiant sayeth naught.

DATED THIS 30th day of December, 2003.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By



Sheila R. Schwager, ISB No. 5059
Attorneys for Plaintiffs Virgil Vial,
Mark Vial and Mike Vial, d/b/a Au Mining and
David Vial

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 2003, I caused to be served a true copy of the foregoing AFFIDAVIT OF SHEILA R. SCHWAGER IN SUPPORT OF OBJECTION TO CHAPTER 13 PLAN AND JOINDER OF TRUSTEE'S MOTION TO CONVERT CASE by the method indicated below, and addressed to each of the following:

Gerald and Ona Lindsey
HC01 Box 109B
White Bird, ID 83554

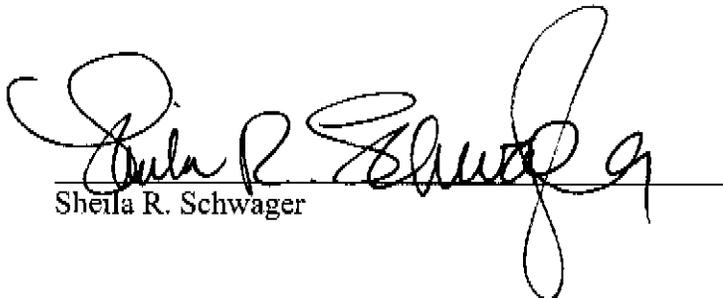
U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy

Brit Groom, Chtd.
323 West Main
P.O. Box 218
Grangeville, ID 83530

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy

C. Barry Zimmerman
P. O. Box 1240
Cocur d'Alene, ID 83816-1240

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy


Sheila R. Schwager

UNABLE TO IMAGE
ATTACHMENTS

see court file