

Brit Groom
Brit D. Groom, Chtd.
P.O. Box 227
Cottonwood, Idaho 83522
Telephone No.: (208) 962-7229
Fax No.: (208) 962-7128
ISBN 3968

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Attorney for Nevak Mining Limited

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

IN THE MATTER OF:)
) CASE NO. 03-21652
Gerald Lindsey and)
Ona Lindsey) MOTION TO SET ASIDE ORDER
) APPROVING COMPROMISE
Debtors)
_____)

COMES NOW, Nevak Mining Limited, and hereby moves this court for an Order setting aside this court previous Order Approving Compromise Settlement entered on June 18, 2004, Docket No.100.

This Motion is based upon the fact that the Order, as supplied to the Court by Trustee's counsel, and as signed and entered by the Court, has terms that are materially different from the stipulated agreement by and between Nevak Mining Limited and the Trustee. This Motion is also based upon the affidavit of Brit

MOTION TO SET ASIDE
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COMPROMISE SETTLEMENT

Groom filed herewith.

NOTICE

Nevak Mining Limited further gives notice of its rejection of the Stipulation based upon the breach of its terms by the Trustee/Trustee's counsel, including but not limited to the implied covenant of good faith and fair dealing implied in every contract, and demands the return of the funds originally illegally seized by the the trustee from Nevak Mining Limited bank account at Wells Fargo Bank.

Dated this the 6th day of September, 2004


Brit Groom, Attorney for
Nevak Mining Limited.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2004, I served via U.S. Mail, postage prepaid to the individuals listed below a copy of the foregoing document.

Barry McHugh
Attorney for Trustee
ELSAESSER, JARZABEK, ANDERSON
MARKS, ELLIOT & MCHUGH
1400 Northwood Center Court
Coeur d' Alene, Idaho 83814
Fax (208) 667-2150

MOTION TO SET ASIDE
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COMPROMISE SETTLEMENT 2

U.S. Trustec
MK Central Plaza
720 Park Boulevard, Suite 220
Boise, Idaho 83712

Warren Derbidge
U.S. Attorney's Office
877 W. Main, Ste 201
Boise, Idaho 83702

Sheila R. Schwager
Hawley Troxell
P.O. Box 1617
Boise, Idaho 83701-1617

Danny J. Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

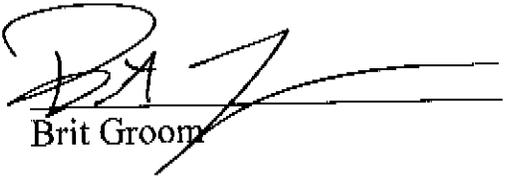
Gerald and Onah Lindsey
HC01- Box 109A
Whitebird, Idaho 83544

Clinton J. Henderson
Attorney at Law
604 Sixth Street
Clarkston, WA 99403

Jim Magnuson
Attorney at Law
1250 Northwood Center Court
P.O. Box 2288
Coeur d'Alene, Idaho 83814

MOTION TO SET ASIDE
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COMPROMISE SETTLEMENT

Steven B. McCrea
Attorney at Law
P.O. Box 1501
Coeur d'Alene, Idaho 83814



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