

FRANK L. CHAPIN  
SYDNEY L. GUTIERREZ-CHAPIN  
319 Church Street  
Sandpoint, Idaho 83864  
Telephone: (208) 263-5131  
Facsimile: (208) 263-3390  
E-Mail: sydney@televar.com

COURTS  
AUG -3 AM 9:22  
FILED  
SAMUEL S. BURKE,  
CLERK. IDAHO

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

FRANK CHAPIN and SYDNEY CHAPIN ) Case No. 02-20218  
 )  
 Debtors, ) MOTION TO COMPEL  
 ) SALE BY TRUSTEE  
 )  
 )  
 )

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COMES NOW Debtors, Frank L. Chapin and Sydney L. Gutierrez-Chapin, appearing pro se, in order to request this court for entry of an Order to compel the following sale:

**DESCRIPTION OF PROPERTY TO BE SOLD**

The property is the estate's interest in real property and improvements which, is the Debtors' residence located at 2872 Hoodoo Mountain Road, Priest River, Idaho 83856. Said property consists of approximately 8.46 acres of real property, plus a house, garage and outbuildings.

**STATEMENT OF FACTS**

This sale is a private sale to Debtors with terms of \$156,000.00 total price less Debtors' Homestead Exemption of \$50,000.00. A total of \$106,000.00 is due at closing.

Closing was to take place on July 19, 2004 at 10:00 a.m. at the offices of C. Barry Zimmerman. Mr. Zimmerman was contacted on Thursday, July 16, 2004 requesting information regarding the closing which was scheduled for Monday, July 19, 2004 at his office. He had no information on this event. He was also questioned as to Debtors receiving a Trustee's Deed, free and clear of encumbrances. He indicated he needed to discuss this with Mr. Magnuson. He also indicated the sale would have to take place at Mr. Magnuson's office. No paperwork was ready and no Order was in place to conform to the agreed upon closing date. He indicated he would contact Mr. Magnuson to determine the exact status and then advise the Debtors.

Mr. Magnuson contacted Mrs. Chapin on July 19, 2004 and answered questions with regard to type of funds required, exact dollar figure needed, proper procedure for this closing, as well as a free and clear deed to present to our lenders. He indicated the deed could be sent directly to Sandpoint Title Company. We did not need to close at his office. On this date, Mr. Magnuson indicated Debtors were to pay \$156,000.00 less our Homeowner's Exemption of \$50,000.00 plus assume all liens and encumbrances. When questioned on the aspect of Debtors having to assume all liens and encumbrances; he indicated it would be necessary to re-notice this sale as a free and clear deed to Debtors was not given in his original notice.

Barry Zimmerman contacted me later that same day, July 19, 2004, and indicated the sale needed to be noticed again, all liens would attached to the proceeds, an earnest money agreement needed to be signed and the sale would close within thirty days. He also indicated they would order a title insurance policy from

Sandpoint Title. He also indicated Debtors needed to pay a Real Estate Commission of six percent (6%).

The original offer submitted to us was, "The Trustee is agreeable to selling the resident (sic) to you at the appraised value, less your homestead exemption. In order to do this, the Trustee will need you to provide him with a current appraisal of the house. Please provide that to the Trustee within thirty (30) days."

The appraisal was paid for by Debtors and hand delivered to Mr. Magnuson's office on May 14, 2004.

Since July 19, 2004 to the date of filing this motion; nothing has been accomplished in order to consummate this private sale.

Attached to this Motion are the following documents to enlighten the court:

- A. April 14, 2004 letter from H. James Magnuson to Debtors.
- B. April 22, 2004 letter from Debtors to H. James Magnuson.
- C. May 14, 2004 letter from Debtors to H. James Magnuson. Attached to this letter was the complete appraisal prepared by Valerie S. Moe. This letter was hand delivered to Mr. Magnuson's office on May 14, 2004.
- D. Copy of Front Sheet and two pages of the above captioned Appraisal Report.
- E. Copy of statement for preparation of appraisal.
- F. June 4, 2004 letter from H. James Magnuson to Debtors restating terms of sale and enclosing a

draft Notice.

- G. Notice of Sale By Trustee mailed to us by C. Barry Zimmerman and received on June 22, 2004.
- H. Preliminary Title Report provided by Sandpoint Title dated July 20, 2004.

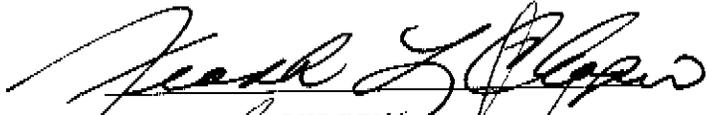
**REQUEST**

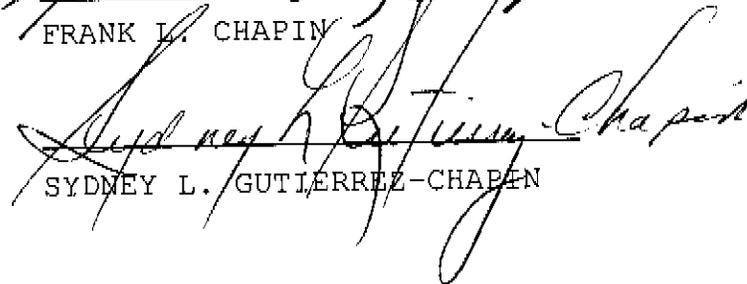
THEREFORE, the Debtors request:

1. The Court to disallow any additional administrative expense for Mr. Magnuson to re-file additional paperwork with regard to this private sale.
2. We hereby request the court for an Order allowing this sale to continue without re-noticing.
3. We also request the court attach to proceeds of the sale; all liens, interests and encumbrances so Debtors may receive free and clear title to our residence.

We thank the court for considering our motion.

DATED this 3rd day of August, 2004.

  
FRANK L. CHAPIN

  
SYDNEY L. GUTIERREZ-CHAPIN

**CERTIFICATE OF MAILING**

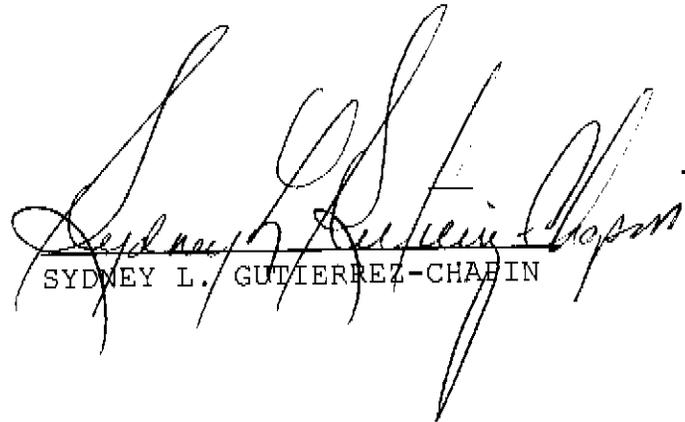
I HEREBY CERTIFY that on this 3<sup>rd</sup> day of August, 2004, I caused to be served a true and correct copy of the foregoing MOTION TO COMPEL SALE BY TRUSTEE by U.S. Mail, and addressed to the following:

U.S. Trustee  
304 N. 8<sup>th</sup> Street, Ste. 347  
Boise, ID 83702-5835

C. Barry Zimmerman  
Chapter 7 Trustee  
P.O. Box 1240  
Coeur d'Alene, ID 83814

H. James Magnuson  
Attorney for Chapter 7 Trustee  
P.O. Box 2288  
Coeur d'Alene, ID 83816

Stephen B. McCrea  
P.O. Box 1501  
Coeur d'Alene ID 83816-1501

  
SYDNEY L. GUTIERREZ-CHABIN

H. JAMES MAGNUSON  
ATTORNEY AT LAW  
1250 NORTHWOOD CENTER COURT  
POST OFFICE BOX 2288  
COEUR D'ALENE, IDAHO 83816-2288  
(208) 666-1586

April 14, 2004

RECEIVED

BY: *[Signature]*

Frank L. Chapin  
Sydney L. Gutierrez-Chapin  
319 Church Street  
Sandpoint, ID 83864

Re: Chapin Bankruptcy

Dear Mr. and Mrs. Chapin:

You have previously indicated a desire to purchase your residence from the Trustee. The Trustee is agreeable to selling the resident to you at the appraised value, less your homestead exemption. In order to do this, the Trustee will need you to provide him with a current appraisal of the house. Please provide that to the Trustee within thirty (30) days.

This property is listed for sale. The Trustee has had several offers and will sell the property to a third party if he cannot conclude a sale to you at a price as referred to herein in the near future.

If you have any questions on this, please do not hesitate to contact me.

Very truly yours,

*[Signature]*  
H. JAMES MAGNUSON  
Attorney at Law

HJM:slb  
cc: C. Barry Zimmerman, Trustee

FRANK L. CHAPIN

319 Church Street - P.O. Box 781  
Sandpoint, ID 83864-0781  
(208) 263-5131 Fax (208) 263-3390

April 22, 2004

H. James Magnuson  
Attorney at Law  
1250 Northwood Center Court  
Coeur d'Alene, ID 83816

RE: Purchase of Residence

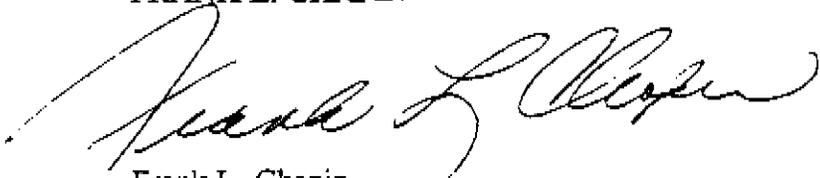
Dear Jim:

In reference to your letter of April 14, 2004, I am writing to acknowledge we are interested in dealing with Mr. Zimmerman to regain our residence. Since receiving your letter, we have contacted an appraiser. I will contact the appraiser to find what time frame they are working within and I should have no problem having a current appraisal to Mr. Zimmerman within the thirty day time frame listed.

I will keep you posted as to the progress being made on this matter so we can hopefully ward off any outside sale.

Thank you for your attention to this matter.

Sincerely,  
FRANK L. CHAPIN



Frank L. Chapin

FLC/wg

cc. C. Barry Zimmerman, Trustee

FRANK L. & SYDNEY L. CHAPIN

P.O. BOX 781  
SANDPOINT, ID 83864

May 14, 2004

H. James Magnuson  
Attorney-at-Law  
1250 Northwood Center Court  
Coeur d'Alene, ID 83816

RE: Purchase of Residence

Dear Jim:

As per your letter of April 14, 2004, we are submitting an appraisal of our residence.

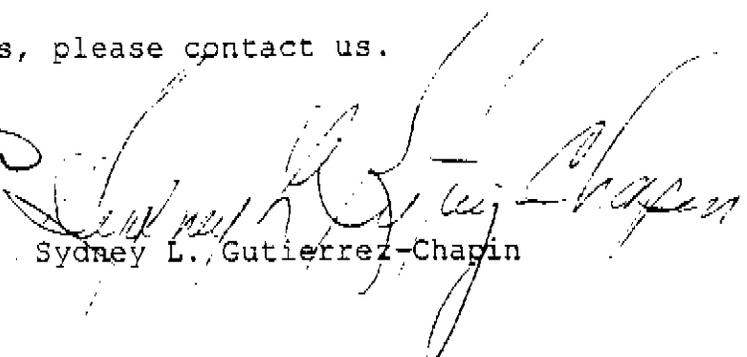
On May 4, 2004, an appraisal was started by Valerie S. Moe Bucholtz of Lonepine Appraisal Co. We received the appraisal May 13, 2004.

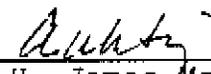
Therefore, we wish to proceed with the repurchase of our residence as per Mr. Zimmerman's offer which was tendered in your April 14, 2004 letter. This offer being we could purchase our residence for the appraised value. Please provide to us the necessary paperwork. We can close within forty five (45) days of receipt.

Should you have any questions, please contact us.

Sincerely,

  
Frank L. Chapin

  
Sydney L. Gutierrez-Chapin

Received by:   
H. James Magnuson

Date: 5/14/04

**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

2872 Hoodoo Mountain Road  
E2SESE S of Co Road 19-55N-4W  
Priest River, ID 83856

**FOR:**

Frank Chapin  
2872 Hoodoo Mountain Road Priest River, ID

**AS OF:**

May 4, 2004

**BY:**

Valerie S. Moe Bucholtz

**Summary Appraisal Report**  
Property Description

**UNIFORM RESIDENTIAL APPRAISAL REPORT**

File No. **XX6454**

Property Address **2872 Hoodoo Mountain Road** City **Priest River** State ID \_\_\_\_\_ Zip Code **83856**  
 Legal Description **E2SESE S of Co Road 19-55N-4W** County **Bonner**  
 Assessor's Parcel No. **55N04W199550 A** Tax Year **2002** R.E. Taxes \$ **Unk.** Special Assessments \$ **unk.**  
 Borrower **CHAPIN** Current Owner **Frank L. Chapin** Occupant:  Owner  Tenant  Vacant  
 Property rights appraised  Fee Simple  Leasehold  Project Type  PUD  Condominium (HUD/VA only) HOA \$ **N/A** /Mo.  
 Neighborhood or Project Name **Edgemere/Vay** Map Reference **16-017** Census Tract **9999009508**  
 Sale Price \$ **N/A** Date of Sale **N/A** Description and \$ amount of loan charges/concessions to be paid by seller. **N/A**  
 Lender/Client **Frank Chapin** Address **2872 Hoodoo Mountain Road Priest River, ID**  
 Appraiser **Valerie S. Moe Bucholtz** Address **120 E. Lake Street, Suite 315 Sandpoint, ID 83864**

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Predominant occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vac. (over 5%)	Single family housing PRICE \$(000) <b>35</b> Low <b>New</b>	AGE (yrs) <b>90</b> High <b>90</b>	Present land use % One family <b>65</b>	Land use change <input checked="" type="checkbox"/> Not likely <input type="checkbox"/> Likely <input type="checkbox"/> In process To: _____
Built up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%		500 High <b>90</b>	Predominant <b>33</b>	2-4 family <b>0</b>	
Growth rate	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow		150 <b>15</b>	Commercial <b>2</b>	Vacant <b>33</b>	
Property values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining					
Demand/supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In balance	<input type="checkbox"/> Over supply					
Marketing time	<input type="checkbox"/> Under 3 mos.	<input checked="" type="checkbox"/> 3-6 mos.	<input type="checkbox"/> Over 6 mos.					

**Note: Race and the racial composition of the neighborhood are not appraisal factors.**  
 Neighborhood boundaries and characteristics: **Pend Oreille River is to the North; Highway 95 is to the East; Highway 41 is to the West; Bonner/Kootenai County Border is to the South.**  
 Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):  
**Subject is located Southeast of Priest River and Southwest of Sandpoint and Sagle. Pend Oreille Lake is to the Northeast. Public Schools and Commercial Districts are located within Priest River and Sandpoint. Recreational facilities are considered to be Good with Schweitzer Ski Resort, Lake Pend Oreille and two Golf Courses located within the Market Area. Neighborhood appeal to the market ranges from average to good. There are no adverse conditions affecting marketability of subject neighborhood known to this appraiser.**

Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time -- such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):  
**General Market conditions show that property values are currently stable with typical marketing times ranging from 3-6 months. Mortgage Funds are plentiful, with low interest rates and a competitive financial market. Loan Discounts, Interest Buydowns, and Sales Concessions will be considered, but only those items judged to be atypical in the Market Place will be adjusted.**

**Project Information for PUDs** (If applicable) -- Is the developer/builder in control of the Home Owners' Association (HOA)?  Yes  No  
 Approximate total number of units in the subject project **N/A** Approximate total number of units for sale in the subject project **N/A**  
 Describe common elements and recreational facilities: **N/A**

Dimensions <b>See Attached Plat Map</b>	Topography <b>Mostly Level/Typical</b>
Site area <b>8.46 Acres</b> Corner Lot <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Size <b>8.46 Acres/Typical</b>
Specific zoning classification and description <b>Residential</b>	Shape _____
Zoning compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (Grandfathered use) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning	Drainage <b>Appears Adequate</b>
Highest & best use as improved: <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other use (explain) _____	View <b>Territorial/Typical</b>
Utilities Public Other	Landscaping <b>Average/Typical</b>
Electricity <input checked="" type="checkbox"/>	Driveway Surface <b>Gravel/Typical</b>
Gas <input type="checkbox"/> None	Apparent easements <b>Utility Easement</b>
Water <input type="checkbox"/> Private Well/Typ.	FEMA Special Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sanitary sewer <input type="checkbox"/> Septic System/Typ.	FEMA Zone <b>C</b> Map Date <b>08/04/84</b>
Storm sewer <input type="checkbox"/> None	FEMA Map No. <b>160206 0375 B</b>

Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): **No apparent**  
**Adverse Easements, Encroachments, or Special Assessments were noted. The Appraiser has not received a copy of the Preliminary Title Report or performed a survey and makes no warranties.**

GENERAL DESCRIPTION		EXTERIOR DESCRIPTION		FOUNDATION		BASEMENT		INSULATION	
No. of Units	<b>One</b>	Foundation	<b>Concrete</b>	Slab	<b>In Basement</b>	Area Sq. Ft.	<b>960</b>	Roof	<input type="checkbox"/>
No. of Stories	<b>One</b>	Exterior Walls	<b>Brick</b>	Crawl Space	<b>Partial</b>	% Finished	<b>20</b>	Ceiling	<input type="checkbox"/>
Type (Det./Att.)	<b>Detached</b>	Roof Surface	<b>Metal</b>	Basement	<b>Partial</b>	Ceiling	<b>Drywall</b>	Walls	<input type="checkbox"/>
Design (Style)	<b>Ranch</b>	Gutters & Dwnspts.	<b>Aluminum</b>	Sump Pump	<b>None</b>	Walls	<b>Drywall</b>	Floor	<input type="checkbox"/>
Existing/Proposed	<b>Existing</b>	Window Type	<b>Wood Csmt.</b>	Dampness	<b>See Comment</b>	Floor	<b>Concrete</b>	None	<input type="checkbox"/>
Age (Yrs.)	<b>18</b>	Storm/Screens	<b>Dual Pane/Yes</b>	Settlement	<b>None Apparent</b>	Outside Entry	<b>None</b>	Unknown	<b>XX</b>
Effective Age (Yrs.)	<b>10</b>	Manufactured House	<b>No</b>	Infestation	<b>None Apparent</b>				

ROOMS	Foyer	Living	Dining	Kitchen	Bgn.	Family Rm.	Rcg. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement											3	960
Level 1		1	Area	1	1			2	2	1		1,604
Level 2												

Finished area above grade contains: **6 Rooms; 2 Bedroom(s); 2 Bath(s); 1,604 Square Feet of Gross Living Area**

INTERIOR	Materials/Condition	HEATING	KITCHEN EQUIP.	ATTIC	AMENITIES	CAR STORAGE:
Floors	<b>WoodLam/Cpt/AVg</b>	Type	<b>Elec&amp;Wd</b>	Refrigerator	<input checked="" type="checkbox"/> <b>None</b>	Fireplace(s) # <b>2</b> <input checked="" type="checkbox"/> <b>None</b>

# UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. XX6454

**Valuation Section**

ESTIMATED SITE VALUE	= \$ 28,000
<b>ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:</b>	
Dwelling 1,804 Sq. Ft. @\$ 64.00	= \$ 102,656
960 Sq. Ft. @\$ 24.00	= 23,040
Outbuildings	= 24,000
Garage/Carport 720 Sq. Ft. @\$ 12.00	= 8,640
Total Estimated Cost New	= \$ 158,336
Less Physical Functional External	
Depreciation 26,395	= \$ 26,395
Depreciated Value of Improvements	= \$ 131,941
"As-is" Value of Site Improvements	= \$ 2,000
<b>INDICATED VALUE BY COST APPROACH</b>	<b>= \$ 161,941</b>

Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property): Marshall & Swift Residential Cost Handbook and the local building trade are the sources for Cost Estimations, site Values are derived from data extracted from the market place.

**Remaining Economic Life: 50**

The appraiser did not inspect the crawl space or attic.

\*\*\*\*\* SEE ATTACHED BUILDING SKETCH \*\*\*\*\*

ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	2872 Hoodoo Mountain Road Priest River	153 Reynolds Lane Priest River		97 Juneberry Lane Priest River		9855 Spirit Lake Cutoff Priest River	
Proximity to Subject		7.04 miles		3.84 miles		2.86 miles	
Sales Price	\$ N/A	\$ 155,000		\$ 175,000		\$ 155,000	
Price/Gross Living Area	\$	\$ 90.54		\$ 75.95		\$ 75.98	
Data and/or Verification Source	Inspection/MLS Assessor/Ownr	Assessor/MLS#2025063 Exterior Inspection		Assessor/MLS#2024983 Exterior Inspection		Assessor/MLS#2022317 Exterior Inspection	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.
Sales or Financing Concessions		Conventional None Known		Conventional None Known		Conventional None Known	
Date of Sale/Time		05/06/04		04/2004		09/2003	
Location	Suburban	Suburban		Suburban		Suburban	
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site	8.46 Acres	11.7 Acres	-6,000	11.9 Acres	-6,000	9.9 Acres	-2,000
View	Territorial	Territorial		Territorial		Territorial	
Design and Appeal	Ranch/Avg	2 Story/Avg		2 Story/Avg		1.5 Story/Avg	
Quality of Construction	Average	Average		Average		Average	
Age	AC 18/Eff 10	AC 14/Eff 10		AC 25/Eff 10		AC 34/Eff 10	
Condition	Average	Average		Average		Average	
Above Grade Room Count	Total Bdrms: Baths 6 2 2	Total Bdrms: Baths 4 1 1	+1,000	Total Bdrms: Baths 7 5 2.5	-500	Total Bdrms: Baths 5 3 1	+1,000
Gross Living Area	1,604 Sq. Ft.	1,712 Sq. Ft.	-2,400	2,304 Sq. Ft.	-15,400	2,040 Sq. Ft.	-9,600
Basement & Finished Rooms Below Grade	960SF 20% Fn 3-0-0	None N/A	+5,800	140SF 50% Fn 1-0-0	+4,700	None N/A	+5,800
Functional Utility	Average	Average		Average		Average	
Heating/Cooling	ElecFA/None	Electric/None		PropFA/None	-1,000	PropFA/None	-1,000
Energy Efficient Items	Included	Included		Included		Included	
Garage/Carport	2-G-Det/Crpt	Shop		2-G-Det	+1,000	2-G-Att	+1,000
Porch, Patio, Deck, Fireplace(s), etc.	Deck 2 Fireplaces	Deck Wood Stove	+1,000	Entry Porches Wood Stove	+1,000	Entry Porches Fireplace	+1,000
Fence, Pool, etc.	Outbuildings	Outbuildings		Outbuildings		None	+5,000
Net Adj. (total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 600		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 16,200		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 1,200	
Adjusted Sales Price of Comparable		\$ 154,400		\$ 158,800		\$ 156,200	

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): After a thorough search of all available data, comparables selected are deemed to be the best indicators of value. Bracketing of market value is accomplished. All comparables are recent closed sales and are homes located on acreage parcels within Subject's neighborhood. All comparables are similar in quality of construction, effective age and condition. Basement adjustments are calculated at \$5/SF for unfinished area and an additional \$5/SF for finished area. All comparables are given equal consideration in establishing a current opinion of Market Value.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data Source, for prior sales within year of appraisal	No prior sales within 3 Years	No prior sales within 3 years per MLS/Assessor	No prior sales within 3 years per MLS/Assessor	No prior sales within 3 years per MLS/Assessor

Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: There is no known previous sale or listing of the subject or the comparables within the past three years.

**INDICATED VALUE BY SALES COMPARISON APPROACH** ..... \$ 156,000

**INDICATED VALUE BY INCOME APPROACH (if Applicable)** Estimated Market Rent \$ Ins Data /Mo. x Gross Rent Multiplier Insf. = \$ Insufficient Data

This appraisal is made  "as is"  subject to the repairs, alterations, inspections or conditions listed below  subject to completion per plans & specifications.

**FROM:**

Lonepine Appraisal Company 120 E. Lake Street, Suite 315 Sandpoint, ID  
 Telephone Number: 1208 255-4466 Fax Number:

**INVOICE****INVOICE NUMBER**

XX6454

**DATE**

05/11/04

**REFERENCE**

Internal Order #: XX6454

Lender Case #:

Client File #:

Main File # on form: XX6454

Other File # on form:

Federal Tax ID:

Employer ID:

**TO:**

Frank Chapin  
 Telephone Number: 283-5131 Fax Number:  
 Alternate Number: E-Mail:

**DESCRIPTION**

Lender: Frank Chapin Client:  
 Purchaser/Borrower: CHAPIN  
 Property Address: 2872 Hoodoo Mountain Road  
 City: Priest River  
 County: Bonner State: ID Zip: 83856  
 Legal Description: E2SESE S of Co Road 19-55N-4W

**ITEM****AMOUNT**

1004 Full Appraisal Report

400.00

**SUBTOTAL**

400.00

**PAYMENTS****AMOUNT**

H. JAMES MAGNUSON  
ATTORNEY AT LAW  
1250 NORTHWOOD CENTER COURT  
POST OFFICE BOX 2288  
COEUR D'ALENE, IDAHO 83816-2288  
(208) 666-1596

June 4, 2004

RECEIVED  
JUN 10 2004  
BY:

Frank L. Chapin  
Sydney L. Gutierrez-Chapin  
319 Church Street  
Sandpoint, ID 83864

Re: Chapin Bankruptcy

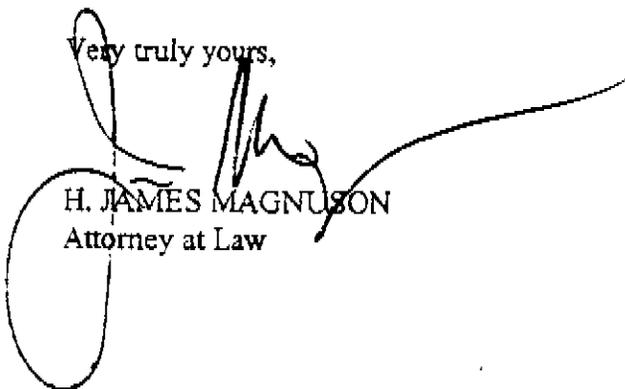
Dear Mr. and Mrs. Chapin:

We are in the process of preparing a Notice of Sale regarding your purchase of your residence. The Notice will provide a private sale to you for the appraised value of \$156,000. Payment to the Trustee will be the purchase price less your \$50,000 exemption, or \$106,000.

The conveyance of title to you will be by the Trustee's Deed, which is a Quit Claim Deed. The conveyance will be all of the Estate's rights, title and interest in the property subject to any liens, interest or encumbrances on the property.

I am enclosing a draft Notice. Should you have any questions or wish to discuss any aspect of this, please do not hesitate to contact me.

Very truly yours,

  
H. JAMES MAGNUSON  
Attorney at Law

HJM:slb  
enc.  
cc: C. Barry Zimmerman, Trustee

**DRAFT**

H. JAMES MAGNUSON  
Attorney at Law  
1250 Northwood Center Court  
P.O. Box 2288  
Coeur d'Alene, Idaho 83816  
Telephone: (208) 666-1596  
Fax: (208) 666-1700

Attorney for C. Barry Zimmerman,  
Chapter 7 Trustee

RECEIVED  
BY MAIL  
JAN 23 2018

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

IN RE:

FRANK L. CHAPIN and  
SYDNEY L. GUTIERREZ-CHAPIN,

Debtors.

CASE NO. 02-20218

NOTICE OF SALE BY TRUSTEE

TO THE DEBTORS, CREDITORS AND OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT the undersigned Trustee will sell the below described property in which the above-entitled estate claims an interest in pursuant to 11 U.S.C. §363, Bankruptcy Rule 6004 and LBR 2002.1. This sale will take place unless a written objection and request for hearing is received by the Clerk, United States Bankruptcy Court, U.S. Courtroom, Federal Building, Room 216, 205 N. 4<sup>th</sup> Street, Coeur d'Alene, ID 83814, and the Trustee on or before twenty-three (23) days from the date hereof. If no objection is timely fled, the Court may enter an order approving said sale.

1. DESCRIPTION OF PROPERTY TO BE SOLD:

The property is the estate's interest in real property and improvements which, is the Debtors' residence located at 2872 Hoodoo Mountain Road, Priest River, Idaho 83856. Said property consists of approximately 8.46 acres of real property, plus a house, garage and outbuildings.

2. TYPE OF SALE:

This is a private sale to Debtors.

**DRAFT**

3. **TERMS OF SALE:**

\$156,000 total consideration less the Debtors' homestead exemption of \$50,000 for a total of \$106,000 cash at closing.

4. **TIME AND PLACE OF SALE:**

The sale will be valid unless objections are filed with the U. S. Bankruptcy Court by twenty-three (23) days from the date of service of this Notice, at 205 N. 4<sup>th</sup> Street, U.S. Federal Building, Coeur d'Alene, ID 83814, and copies provided to the Trustee, C. Barry Zimmerman, at P. O. Box 1240, Coeur d'Alene, ID 83816, and Trustee's attorney, H. James Magnuson at P. O. Box 2288, Coeur d'Alene, ID 83816. The sale will occur on July \_\_\_\_\_, 2004, at 10:00 a.m., at the offices of C. Barry Zimmerman, Trustee, 601 Sherman Avenue, Suite 5, Coeur d'Alene, Idaho.

5. **TREATMENT OF EXISTING LIENS:**

The sale is subject to liens, interests and encumbrances and is "as is" without warranty of any type.

6. **VALUE OF PROPERTY TO BE SOLD:**

Valerie S. Moe Buchotz, an Idaho licensed appraiser, has valued the property at a fair market value of \$156,000.

7. **AUTHORITY FOR SALE:**

The authority for conducting the sale is 11 U.S.C. §363(b)(1).

8. **MISCELLANEOUS INFORMATION:**

Conveyance will be by a Trustee's Deed conveying all right, title and interest of the Estate without warranty. The estimated net proceeds to the estate are \$106,000.

DATED: June \_\_\_\_\_, 2004.

\_\_\_\_\_  
H. JAMES MAGNUSON  
Attorney for C. Barry Zimmerman, Trustee

Date Served by Mail:

June \_\_\_\_\_, 2004.

H. JAMES MAGNUSON  
Attorney at Law  
1250 Northwood Center Court  
P. O. Box 2288  
Coeur d'Alene, Idaho 83816  
Telephone: (208) 666-1596  
Fax: (208) 666-1700

Attorney for C. Barry Zimmerman,  
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

IN RE:

CASE NO. 02-20218

FRANK L. CHAPIN and  
SYDNEY L. GUTTEREZ-CHAPIN,

NOTICE OF SALE BY TRUSTEE

Debtors.

TO THE DEBTORS, CREDITORS AND OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT the undersigned Trustee will sell the below described property in which the above-entitled estate claims an interest in pursuant to 11 U.S.C. §363, Bankruptcy Rule 6004 and LBR 2002.1. This sale will take place unless a written objection and request for hearing is received by the Clerk, United States Bankruptcy Court, U.S. Courthouse, Federal Building, Room 216, 205 N. 4<sup>th</sup> Street, Coeur d'Alene, ID 83814, and the Trustee on or before twenty-three (23) days from the date hereof. If no objection is timely filed, the Court may enter an order approving said sale.

1. DESCRIPTION OF PROPERTY TO BE SOLD:

The property is the estate's interest in real property and improvements which, is the Debtors' residence located at 2872 Hoodoo Mountain Road, Priest River, Idaho 83856. Said property consists of approximately 8.46 acres of real property, plus a house, garage and outbuildings.

2. TYPE OF SALE:

This is a private sale to Debtors.

NOTICE OF SALE BY TRUSTEE

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3. TERMS OF SALE:

\$156,000 total consideration less the Debtors' homestead exemption of \$50,000 for a total of \$106,000 cash at closing.

4. TIME AND PLACE OF SALE:

The sale will be valid unless objections are filed with the U. S. Bankruptcy Court by twenty-three (23) days from the date of service of this Notice, at 205 N. 4<sup>th</sup> Street, U.S. Federal Building, Coeur d'Alene, ID 83814, and copies provided to the Trustee, C. Barry Zimmerman, at P. O. Box 1240, Coeur d'Alene, ID 83816, and Trustee's attorney, H. James Magnuson at P. O. Box 2288, Coeur d'Alene, ID 83816. Unless an objection is received, the sale will close on July 19, 2004, at 10:00 a.m., at the offices of C. Barry Zimmerman, Trustee, 601 Sherman Avenue, Suite 5, Coeur d'Alene, Idaho.

5. TREATMENT OF EXISTING LIENS:

The sale is subject to liens, interests and encumbrances and is "as is" without warranty of any type.

6. VALUE OF PROPERTY TO BE SOLD:

Valerie S. Moe Bucholtz, an Idaho licensed appraiser, has valued the property at a fair market value of \$156,000.

7. AUTHORITY FOR SALE:

The authority for conducting the sale is 11 U.S.C. §363(b)(1).

8. MISCELLANEOUS INFORMATION:

Conveyance will be by a Trustee's Deed conveying all right, title and interest of the Estate without warranty. The estimated net proceeds to the estate are \$106,000.

DATED: June 15, 2004.

  
H. JAMES MAGNUSON  
Attorney for C. Barry Zimmerman, Trustee

Date Served by Mail:

June 21, 2004.

NOTICE OF SALE BY TRUSTEE

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RECEIVED  
JUL 27 2004  
BY: 



Transnation Title Insurance Company  
**COMMITMENT FOR TITLE INSURANCE**

**Schedule B - Part II**  
 (Exceptions)

Commitment No. 00038156

Schedule B of the policy or policies to be issued will contain the exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Encroachments, overlaps, boundary disputes, shortage in area, or any other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Rights or claims of parties in possession, or claiming to be in possession, not shown by the public records.
4. Easements or claims of easements not shown by the public records.
5. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public record. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or the public record.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
8. This commitment is not an abstract, examination, report or representation of fact or title and does not create and shall not be the basis of any claim for negligence, negligent misrepresentation or other tort claim or action. The sole liability of company and its title insurance agent shall arise under and be governed by Paragraph 3 of the conditions.
9. **DELINQUENT GENERAL TAXES FOR THE YEARS 2000, 2001 AND 2002, IN THE RESPECTIVE ORIGINAL AMOUNTS OF \$828.42, \$826.75 AND \$871.84, PLUS PENALTIES AND INTEREST, BILLING NOS. 25685, 25721 AND 26026, RESPECTIVELY, BEING RP 55N04W199550A.**
10. **DELINQUENT GENERAL TAXES FOR THE FIRST HALF OF 2003, IN THE AMOUNT OF \$476.09, PLUS PENALTIES AND INTEREST, BILLING NO. 26621, RP 55N04W199550A.**
11. **GENERAL TAXES FOR THE SECOND HALF OF 2003, IN THE AMOUNT OF \$476.09, BILLING NO. 26621, RP 55N04W199550A.**
12. **GENERAL TAXES FOR THE YEAR 2004, A LIEN IN THE PROCESS OF ASSESSMENT, NOT YET DUE OR PAYABLE.**
13. **EASEMENT AND CONDITIONS CONTAINED THEREIN:  
 RECORDED: SEPTEMBER 27, 1978  
 INSTRUMENT NO: 205831  
 IN FAVOR OF: FRANK L. CHAPIN AND NANCY C. CHAPIN, HUSBAND AND WIFE  
 FOR: INGRESS, EGRESS AND UTILITIES  
 AFFECTS: SUBJECT PROPERTY**
14. **DEED OF TRUST AND THE TERMS AND CONDITIONS THEREOF:  
 GRANTOR: FRANK L. CHAPIN, AN UNMARRIED MAN**

This commitment is invalid unless the insuring provisions and Schedules A and B are attached.