

1 Susan J. Robinson  
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U.S. COURTS  
03 FEB 18 PM 2:59  
REC'D FILED  
CAMERON S. BURKE  
CLERK IDAHO

6 UNITED STATES BANKRUPTCY COURT  
7 FOR THE DISTRICT OF IDAHO  
8 AT BOISE

9 In Re:

10 RICHARD STEVEN GORDON and  
11 BARBARA LYNN GORDON,

12 Debtors,

BANKRUPTCY NO. 01-288

CHAPTER NO. 13

NOTICE OF FAILURE TO PAY

13 TO: CLERK OF THE U.S. BANKRUPTCY COURT,  
14 RICHARD STEVEN GORDON and BARBARA LYNN GORDON, Debtors  
15 CYRUS J. ROEDEL, Attorney for Debtors,  
16 BERNIE RAKOZY, Trustee

17 **YOU ARE HEREBY NOTIFIED THAT THE UNDERSIGNED IS**  
18 **ATTEMPTING TO COLLECT A DEBT AND ANY**  
19 **INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

20 The Bank of New York as Trustee and its successors and assigns hereby gives notice of failure to  
21 pay payments, pursuant to the Stipulated Order for Adequate Protection dated June 6, 2002.

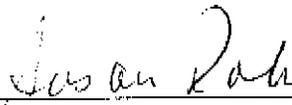
22 Petitioner is presently the holder of a Deed of Trust on property belonging to the estate of the  
23 Debtors, located at 3806 Wagon Wheel Drive, Homedale, ID 83628, legally described as:

24 PARCEL I: LOT 7, BLOCK 2, CANYON ESTATES SUBDIVISION, OWYHEE  
25 COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT FILED AS  
26 INSTRUMENT NO. 225491, RECORDS OF OWYHEE COUNTY, IDAHO. PARCEL  
27 II: AN EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER LOT 19,  
28 BLOCK 2, CANYON ESTATES SUBDIVISION, OWYHEE COUNTY, IDAHO,  
ACCORDING TO THE OFFICIAL PLAT FILED AS INSTRUMENT NO. 225491.

1 In accordance with the Stipulated Order for Adequate Protection which was entered by the court on  
2 June 6, 2002, you were required to make payments to The Bank of New York as Trustee and its successors  
3 and assigns as follows: beginning May 1, 2002, \$1,335.45 per month for current monthly payments, plus  
4 late charges, if applicable, which amount may be adjusted according to the terms of the loan documentation  
5 and beginning June 1, 2002, \$1,570.97 per month for arrearages until paid. You are in default of the terms  
6 of the Stipulated Order (see attached ledger). Therefore, there is a current total delinquency under the Order  
7 of \$14,661.99. In addition attorney's fees and expenses are incurred as a result of this notice, and additional  
8 payments will become due.  
9

10 Pursuant to the Stipulated Order referenced above, if the delinquent payments are not received  
11 within 10 days of the date of this notice, The Bank of New York as Trustee and its successors and assigns  
12 shall have relief from stay upon ex parte submission of verifying affidavit and proposed order for relief  
13 from stay.  
14

15 DATED on of February 13, 2003 .  
16  
17  
18

19  
20   
21 Susan J. Robinson, ISB# 4460  
22 Robinson Tait  
23 Attorneys For The Bank of New York as Trustee  
24 and its successors and assigns  
25  
26  
27  
28

CERTIFICATE OF MAILING

1  
2 I hereby certify that on this 13 day of February, 2003, a true and correct copy of the  
3 foregoing was mailed, postage prepaid, first class to the following:

4 Richard Steven Gordon  
5 Barbara Lynn Gordon  
6 Rt 1 Box 3806  
7 Homedale, ID 83628

8 Cyrus J. Roedel  
9 355 W. Myrtle St. #102  
10 Boise, ID 83702-7656

11 Bernie Rakozy  
12 824 West Franklin  
13 Boise, ID 83702

14   
15 Susan J. Robinson, ISB # 04460

Borrower: Gordon, Richard & Barbara  
Loan No. 1000719474

ADEQUATE PROTECTION ORDER LEDGER

Date Due	Amount Due	Amount Received	Date Received
5/1/02	\$ 1,402.22	\$ 1,335.45	5/21/02
6/1/02	1,402.22	2,906.42	6/25/02
	1,570.97	.00	
7/1/02	1,402.22	2,906.42	8/23/02
	1,570.97	.00	
	.00	-2,906.42	NSF
8/1/02	1,402.22		
	1,570.97		
9/1/02	1,402.22		
	1,570.97		
10/1/02	1,402.22		
11/1/02	1,402.22		
12/1/02	1,402.22		
1/1/03	1,402.22		
TOTALS	\$18,903.86	\$4,241.87	

\*Payment amount of \$1,402.22 includes monthly payment of \$1,335.45 plus a late charge of \$66.77.

Amount due - \$14,661.99