

U.S. COURTS

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Attorneys for BMC West Corporation

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

IN RE: ) Chapter 11  
) Case No. 98-00476  
CASCADE BUILDERS- )  
DEVELOPERS, INC. )  
)  
) MOTION FOR RELIEF FROM STAY  
\_\_\_\_\_ )

COMES NOW BMC West Corporation, by and through its attorney of record  
Moffatt, Thomas, Barrett, Rock & Fields, Chtd. and pursuant to 11 U.S.C. Section 362(d) requests  
this court grant relief from the automatic stay with regard to certain real property owned by the  
debtor, so that the lien foreclosure action pending in the District Court of the Third Judicial District  
of the State of Idaho, in and for the County of Canyon, Case No. CV 97-06903 may proceed.

1. Cascade Builders-Developers, Inc. has filed a petition for reorganization under  
Chapter 11 of the Bankruptcy Code.

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2. BMC West Corporation delivered materials to the above property beginning on February 28, 1997, until June 13, 1997. BMC West filed a materialmen's lien on the above property on August 22, 1997, Instrument No. 9727694, records of Ada County.

3. One of the assets of the estate is certain real property located in Canyon County described as Lot 1 Block 2 Lakeview Hills Subdivision, Canyon County, Idaho, according to the plat filed in Book 13 of Plats Page 29, Records of said county which was recorded on July 13, 1997 as Instrument No. 9722789.

4. BMC West Corporation has obtained a litigation report prepared by First American Title Insurance which shows the following liens of records on the property

a. A Construction Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:

Amount:	\$233,000.00
Dated:	April 10, 1997
Trustor/Grantor:	CASCADE BUILDERS-DEVELOPERS, INC., an Idaho corporation
Trustee:	PIONEER TITLE COMPANY
Beneficiary:	REPUBLIC MORTGAGE CORPORATION, a Utah corporation
Recorded:	April 11, 1997 as Instrument No. 9711248

A Notice of Default under the terms of said Deed of Trust

Executed by:	REPUBLIC MORTGAGE CORPORATION, a Utah corporation
Recorded:	October 9, 1997 as Instrument No 9734198

Affidavits of Service by Mail, Publication, recorded December 4, 1997 as Instrument Nos. 9741413, 9741414 and 9741415, records of Canyon County, Idaho.

b. Claim of Lien against KENT ODOM, CASCADE BUILDERS-DEVELOPERS, INC., in favor of LARRY HEIMBUCK, dba HEIMBUCK WELDING &

ORNAMENTAL IRON, in the original amount of \$642.83, recorded July 22, 1997, as Instrument No. 9723597, records of Canyon County, Idaho.

c. Claim of Lien against CASCADE BUILDERS in favor of CC CABINETS, INC., in the original amount of \$6,097.15, recorded July 31, 1997, as Instrument No. 9724994, records of Canyon County, Idaho.

d. Claim of Lien against CASCADE BUILDERS-DEVELOPERS, INC., in favor of MARK PETERSON, in the original amount of \$9,528.00, recorded August 7, 1997, as Instrument No. 9725741, records of Canyon County, Idaho.

e. Claim of Lien against CASCADE BUILDERS-DEVELOPERS, INC., in favor of NAMPA FLOORS & INTERIORS, INC., in the original amount of \$8,402.61, recorded August 19, 1997, as Instrument No. 9727343, records of Canyon County, Idaho.

f. Claim of Lien against CASCADE BUILDERS DEVELOPERS, INC., in favor of J&D HEATING AND AIR CONDITIONING INC., in the original amount of \$10,227.64, recorded August 21, 1997, as Instrument No. 9727620, records of Canyon County, Idaho.

g. Claim of Lien against CASCADE BUILDERS DEVELOPERS, INC., an Idaho corporation in favor of TREASURE VALLEY DRILLING, INC., an Idaho corporation, recorded September 17, 1997, as Instrument No. 9731082, records of Canyon County, Idaho.

5. An action has been commenced In The District Court Of The Third Judicial District Of The State Of Idaho In And For The County Of Canyon seeking foreclosure of the above-liens.

6. The existing liens on the property are in excess of any equity in the property.

7. Retention of the subject real property by the Debtor is not necessary for an effective reorganization.

DATED this 17<sup>th</sup> day of August, 1998.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By   
Scott A. Tschirgi - Of the Firm  
Attorneys for BMC West Corporation

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17 day of August, 1998, I caused a true and correct copy of the foregoing MOTION FOR RELIEF FROM STAY to be served by the method indicated below, and addressed to the following:

David L. Whitney  
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& WHITNEY  
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RINGERT CLARK, CHTD.  
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Scott A. Tschirgi