IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

BANK OF AMERICA, N.A., a national banking association,

Plaintiff.

VS.

A & M DEVELOPMENT, LLC, HANS J. ALBERT, VIRGINIA FAITH ALBERT, LEONARD DE LOS PRADOS, CAROL DE LOS PRADOS, and COMPANIA INVERSORA CORPORATIVA S.A. De C.V.,

Defendants.

Case No. 1:11-cv-00336-BLW

ORDER VACATING WRIT OF ATTACHMENT AND EXONERATING BANK OF AMERICA'S UNDERTAKING ON ATTACHMENT

This matter having come before the Court on the Parties' Stipulated Motion for Order Vacating Writ of Attachment and Exonerating Bank of America's Undertaking on Attachment (Dkt. 52), and good cause appearing therefor,

It is hereby ORDERED and this does ORDER that the Motion is granted.

It is further ORDERED that:

1. The Writ of Attachment issued by the Valley County District Court, a copy of which Writ of Attachment is attached hereto as **Exhibit A**, is hereby vacated, released and dissolved.

2. The bond posted as security by Bank of America, Bond # 015033656, a copy of which is attached hereto as **Exhibit B**, is hereby exonerated.

STATES COLA I

DATED: August 27, 2012

B. Lynn Winmill

Chief Judge

United States District Court

FOURTH JUDICIAL DISTRICT COURT, STATE OF IDAHO IN AND FOR VALLEY COUNTY

BANK OF AMERICA, N.A., a national banking association.

Case No.

Plaintiff.

WRIT OF ATTACHMENT

VS.

A & M DEVELOPMENT, LLC, HANS J. ALBERT, VIRGINIA FAITH ALBERT, LEONARD DE LOS PRADOS, CAROL DE LOS PRADOS, COMPANIA INVERSORA CORPORATIVA S.A. De C.V.,

Defendants.

THE STATE OF IDAHO TO THE SHERIFF OF VALLEY COUNTY, GREETINGS:

It appearing to the satisfaction of the Court from the documents on file herein that an Ex Parte Writ of Attachment should issue to you, to attach the real property identified on Exhibit A hereto (the "Property").

THEREFORE, WE COMMAND YOU, that immediately after receiving this Writ, you shall forthwith attach the Property pursuant to Idaho Code § 8-506 by recording this Writ, and the Clerk's Notice of Attachment (Idaho Code § 8-503(b)), which is attached as Exhibit B hereto, in the real property records for Valley County, Idaho; additionally, you shall effectuate the publication requirements in Idaho Code § 8-503(b). In lieu of posting of the Clerk's Notice of Attachment in the courthouse, the Clerk's Notice of Attachment shall instead be made available for viewing at the court clerk's office, upon request, for the required time of ten days from the issuance of this Writ.

WRIT OF ATTACHMENT - 1

YOU ARE FURTHER COMMANDED to, without delay, serve Defendants Virginia
Faith Albert; Leonard De Los Prados; Carol De Los Prados; and Compania Inversora
Corporativa S.A. de C.V. with copies of this Writ of Attachment, if said Defendants can be
found; or if Defendants cannot be found, by leaving said Writ at the usual place of business of
said Defendants, either with some person of suitable age or discretion, or if he does not have a
known place of business, by mailing said Writ to the last-known address of said Defendants.

Attached hereto is an undertaking filed by Plaintiff in the amount of \$10,000.00 to serve as security for any judgment that may be awarded to any of Defendants and for any damages any of Defendants may sustain if this Writ is subsequently determined to be wrongfully issued, as described in Idaho Code § 8-503. Any claim by any of Defendants against Plaintiff's bond must be made by motion to the Court, subject to Plaintiff's right to object to the motion. In the event Defendants make no claim against Plaintiff's bond prior to the resolution of the above-captioned matter, the bond will be released upon Plaintiff's motion. Defendants are hereby informed that they have the right to except to the bond provided by Plaintiff'.

Defendants shall have the right to file a written undertaking for the redelivery of the property as provided in Section 8-506C, Idaho Codes.

DATED THIS 20 day of ______ 2011.

Attest my hand and the seal of said court, the sless and year last above written.

CLERK

Clark

EXHIBIT A

REAL PROPERTY TO BE ATTACHED

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lot 56 Block 13, Tamarack Resort Planned Unit Development Phase 2.1, a plat which is recorded in the office of the Recorder of Valley County, Idaho, and as may be amended from time to time.

EXHIBIT B

FOURTH JUDICIAL DISTRICT COURT, STATE OF IDAHO IN AND FOR VALLEY COUNTY

BANK OF AMERICA, N.A., a national banking association,

Case No.

Plaintiff.

CLERK'S NOTICE OF ATTACHMENT (I.C. § 8-503(B))

VS.

A & M DEVELOPMENT, LLC, HANS J. ALBERT, VIRGINIA FAITH ALBERT, LEONARD DE LOS PRADOS, CAROL DE LOS PRADOS, COMPANIA INVERSORA CORPORATIVA S.A. De C.V.,

Defendants.

PLEASE TAKE NOTICE, pursuant to Idaho Code § 8-503(b), that the Clerk of the above-captioned Court has on this day issued its Writ of Attachment, directing counsel for Plaintiff Bank of America, N.A. to attach the real property described at Exhibit A. The said real property shall serve as security for any judgment Plaintiff obtains in this action.

DATED this () day of July 2011.

CLERK'S NOTICE OF ATTACHMENT

EXHIBIT A Service of

REAL PROPERTY TO BE ATTACHED

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lot 56 Block 13, Tamarack Resort Planned Unit Development Phase 2.1, a plat which is recorded in the office of the Recorder of Valley County, Idaho, and as may be amended from time to time.

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Robert A. Faucher (ISB No. 4745) Patrick W. McNulty (ISB No. 8464) Document 54 Filed 08/27/12 Page 10 of 13

HOLLAND & HART LLP Suite 1400, U.S. Bank Plaza 101 South Capitol Boulevard P.O. Box 2527

Boise, Idaho 83701-2527 Telephone: (208) 342-5000 Facsimile: (208) 343-8869

Attorneys for Plaintiff Bank of America, N.A.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

BANK OF AMERICA, N.A., a national

banking association,

Case No. 1:11-CV-00036-BLW

Plaintiff.

BOND # 015033656

VS.

PLAINTIFF'S ATTACHMENT BOND

A & M DEVELOPMENT, LLC, HANS J. ALBERT, VIRGINIA FAITH ALBERT. LEONARD DE LOS PRADOS, CAROL DE LOS PRADOS, and COMPANIA INVERSORA CORPORATIVA S.A. De C.V.,

Defendants.

Whereas the plaintiff Bank of America, N.A., desires to give an undertaking for a writ of attachment in this action as provided by I.C § 8-502;

Now therefore, the undersigned surety hereby obligates itself to pay defendant(s) A&M DEVELOPMENT, LLC, et al., any damages, not exceeding the amount of \$200,000.00, they may sustain by reason of the writ of attachment if the court finally decides that Bank of America, N.A. was not entitled to the writ of attachment.

In no event, however, shall the surety's obligation under this bond exceed the maximum aggregate sum of (\$200,000.00).

Subscribed and acknowledged before me this 25th day of July, 2011

LIBERTY MUTUAL INSURANCE

BANK OF AMERICA, N.A.

COMPAI

Name: Elana

Attorney\in Fact

Name:

Vice Presiden Title:

EXHIBIT

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY BOSTON, MASSACHUSETTS FOWER OF ATTORNEY

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