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Attorney for Plaintiff

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

RICHARD M. PHILLIPS,
Plaintiff,

vs.

RICHARD A. JOHNSON, MARY B.
JOHNSON, ROY JOHNSON, DONNA
JOHNSON, THE MASTERS GALLERY,
LLC, PINPOINT PROPERTIES, LLC AND
JOHN DOE DEFENDANTS,
Defendants.

Case No. CV01-19-15160

NOTICE OF LEVY UNDER WRIT OF
EXECUTION (ORDER OF SALE)

NOTICE IS HEREBY GIVEN under and by virtue of a Writ of Execution (Order of Sale) Ada County Real Property Interest entered with the court on November 22, 2023, in favor of the above-named Plaintiff, I have thus date attached and levied upon all the rights, title, claim and interest of Richard A. Johnson (the "Judgment Debtor") which is one-half (1/2) ownership interest

in and to the property described as that certain lot, piece, or parcel of land located in Ada County, Idaho, bounded and described as follows:

Lot 6, Updike Subdivision, according to the plat thereof, filed in Book 39 of Plats at page(s) 3274-3275, records of Ada County, Idaho.

Which may commonly be known as 2170 N Maple Grove Road, Boise, ID 83704,

The amount necessary to satisfy the Judgment Creditor's Amended Judgment is \$4,021,993.91 with interest and costs, as specified in the attached Writ of Execution.

Dated: April 3, 2024

MATTHEW CLIFFORD
Sheriff of Ada County

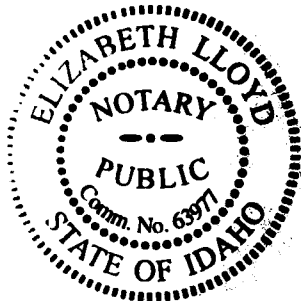


By Jocelyn Martin
Jocelyn Martin, Civil Deputy Sheriff

STATE OF IDAHO)
 : ss.
County of Ada)

On this 3rd day of April 2024, before me, the undersigned, a notary public in and for said County and State, personally appeared Jocelyn Martin, known or identified to me to be the person whose name is subscribed to the within instrument as Civil Deputy Sheriff of Ada County, State of Idaho, and acknowledged to me that she executed the same as such Civil Deputy Sheriff of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Elizabeth Lloyd
Notary Public for Idaho
Residing at Ada County
My Commission Expires 10-5-2026



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Attorneys for Plaintiff

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RICHARD M. PHILLIPS,

Plaintiff,

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JOHNSON, THE MASTERS GALLERY,
LLC, PINPOINT PROPERTIES, LLC AND
JOHN DOE DEFENDANTS,

Defendants.

Case No. CV01-19-15160

WRIT OF EXECUTION (ORDER OF
SALE) ADA COUNTY REAL
PROPERTY INTEREST

ACSO CIVIL MAR15'24PM 2:25

TO THE SHERIFF OF ADA COUNTY, GREETINGS:

WHEREAS, Defendant Richard Johnson has a one-half ownership interest in the real property identified as 2170 N. Maple Grove, Boise, Idaho 83704 and more particularly described hereto as **Exhibit A**.

WRIT OF EXECUTION (ORDER OF SALE) ADA COUNTY REAL
PROPERTY INTEREST - 1

WHEREAS, on August 30, 2019, Plaintiff Richard M. Phillips (“Plaintiff”) recovered a Prejudgment Writ of Attachment and Possession (“Writ of Attachment”) in the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Case No. CV01-19-15160, concerning the Maple Grove Property identified as **Exhibit A**.

WHEREAS, on December 9, 2022, Plaintiff Richard M. Phillips recovered a Judgment in the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Case No. CV01-19-15160, against Richard A. Johnson, Mary B. Johnson, Roy Johnson, Donna Johnson, the Masters Gallery, LLC and Pinpoint Properties;

WHEREAS, on July 14, 2023, Plaintiff Richard M. Phillips recovered an Amended Judgment in the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Case No. CV01-19-15160, against Richard A. Johnson, Mary B. Johnson, Roy Johnson, Donna Johnson, the Masters Gallery, LLC and Pinpoint Properties;

WHEREAS, as a result of the Judgment and Amended Judgment, the Court entered a Monetary Judgment against Richard Johnson is for the sum of \$4,021,993.91;

WHEREAS, on April 25, 2023 the Court awarded Plaintiff attorney fees and costs in the amount of \$393,621.64;

WHEREAS, said Monetary Judgment accrues interest at the statutory rate of 7.375% per annum; and

WHEREAS, the balance of the Amended Judgment as of November 20, 2023, is calculated as follows:

Principal on Monetary Judgment	\$4,021,993.91
Post-judgment Interest on the Monetary Judgment at 7.375% per annum from 12/9/2022 through 11/20/2023	\$281,181.45
Accruing Costs:	
Recording fees (1/2 of recording fees)	\$35.00
Writ fees (for one writ of execution)	\$2.00
TOTAL DUE AS OF 11/20/2023	<u>\$4,303,212.36</u>

Interest continues to accrue from December 9, 2022, and reasonable collection costs, including attorneys' fees and costs, incurred in pursuing collection on the judgment continue to accrue.

WHEREAS, as part of said Judgment and Amended Judgment Richard Johnson's purported transfer of his one-half interest in the real property identified as 2170 N. Maple Grove Road, Boise Idaho (as more fully described herein) to defendant Mary Johnson was declared fraudulent.

WHEREAS, as of the date of this Writ defendant Richard Johnson has an undivided one-half ownership interest in the Maple Grove Property as evidenced by the legal description attached as **Exhibit A**;

WHEREAS, said Judgment as amended by the Amended Judgment is declared to be a valid judgment as against Richard Johnson and his one-half (1/2) interest in the Maple Grove Property as specifically identified in **Exhibit A** attached hereto is subject to be sold by the Sheriff of the County of Ada, State of Idaho, at public auction in the manner prescribed by law; any party to this action or any other person or entity may become a purchaser of Richard Johnson's interest in the Maple Grove Property and personal property at such sale; the proceeds of such sale, after the Sheriff retains his lawful fees, disbursements, and costs of sale, be applied to the payment of the

Judgment; and, if any surplus monies remain after applying the proceeds of the sale to the Judgment, such proceeds shall be paid into the registry of the Court to abide the further order of the Court.

NOW, THEREFORE, you, the Sheriff of the County of Ada, State of Idaho, are commanded to:

1. Notice for sale and sell Richard Johnson's interest in the real property whose address is 2170 N. Maple Grove Road, Boise, Idaho 83709 as described in **Exhibit A**, at public auction and out of the proceeds of the sale of the properties the sheriff will retain his lawful fees, disbursements, and costs of sale, and will pay the remainder to Plaintiff or its attorneys, which payment shall apply first to post-judgment interest accrued on the Judgment amount, and then to the principal Judgment amount;

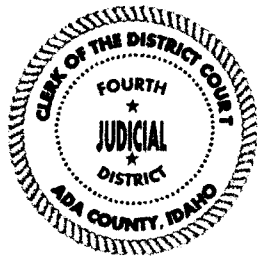
2. Issue and record a Certificate of Sale for Richard Johnson's interest in the Maple Grove Property and personal property;

3. Make and file your report of the sale of Richard Johnson's interest in the Maple Grove Property with the Clerk of the above-captioned Court within sixty (60) days from the date of your receipt of this Writ of Execution; and

4. Do all things according to the requirements of said Judgment and the provisions of law in such cases made and provided.

WITNESS my hand and the seal of said Court this 11/22/2023

TRENT TRIPPLE
Clerk of the Court



By Eric Rowell
Deputy Clerk

EXHIBIT A

EXHIBIT A

576594 CLM

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=2 LISA BATT
PIONEER TITLE COMPANY OF ADA COUNTY

2015-070465
08/03/2015 10:23 AM
\$13.00

QUITCLAIM DEED

FOR VALUE RECEIVED,

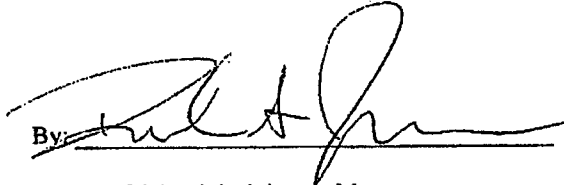
Grantor: Pinpoint Properties, LLC an Idaho Limited Liability Company does hereby convey, release, remise and forever quit claim unto

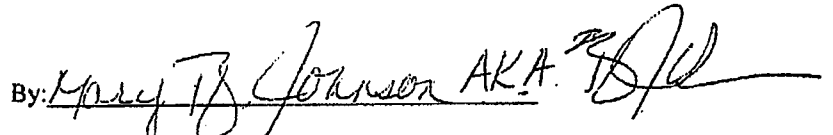
Grantee: Richard A. Johnson and Mary Brywn Johnson, husband and wife , whose current address is:
2170 N Maple Grove Road, Boise, ID 83704

The following described premises: Lot 6, Updike Subdivision, according to the plat thereof, filed in Book 39 of Plats at page(s) 3274-3275, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 7/28/2015


By: 
Richard A. Johnson Manager

By: 
Mary Brywn Johnson AKA Brywn Johnson

ACKNOWLEDGMENT-Limited Liability Company

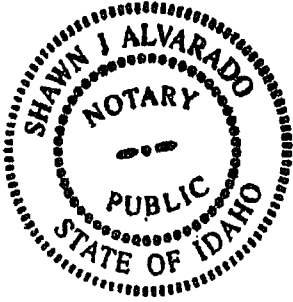
State of Idaho)
) S.S.
County of Ada)

On this 28TH day of July, in the year 2015, before me Shawn Alvarado, a notary public personally appeared Richard A Johnson and Mary Brywn Johnson AKA Brywn Johnson as the managers in a limited liability company, of Pinpoint Properties, LLC, and the managers who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same name in said limited liability company name.



Notary Public
Residing at: 12598 Explorer Dr. Boise, Id 83713

My Commission Expires on: 3/24 /2017



ADA COUNTY RECORDER Trent Tripple
BOISE IDAHO Pgs=4 CHE FOWLER
ROSHOLT LAW PLLC

2023-040952
07/18/2023 10:56 AM
\$19.00

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

RICHARD M. PHILLIPS,
Plaintiff,

vs.

RICHARD A. JOHNSON, MARY B.
JOHNSON, ROY JOHNSON, DONNA
JOHNSON, THE MASTERS GALLERY,
LLC, PINPOINT PROPERTIES, LLC AND
JOHN DOE DEFENDANTS,

Defendants.

Case No. CV01-19-15160

AMENDED JUDGMENT

JUDGMENT IS ENTERED AS FOLLOWS:

1. Judgment is entered in favor of Plaintiff and against Defendant Richard Johnson on Plaintiff's First Claim for Relief for Conversion in the amount of \$1,185,760.30. The First Claim for Relief is dismissed as to all other Defendants.
2. Judgment is entered in favor of Plaintiff and against all Defendants on Plaintiff's Third Claim for Relief for injunctive relief prohibiting the future sale of any gold or silver belonging to Plaintiff as set forth in the attached Order of Permanent Injunction.
3. Entry of Judgment on Plaintiff's Fourth Claim for Relief is granted. The Plaintiff shall be entitled to Prejudgment Writs of attachment previously entered remain in effect until further proceedings before the Court.
4. Entry of Judgment on Plaintiffs Fifth Claim for Relief as follows:
 - a. Certain real property situated in Canyon County, Idaho, commonly known as 24645 Farmway Road, Caldwell, Idaho 83607, was fraudulently conveyed.
 - b. Certain real property situated in Canyon County, Idaho, commonly known as 24627 Farmway Road, Caldwell, Idaho 83607, was fraudulently conveyed

- c. Certain real property situated in Ada County, Idaho, commonly known as 2170 N. Maple Grove Road, Boise, Idaho 83704, Lot6, Updike Subdivision, according to the plat thereof, filed in Book39 of Plats at page(s) 3274-3275, records of Ada County, Idaho, was fraudulently conveyed.
 - d. Certain real property situated in Ada County, Idaho, commonly known as 2207 NW15th Street, Meridian, Idaho 83646, more specifically described as Lot12 in Block 3 of AMENDED PLAT SHOWING MEADOW VIEW SUBDIVISION according to the official plat thereof, filed in Book35 of Plats at Pages 3008 and 3009, records of Ada County, Idaho, was fraudulently conveyed.
5. Judgment is entered in favor of all Defendants and against Plaintiff on Plaintiff's Sixth Claim for Relief.
 6. Judgment is entered in favor of Plaintiff and against Defendant Richard Johnson on Plaintiff's Seventh Claim for Relief for Breach of Fiduciary Duty in the amount of \$1.00.
 7. Judgment is entered in favor of Plaintiff and against Defendant Richard Johnson for punitive damages in the amount of \$2,500,000.00.
 8. Judgment is entered in favor of Plaintiff for attorney fees incurred in connection with the contempt proceedings as stated in this Court's Memorandum Decision and Order Re Attorney Fees dated August 23, 2022 as follows:
 - a. As against Defendant Richard Johnson, Judgment in the amount of \$21,336.30.
 - b. As against Defendant Roy Johnson, Judgment in the amount of \$7,953.54.
 9. Judgment is entered in favor of Plaintiff for attorney fees and costs as stated in this Court's Order Re Attorney Fees and Costs dated March 3, 2023 as revised by the Order Re: Motion to Reconsider Attorney Fees and Sanction dated April 25, 2023, and against Defendants Richard A. Johnson, Roy Johnson, Donna Johnson as follows:
 - a. As against Defendant Richard Johnson, Judgment in the amount of \$314,897.31.
 - b. As against Defendants Roy Johnson and Donna Johnson, Judgment in the amount of \$78,724.33 jointly and severally.

IT IS ORDERED, ADJUED AND DECREED:

1. Plaintiff, Richard M. Phillips, shall recover from Defendant Richard A. Johnson the sum of \$1,185,760.30 (First Claim for Relief) + \$2,500,000.00 (Punitive Damages) + \$21,336.30 (Contempt Proceedings), and \$314,897.31 (Attorney Fees re Legal Proceedings) for a total of four million twenty-one thousand nine hundred ninety-three dollars and ninety-one

tenths (\$4,021,993.91) with interest on the judgment at the rate of 7.375% per annum (from the date hereof) until paid;

2. Plaintiff, Richard M. Phillips, shall recover from Defendant Roy Johnson, individually, the sum of seven thousand nine hundred fifty-three and fifty-four hundredths (\$7,953.54) (Contempt Proceedings) with interest on the judgment at the rate of 7.375% per annum (from the date hereof) until paid; and

3. Plaintiff, Richard M. Phillips, shall recover from Defendants Roy Johnson and Donna Johnson, jointly and severally, the sum of three hundred seventy-eight thousand seven hundred twenty-four and thirty-three hundredths (\$78,724.33) (Attorney Fees re Legal Proceedings) with interest on the judgment at the rate of 7.375% per annum (from the date hereof) until paid.

4. Plaintiff, Richard M. Phillips, shall recover sanctions from Seth H. Diviney, IDAHO INJURY LAW GROUP, the sum of five thousand dollars (\$5,000.00).

Dated: 7/17/2023 8:52:45 AM

STATE OF IDAHO } ss
COUNTY OF ADA }
I, TRENT TRIPPLE, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original filed in the above entitled action. As witness I have set my hand and affixed my official seal.
DATED
7/17/2023 1:06:42 PM
TRENT TRIPPLE, Clerk of the District Court
By: Thomas Faye
Deputy



By: Patrick J. Miller
Honorable Patrick J. Miller, District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused to be served a true copy of the foregoing AMENDED JUDGMENT by the method indicated below, and addressed to each of the following:

Seth H. Diviney
IDAHO INJURY LAW GROUP
7253 West Franklin Road
Boise, ID 83709
*Attorneys for Defendants Richard A. Johnson,
Roy Johnson, Donna Johnson, The Masters
Gallery, LLC, and Pinpoint Properties, LLC*

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail: seth@idahoinjurylawgroup.com
- Facsimile
- iCourt

Mary Johnson
2170 N. Maple Grove Rd.
Boise, ID 83704

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail: brywnj@gmail.com
- Facsimile
- iCourt

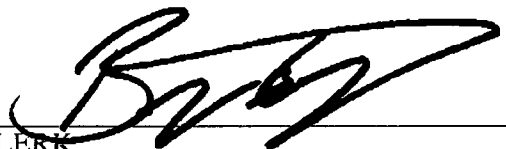
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Dated: 7/14/2023 11:12:58



CLERK