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A.M. 10:00 FILED P.M. \_\_\_\_\_

JUL 26 2010

By J. DAVID NAVARRO, Clerk  
INGA JOHNSON  
DEPUTY

LAWRENCE G. WASDEN  
Attorney General

ALAN CONILOGUE  
Deputy Attorney General  
State of Idaho  
P. O. Box 83720  
Boise, ID 83720-0031  
Telephone: 208.332.8093  
Fax: 208.332.8016  
ISBN 3196  
alan.conilogue@finance.idaho.gov

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

STATE OF IDAHO, DEPARTMENT OF  
FINANCE, SECURITIES BUREAU,

Plaintiff,

vs.

DEREK F. C. ELLIOTT, JAMES B.  
CATLEDGE, et al.,

Defendants.

Case No. CV 09-3323

**JUDGMENT AND PERMANENT  
INJUNCTION REGARDING DEFENDANTS  
DEREK F. C. ELLIOTT AND SUN  
VILLAGE JUAN DOLIO ASSOCIATES,  
LLC**

THIS MATTER having come before the court on Plaintiff's Verified Complaint, it appears to the court that Defendants Derek F. C. Elliott and Sun Village Juan Dolio Associates, LLC (Defendants) were duly served with process and failed to appear and plead or answer Plaintiff's Verified Complaint, and that default was duly entered. It appears from Plaintiff's affidavit filed in this matter that Defendants are not in the military service of the United States or

are incompetent, and that the allegations of Plaintiff's Verified Complaint are true, and that Plaintiff is entitled to judgment against Defendants as prayed for;

WHEREAS the Court finds that Defendants engaged in violations of Idaho's Uniform Securities Act (2004), Idaho Code § 30-14-101 *et seq.*, as described in the Verified Complaint;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff is entitled to judgment against Defendants as follows:

1. That Defendants are adjudged to have violated Idaho's Uniform Securities Act (2004), Idaho Code § 30-14-101 *et seq.*, as to Counts One through Four and Six of Plaintiff's Verified Complaint.

2. That Defendants are permanently enjoined from engaging in any act or practice violating any provision of Idaho's Uniform Securities Act (2004), pursuant to Idaho Code § 30-14-603(b)(1), and in particular, that they are permanently enjoined from:

- a. Selling or offering for sale securities in any form in the state of Idaho;
- b. In connection with the offer, sale or purchase of any security, directly or indirectly:
  - i. Employing any device, scheme, or artifice to defraud;
  - ii. Making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading;
  - iii. Engaging in any act, practice or course of business that operates or would operate as a fraud or deceit upon another person.

3. That Defendant Derek F. C. Elliott pay Plaintiff the amount of ten thousand dollars (\$10,000) for each violation, for a total of fifty thousand dollars (\$50,000), constituting civil penalties for violations of Idaho's Uniform Securities Act, pursuant to Idaho Code § 30-14-

603(b)(2)(C).

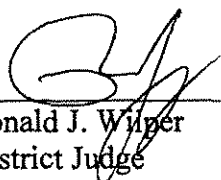
4. That Defendant Sun Village Juan Dolio Associates, LLC pay Plaintiff the amount of ten thousand dollars (\$10,000) for each violation, for a total of fifty thousand dollars (\$50,000), constituting civil penalties for violations of Idaho's Uniform Securities Act, pursuant to Idaho Code § 30-14-603(b)(2)(C).

5. That Defendants, jointly and severally, make restitution to investors, pursuant to Idaho Code § 30-14-603(b)(2)(C), in the amount of two million five hundred ninety-eight thousand eight hundred and eighty dollars and sixty-five cents (\$2,598,880.65). That Defendants pay such restitution amount to Plaintiff, to be delivered to the investors. To the extent that Plaintiff collects any portion of said restitution from other Defendants in this action, such amounts will be applied to reduce this judgment. Plaintiff can collect no more than two million five hundred ninety-eight thousand eight hundred and eighty dollars and sixty-five cents (\$2,598,880.66) in restitution from all Defendants in this action.

6. That Plaintiff is awarded attorney fees incurred in the preparation and prosecution of this action, pursuant to Idaho Code § 12-121, in the amount of five thousand dollars (\$5,000).

7. That Plaintiff is hereby awarded a total money judgment against Defendants Defendant Derek F. C. Elliott and Sun Village Juan Dolio Associates, LLC, jointly and severally, in the amount of two million six hundred fifty-three eight thousand eight hundred and eighty dollars and sixty-five cents (\$2,653,880.65) constituting restitution, penalties and attorney fees.

DATED this 23<sup>rd</sup> day of July, 2010.

  
\_\_\_\_\_  
Ronald J. Wiper  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20 day of July, 2010, I caused a true and accurate copy of the foregoing JUDGMENT AND PERMANENT INJUNCTION REGARDING DEFENDANTS DEREK F. C. ELLIOTT AND SUN VILLAGE JUAN DOLIO ASSOCIATES, LLC to be served on the following by the designated means:

Trevor Walker  
611 Ensign Drive  
Ammon, ID 83406

U.S. mail, postage prepaid  
 certified mail  
 overnight mail  
 email: [cornerstone10@gmail.com](mailto:cornerstone10@gmail.com)

Monte N. Stewart  
BELNAP LAW PLLC  
P.O. Box 7685  
Boise, ID 83707

U.S. mail, postage prepaid  
 certified mail  
 fax: (208) 345-4461  
 email: [stewart@belnaplaw.com](mailto:stewart@belnaplaw.com)

Alan Conilogue  
Deputy Attorney General  
State of Idaho  
P. O. Box 83720  
Boise, ID 83720-0031

U.S. mail, postage prepaid  
 certified mail  
 fax (208) 332-8016  
 email: [alan.conilogue@finance.idaho.gov](mailto:alan.conilogue@finance.idaho.gov)

Derek F. C. Elliott  
C/O William Lambert  
40 King Street West  
Suite 3100  
Scotia Plaza, Toronto, ON, M5H 3Y2

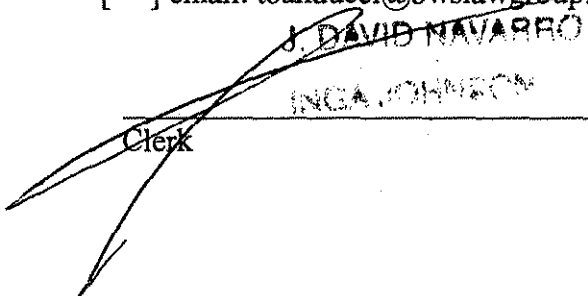
U.S. mail, postage prepaid  
 certified mail  
 overnight mail  
 email: [wlambert@gardiner-roberts.com](mailto:wlambert@gardiner-roberts.com)  
 email: [elliottdfc@gmail.com](mailto:elliottdfc@gmail.com)

Sun Village Juan Dolio Associates, LLC  
615 S. DuPont Highway  
Dover, DE 19901

U.S. mail, postage prepaid  
 certified mail  
 overnight mail  
 email: \_\_\_\_\_

Thomas A. Banducci  
BANDUCCI WOODARD  
SCHWARTZMAN, PLLC  
802 W. Bannock St., Ste. 500  
Boise, ID 83702

U.S. mail, postage prepaid  
 certified mail  
 overnight mail  
 fax: (208) 342-4455  
 email: [tbanducci@bwslawgroup.com](mailto:tbanducci@bwslawgroup.com)

  
J. DAVID NAVARRO  
INGA JOHNSON  
\_\_\_\_\_  
Clerk