

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 DEC 16 P 2:11

MARK J. ...
CLERK DISTRICT COURT

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DEPUTY

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**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BONNER COUNTY**

STATE OF IDAHO, DEPARTMENT OF
FINANCE, SECURITIES BUREAU,

Plaintiff,

vs.

DALE E. LOWELL, an individual, and
LUKE D. LOWELL and JOHN DOES 1
through 10, Relief Defendants,

Defendants.

Case No. CV-2009-01232

JUDGMENT UPON DEFAULT

THIS MATTER having come before the court on Plaintiff's Verified Complaint, it appears to the court that Defendant DALE E. LOWELL, was 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 Defendant is not in the military service of the United States or is incompetent, and that the allegations of Plaintiff's Verified Complaint are true, and that Plaintiff is entitled to judgment against the it has prayed for;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff is entitled to judgment against Defendant DALE E. LOWELL as follows:

1. That Defendant DALE E. LOWELL pay Plaintiff the amount of two million thirty-eight thousand three hundred seventy-six dollars (\$2,038,376.00), which Plaintiff is to use to make restitution to investors.

2. That Defendant DALE E. LOWELL pay Plaintiff the amount of forty thousand dollars (\$40,000), which amount constitutes civil penalties, pursuant to Idaho Code § 30-14-603(b)(2)(C).

3. 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 one thousand dollars (\$1,000).

4. That Plaintiff is hereby awarded a money judgment against Defendant DALE E. LOWELL in the amount of two million seventy-nine thousand dollars three hundred seventy-six dollars (\$2,079,376), which sum includes and is the total of the awards for restitution, penalties and attorney fees.

5. That Defendant DALE E. LOWELL is permanently ^{enjoined} from engaging in any act or practice violating any provisions of Idaho's Uniform Securities Act (2004), Idaho Code § 30-14-101 *et seq.*, or any rule promulgated thereunder, pursuant to Idaho Code § 30-14-603(b)(1), and in particular, that he is permanently enjoined from selling or offering for sale securities in any form in the state of Idaho.

6. That Defendant DALE E. LOWELL is adjudged to have violated Idaho's Uniform Securities Act (2004), Idaho Code § 30-14-101 *et seq.*, rules promulgated thereunder, and other applicable federal laws and regulations.

DATED this 16th day of December, 2009.

/s/ JUDGE VERBY
Steve Verby
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of Dec, 2009, I caused a true and accurate copy of the foregoing JUDGMENT UPON DEFAULT to be served on the following by the designated means:

Alan Conilogue
Deputy Attorney General
PO Box 82720
Boise, ID 83720-0031

- U.S. mail, postage prepaid
- certified mail
- overnight mail
- hand delivery

Dale Lowell
22608 N. Wayside Lane
Colbert, WA 99005

- U.S. mail, postage prepaid
- certified mail
- overnight mail
- hand delivery

Deputy A. Phillips
Clerk