BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE OF THE STATE OF IDAHO

In the Matter of:	)	
	)	Docket No. 2005-8-19
Registration Exemption for a Transaction in a Note, Bond, Debenture or Other Evidence of Indebtedness Secured by a Mortgage or Other Security Agreement.	)	**ORDER**

Pursuant to § 30-14-203(3) of the Uniform Securities Act (2004), Idaho Code § 30-14-101 *et seq.* (the Act), the Director finds that the following Order is appropriate and in the public interest, and is consistent with the purposes of the Act:

(1) Idaho Code § 30-14-202(11) provides an exemption from the registration requirements of the Act for "[a] transaction in a note, bond, debenture or other evidence of indebtedness securities by a mortgage or other security agreement if:

(a) The note, bond, debenture or other evidence of indebtedness is offered and sold with the mortgage or other security agreement as a unit;

(b) A general solicitation or general advertisement of the transaction is not made; and

(c) A commission or other remuneration is not paid or given, directly or indirectly, to a person not registered under this chapter as a broker-dealer or as an agent[.]"

(2) The conditions for exemption from registration contained in § 30-14-202(11)(b) and (c) of the Act, as set forth in paragraph (1) above, differ in several material respects from the previous conditions governing such exemption included in § 30-1435(1)(o) of the Idaho

Securities Act, which provision was repealed upon adoption of the Uniform Securities Act (2004), effective September 1, 2004.

(3) The new requirements for such exemption reflected in § 30-14-202(11)(b) and (c) of the Uniform Securities Act (2004), were added to the uniform securities act adopted by the Idaho Legislature that became the Uniform Securities Act (2004), at the request of several state securities regulators who had experienced problems in that area. The Securities Bureau of the Idaho Department of Finance, to date, has not experienced such problems.

(4) Based on the foregoing, the Director hereby waives the conditions for exemption from registration contained in § 30-14-202(11)(b) and (c) of the Uniform Securities Act (2004).

IT IS SO ORDERED.

DATED this 17th day of June, 2005.

GAVIN M. GEE, Director
Idaho Department of Finance