

**BLACKFOOT, WEDNESDAY, OCTOBER 8, 2025, AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**MAVANEЕ SMALLWOOD, L. DALE )  
NICKELL, PATRICIA NICKELL- )  
ZIMMERMAN, and THE LITTLE )  
NICKELL RANCH, LLC, an Idaho limited )  
liability company, )**

**Docket No. 52011**

**Plaintiffs-Appellants, )**

**v. )**

**KENNETH LITTLE, AARON LITTLE, and )  
COURTNEY BEARDALL, )**

**Defendants-Respondents, )**

**and )**

**GLEN LITTLE, JOY NORSTEBON, LINDA )  
CORESON, SHAWN CORESON, SHEA )  
CORESON, MELINDA FOWLER, ALAN )  
NICKELL, SHANE NICKELL, )  
LAWRENCE NICKELL, ADAM TIMAR, )  
JACOB KOPLOW, MILLIKA SKAAR, )  
JESSICA CALDERWOOD, CAMERON )  
SMALLWOOD, KEAGAN SMALLWOOD, )  
WADE SMALLWOOD, NATACHA )  
LIDDLE, JACQUELINE DENISE GRIGGS, )  
MICHELLE RENEE GRIGGS, NEYSHA )  
QUICK, KATHRYN KOPLOW, KAITLAN )  
CALDERWOOD, BAYLEY BANKS, and )  
JOHN DOES 1-3 and JANE DOES 1-3, and )  
any unknown heirs of ARLENE NICKELL, )  
WHITNEY LITTLE, or WINIFRED )  
GRIGGS, )**

**Defendants. )**

Appeal from the District Court of the Seventh Judicial District of the State of Idaho,  
Teton County. Steven W. Boyce, District Judge.

Rigby, Andrus & Rigby Law, PLLC, Rexburg, for Appellants.

Moulton Law Office, Driggs, for Respondents.

---

This appeal concerns the validity of restraints on alienation and the applicable statutory and common law requirements they must satisfy. In 1993, Edith Little conveyed three parcels of land to her children by deed, with three near identical restrictions on alienation. These restrictions provided that the parcel owners could not convey or encumber in any way the property to anyone other than their siblings or their siblings' heirs for a period of the parcel owner's life or the lives of their heirs then living. Mavane Smallwood, L. Dale Nickell, Patricia Nickell-Zimmerman, and The Little Nickell Ranch LLC ("Appellants") brought a cause of action for quiet title/declaratory judgment, claiming that the restrictions were invalid under the common law rule against unreasonable restraints on alienation. Aaron Little, Kenneth Little, and Courtney Beardall ("Respondents") raised several defenses and filed for summary judgment, claiming that the restraints are valid under Idaho Code Section 55-111A and that the common law rule against unreasonable restraints was abrogated under this statute. The Appellants filed a cross motion for summary judgment, arguing that Idaho Code Section 55-111A abrogated the common law rule against perpetuities alone and that the restrictions were still invalid as unreasonable restraints.

After a hearing, the district court granted summary judgment in favor of the Respondents, finding that the common law rule against unreasonable restraints on alienation had been abrogated in Idaho. The district court also held that because the restrictions met the temporal limitations of Idaho Code Section 55-111A, they were valid. The Appellants timely appealed.

On appeal, the Appellants first argue that the common law rule against unreasonable restraints on alienation has not been overruled by statute, so the restrictions must meet both the statutory requirements and the common law requirements. As such, they assert that the restrictions are unreasonable and therefore are not valid. The Respondents maintain that Idaho Code Section 55-111A abrogated common law in the area of property alienation completely. They also assert that even if the common law was not superseded, the restrictions are still valid as reasonable restraints on alienation.