BOISE, MONDAY, NOVEMBER 3, 2025, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CAVE BAY COMMUNITY SERVICES, INC., an Idaho non-profit corporation,	)	
Plaintiff-Respondent,	)	
v.	)	
MORGAN LOHMAN, an individual,	)	**Docket No. 52312**
Defendant-Appellant,	)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. John T. Mitchell, District Judge.

T & G Attorneys, P.S., Spokane, WA, for Appellant.

Lake City Law Group, PLLC, Coeur d'Alene, for Respondent.

Morgan Lohman appeals a district court order requiring him to specifically perform an option agreement to sell a portion of his land for one dollar to Cave Bay Community Services. In February 2022, Lohman bought a 25.8-acre property from Stephen and Melinda Dreher. During the negotiation of the sale, Lohman discovered that the Drehers' homeowners' association, Cave Bay, had a permanent easement on 7.31 acres of that land. He also found out that Cave Bay had an option agreement with the Drehers to purchase the easement land for one dollar within a year of the Drehers' paying off their loans on the land. Nevertheless, Lohman still proceeded with the purchase of the Drehers' property—easement and all. After the purchase, the Drehers paid off their loans, and Cave Bay sought to exercise its option. Lohman refused, and Cave Bay sued.

Cave Bay moved for summary judgment on its specific performance cause of action, arguing that option agreement either inured to Lohman as the successor to that agreement, or that the agreement ran with the land as a servitude. The lower court granted summary judgment in favor of Cave Bay and assigned attorney fees and costs to Lohman. Lohman now appeals the summary judgment and assignment of attorney fees. Lohman contends that the lower court overlooked material facts that were in dispute and that Cave Bay failed to establish its entitlement to judgement as a matter of law. Lohman also claims that the lower court abused its discretion awarding fees and costs to Cave Bay, and he seeks fees and costs on appeal. Cave Bay defends the lower court's decision and seeks fees and costs on appeal as well.