

TWIN FALLS, WEDNESDAY, NOVEMBER 5, 2025 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**CRYSTAL HOMESTEAD ESTATES, LLC, a)
Utah limited liability company,)**

**Plaintiff-Counterdefendant-)
Respondent,)**

v.)

**THAT PIECE OF PROPERTY MORE)
FULLY DESCRIBED AS FOLLOWS:)
PARCEL NO. RPR4225004118 and PARCEL)
NO. RPR4225004119, Bannock County,)
Idaho; MATT SCHIFFMAN, LAURA)
SCHIFFMAN, MICHAEL SCHIFFMAN, and)
LESLIE SCHIFFMAN,)**

**Defendants-Counterclaimants-)
Appellants)**

Docket No. 52561

**THAT PIECE OF PROPERTY MORE)
FULLY DESCRIBED AS FOLLOWS:)
PARCEL NO. RPR4225004118 and PARCEL)
NO. RPR4225004119, Bannock County, Idaho,))
MATT SCHIFFMAN, LAURA SCHIFFMAN,))
MICHAEL SCHIFFMAN, and LESLIE)
SCHIFFMAN,)**

Third Party Plaintiffs,)

v.)

**ROGER S. JOHNSON and KAYE)
JOHNSON,)**

Third Party Defendants.)

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Bannock County. Robert C. Naftz, District Judge.

Merrill & Merrill, Chtd, Pocatello, for Appellants.

This appeal arises from a real property dispute. Crystal Homestead Estates, LLC (“CHE”) filed an action seeking to quiet title to an easement across two parcels of property, one owned by Matt and Laura Schiffman, and the other owned by Mike and Leslie Schiffman (collectively, “the Schiffmans”) to secure access to their landlocked parcel. CHE claimed an easement under three legal theories: easement implied by historic use, easement by necessity, and easement by prescription. The district court found there was no genuine issue of material fact and granted summary judgment in CHE’s favor on its claim for an easement implied by historic use. In so doing, the district court struck several affidavits submitted by the Schiffmans.

On appeal from the Rule 54(b) judgment, the Schiffmans argue the district court erred for numerous reasons. First, they argue CHE failed to present evidence to establish either the second element of an easement by implied historical use (apparent continuous use long enough before separation of the dominant estate to show the use was intended to be permanent) or the third element of an easement by implied historical use (the easement must be reasonably necessary to the proper enjoyment of the dominant estate). Relatedly, they further contend there are numerous issues of material fact concerning CHE’s claim of historic use right-of-way that preclude summary judgment. Second, they argue the district court erred when it failed to consider their affirmative defenses, including their statute of limitations defense, their claim that they are bona fide purchasers with superior title to the disputed property, and that any easement in front of Mike Schiffman’s house has been adversely possessed by Mike. Third, they argue the district court abused its discretion when it weighed opposing affidavits for credibility and applied inconsistent standards for admissibility rather than acknowledging the opposing affidavits create an issue of fact. Fourth, they argue the district court erred when it failed to consider a conflict between the warranties in the deeds from the Schiffmans’ predecessors in interest and the subsequent statements in declarations submitted by one of the predecessors in interest. Fifth, the Schiffmans argue that this predecessor in interest’s competency is a question of fact, and the district court erred by rejecting a family member’s lay witness testimony on the predecessor in interest’s competency. Finally, the Schiffmans argue the district court erred by failing to consider an affidavit in support of their opposition to summary judgment because the affidavit raises an issue of fact whether CHE has alternative access to its properties.