

BOISE, TUESDAY, AUGUST 13, 2024, AT 10:30 A.M. VIA ZOOM

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51111

JOHN MARQUETTE and JUDY)
CORNISH, husband and wife,)
)
 Plaintiffs-Counterdefendants-)
 Respondents,)
)
 v.)
)
 LEVI FALCK and SARRAH FALCK,)
 husband and wife,)
)
 Defendants-Counterclaimants-)
 Appellants.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Lamont C. Berecz, District Judge.

Bistline Law, PLLC; Arthur M. Bistline, Coeur d’Alene, for appellants.

Sandpoint Law, P.C.; Toby McLaughlin, Sandpoint, for respondents.

Levi and Sarrah Falck (Falcks) appeal from the second amended final judgment granting injunctive relief after the district court found their activities and use of their property constituted a nuisance under the covenants, conditions, and restrictions (CC&Rs) of Meadow Creek Estates. The Falcks argue the district court lacked substantial and competent evidence to find their actions constituted a nuisance; the CC&Rs are too ambiguous to be enforceable; the district court’s order enjoining them from engaging in certain activities on their property is overbroad; and the award of attorney fees to John Marquette and Judy Cornish should be vacated. Marquette and Cornish contend substantial evidence was presented at trial to support the finding of nuisance under the CC&Rs; the CC&Rs are not ambiguous and, even if they were, it would not render them unenforceable; the injunction is targeted at the behavior constituting the nuisance and is not overly broad; and the award of attorney fees should be upheld.