

SUMMARY STATEMENT

The Jim & Maryann Plane Family Trust v. Skinner, Docket No. 41448

In an appeal from Bear Lake County, the Supreme Court affirmed the district court's decision denying the Jim and Maryann Plane Family Trust's motion to void a portion of an earlier stipulated judgment regarding a ten foot wide driveway. The parties' predecessors stipulated to the entry of a judgment creating a five foot easement over land currently belonging to Jason and Janae Skinner. The judgment crafted by the parties' predecessors recognized the other five feet of the driveway might be located on a State highway right-of-way. The Plane Family Trust argued the stipulated judgment was void for lack of jurisdiction and illegal because the State was not a party to the stipulated judgment. The Trust asked the district court to delete portions of the stipulated judgment referring to the location of the driveway on the State right-of-way. This would have had the effect of doubling the width of the Trust's easement across the Skinners' property.

The Supreme Court determined that Rule 60(b)(4) did not authorize the district court to modify a judgment in such a fashion and that the judgment was not void or illegal. The Supreme Court also ruled the district court had not abused its discretion when it awarded attorney fees to the Skinners for their defense of a frivolous action. The Supreme Court found the appeal to be frivolous, and imposed sanctions against the Trust and its attorneys, ordering them to pay the attorney fees and costs incurred by the Skinners in the defense of the appeal.