

SUMMARY STATEMENT

Mary E. Pandrea v. Kenneth J. Barrett and Deanna L. Barrett – Docket No. 42333

In a case arising out of Bonner County, the Idaho Supreme Court affirmed the orders and judgment of the district court. Mary E. Pandrea appealed a district court decision regarding the partition of approximately twenty-three acres of real property owned jointly by Pandrea and her sibling. In its decision, the district court partitioned the property and ordered that Pandrea prepare a legal description thereof. However, the surveys performed in order to obtain a legal description of the new parcels did not comport with the court's order, and further revealed that the parties and the court were mistaken regarding the actual size of the property. Pandrea moved to amend her complaint and for the court to reconsider its order partitioning the land in kind. The court denied the motions and adhered to its decision. Pandrea then filed a motion requesting the court reconsider its final order and judgment partitioning the land in kind, which the court denied. Pandrea appealed, alleging that the district court erred in denying her motions to reconsider and her motion to amend her complaint. This Court held that the district court's Partition Order was not clearly erroneous because it was supported by substantial and competent evidence. Further, this Court held that the district court's denial of Pandrea's motions was not an abuse of discretion.