

SUMMARY STATEMENT

Nielson v. Talbot, Docket No. 44864

This is a property line dispute. Appellants, Glen and Cheryl Nielson (the “Nielsons”), challenged a district court’s grant of summary judgment in favor of Respondents, Robert and Michele Talbot (the “Talbots”) and Paul and Sandra Parker (the “Parkers”). The Parkers and Talbots were neighbors. The Parkers sold their property to the Nielsons by warranty deed. Shortly after purchasing the property, the Nielsons filed a complaint against the Talbots arguing that, according to the legal description in the warranty deed, the Talbots’ shed, carport, and driveway extended over the property line and onto the Nielsons’ property. The Nielsons also filed a complaint against the Parkers arguing that the Parkers were obligated to defend the title of the property that they had sold. The two cases were consolidated and the district court granted summary judgment in favor of the Talbots and the Parkers.

The Idaho Supreme Court affirmed the grant of summary judgment in favor of the Talbots regarding the property line dispute because the previous neighbors had agreed to an altered property line. However, the Court vacated the district court’s judgment regarding the breach of warranty claim, holding that the Nielsons may be entitled to damages for their lost property and their attorney fees below because the warranty deed purported to convey property that was later quieted in favor of the Talbots. The Court remanded the case for further proceedings.