

SUMMARY STATEMENT

Credit Bureau of Eastern Idaho, Inc. v. Acedo
Docket Nos. 45391 & 45645

In a case arising out of Madison County, the Court of Appeals affirmed the district court's order, on intermediate appeal from the magistrate, affirming orders granting Jesse Acedo's third-party claim of exemption and awarding attorney fees on intermediate appeal. Acedo filed the third-party claim of exemption after Credit Bureau of Eastern Idaho, Inc. pursued garnishments against Acedo believing he was a judgment debtor initially identified as "John Doe." After the judgment was entered, Acedo acknowledged that part of the debt owed was attributable to his child, but Acedo was never named in the judgment as a defendant. The Court of Appeals held that, because Acedo was not a defendant on the judgment, he was a third party to the suit and the judgment could not be executed against him. The Court of Appeals also held the district court properly awarded attorney fees to Acedo on intermediate appeal as the prevailing party.