

SUMMARY STATEMENT

Security Investor Fund LLC & Security Finance Fund LLC v. Brian Crumb
Docket No. 45969

In 2005, the Crumbs and Abbeys formed Abbey & Crumb Developments, LLC, to develop a subdivision near Post Falls, Idaho. Sometime in 2006, the LLC caused a road to be constructed on the Crumbs' property. The road was built over the Crumbs' land abutting the subdivision and, once constructed, was the only drivable road in and out of the subdivision.

In September 2006, the Crumbs withdrew from the LLC. Shortly thereafter, the LLC defaulted on a loan from Security Investor Fund, LLC, and Security Financial Fund, LLC (collectively "Security"). Security then accepted deeds in lieu of foreclosure from the LLC and became an owner of certain lots within the subdivision. At some point in 2017, Brian Crumb took the position that certain subdivision lot owners did not have a right to use the entrance road on his adjoining property, as no applicable easements had ever been recorded. Security then initiated the underlying lawsuit in an effort to establish an easement to use the entrance road.

The district court granted summary judgment to Brian Crumb and entered judgment in his favor dismissing Security's complaint. The Idaho Supreme Court affirmed, holding that Security failed to sufficiently prove an underlying agreement establishing the easement.