

SUMMARY STATEMENT

Fitzpatrick v. Kent, Docket No. 46797

This appeal arises from a dispute between neighbors over the validity of an easement. In 1997, the Fitzpatricks bought two adjacent lots. In 2016, while they still owned both lots, they recorded an easement that granted the owners of the first lot (themselves) the right to maintain, repair, and improve a portion of the second lot. They then sold the second lot to the Kents. Two years later, the Kents allegedly made certain modifications to the easement area that the Fitzpatricks opposed. The Fitzpatricks claimed that the easement precluded the Kents from making the modifications, but the Kents asserted that the easement was unenforceable.

The Fitzpatricks and Kents filed cross-complaints in district court, each seeking to quiet title to the easement area. The district court granted the Kents' motion for summary judgment after concluding that the easement was invalid under the merger doctrine. The district court granted costs to the Kents but denied them attorney fees under Idaho Code section 12-121. The Fitzpatricks appealed the district court's summary judgment decision and the Kents appealed the district court's denial of their request for attorney fees.

The Supreme Court affirmed the district court's judgment on the grounds that one cannot have an easement in one's own lands. Therefore, no easement was ever created and the merger doctrine did not apply. The Supreme Court also upheld the district court's denial of the Kents' request for attorney fees, and declined to award the Kents attorney fees on appeal, based on its determination that the Fitzpatricks' arguments were made in good faith.