

SUMMARY STATEMENT

Owen v. Smith, Docket No. 47304

The Idaho Supreme Court affirmed a district court's decision granting summary judgment to Derik and Jessica Smith arising from a boundary dispute between the Smiths and Carl and Anita Owen. In 2018, the Smiths bought property next to the Owens. The Smiths then erected a fence along the boundary defined in a survey that was completed as part of their purchase agreement. The Owens disputed the boundary established by the 2018 survey and filed a complaint seeking damages for trespass, deprivation of real and personal property that was in the disputed area, loss in property value, and inability to inhabit and enjoy the property. The Smiths counterclaimed for quiet title and an easement guaranteeing them access to a buried irrigation pipeline that crossed the Owens' property. The parties each filed a motion for summary judgment. The district court granted the Smiths' motion for summary judgment, holding the Owens had no right, title or interest in the disputed property and that the Smiths were bona fide purchasers with superior claim to any land described in their deed. The court also granted the Smiths permanent easement rights to the irrigation pipeline. The court dismissed the Owens' claims for trespassing and conversion of personal property. The Idaho Supreme Court affirmed.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.