

## SUMMARY STATEMENT

### *Sommer v. Misty Valley, LLC, Docket No. 48007*

This appeal involved a dispute over the scope of an express easement. Jared and Katherine Sommer (“the Sommers”) brought a declaratory judgment claim against Misty Valley, LLC, after receiving written notice that the real estate developer planned to use an express easement across the Sommers’ land for access to a recently platted residential subdivision. The Sommers asserted that the planned use constituted an impermissible expansion of the scope of Misty Valley’s easement and brought a claim to terminate the easement. After motions and a bench trial, the district court ultimately rejected Mist Valley’s statute of limitations and quasi-estoppel defenses; concluded the deed creating the easement was unambiguous and only benefited one of Misty Valley’s four parcels; and rejected the Sommers’ request to terminate the easement. Both parties appealed, but the Idaho Supreme Court rejected each issue raised on appeal and cross-appeal.

First, the Court affirmed the district court’s rejection of Misty Valley’s statute of limitations defense under Idaho Code section 5-224. The Court explained that when a party files a claim for a declaratory judgment, courts must look to the underlying substance of the claim to determine the applicable statute of limitations. The underlying substance of the Sommers’ claim was an action to quiet title under Idaho Code section 6-401. The earliest date the Sommers’ action could accrue was in August 2017, when Misty Valley filed its preliminary plat application—making a claim “adverse to” the Sommers’ interests. The Sommers filed their complaint in August 2018, well within the four-year statute of limitations under section 5-224.

Second, the Court evaluated the language of the deed creating the easement, and determined it was neither patently nor latently ambiguous. The Court explained there was only one reasonable way to read the deed and Misty Valley’s extrinsic evidence of ambiguity could not be tied to any language within the deed itself. Thus, the Court affirmed the district court’s decision.

Third, the Court concluded that the district court abused its discretion in sanctioning Misty Valley (by excluding testimony at trial) without the support of substantial, competent evidence in the record of a discovery violation. However, the Court determined this error was harmless because it did not affect Misty Valley’s statute of limitations or quasi-estoppel defenses.

Fourth, the Court rejected the Sommers argument that the district court erred as a matter of law in declining to terminate the easement. The Court explained that even if it adopted the California rule proposed by the Sommers for when an express easement may be forfeited, the rule would not require Misty Valley to forfeit their express easement.

Finally, the Court determined the district court did not abuse its discretion when it held neither the Sommers nor Misty Valley was the prevailing party below. Moreover, on appeal, the Court concluded neither party was the prevailing party given the mixed results explained above. Thus, the Court denied fees and costs to both parties on appeal.

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