

## SUMMARY STATEMENT

*Alpha Mortgage v. Drinkard*, Docket No. 48424

This is an appeal challenging the propriety of an order renewing a judgment. Pheasant Run VI, LLC, Robert Drinkard, and Nancy Drinkard (collectively, “the Drinkards”) appeal from the district court’s order renewing a judgment for Alpha Mortgage Fund II (“Alpha”) in the amount of \$1,842,509.59. The Drinkards argue the district court erred when it granted Alpha’s motion to renew because Alpha had not recorded its most recent judgment.

The Idaho Supreme Court first held the Drinkards’ constitutional and judicial extinguishment arguments would not be addressed because they were not preserved below. In addition, the Court denied Alpha’s motion to strike background facts because Alpha moved to strike under a rule unsuited to appellate proceedings. Next, the Court affirmed the district court’s order granting Alpha’s motion to renew the Original Judgment. Finally, the Court awarded costs and attorney fees to Alpha against Vernon K. Smith personally, pursuant to I.A.R. 11.2(a) as a sanction for Mr. Smith’s frivolous pursuit of this 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.\*\*\****