

SUMMARY STATEMENT

Greenfield Family Trust v. Olive Fountain Land Co., LLC

Docket No. 48538

In a trespass case concerning improper construction of a road over an easement, the Idaho Supreme Court affirmed the district court's determination to award only nominal damages. Olive Fountain Land Company, LLC ("Olive Fountain") and Greenfield Family Trust ("Greenfield Trust") own neighboring properties along Lake Coeur d'Alene in Kootenai County. Following a four-day bench trial, the district court determined there was a willful and intentional trespass under Idaho Code section 6-202 when Olive Fountain improperly constructed a road across Greenfield Trust's property outside its easement boundaries. However, when addressing damages, the court found the testimonial evidence on property damages from Greenfield Trust's sole witness to be neither credible nor reasonable. As a result, the court only awarded \$50 in nominal damages.

On appeal, the Supreme Court affirmed the award of nominal damages, concluding that the district court's findings were based upon substantial and competent evidence. The only evidence presented on diminution of property value presented at trial came from a party who relied on data and representations of a third party, whose testimony concerning value was found to be unreasonable and speculative, and who was deemed to lack credibility. Accordingly, the district court did not err in awarding \$50 in damages.

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