

## **SUMMARY STATEMENT**

*Elsaesser v. Black Diamond Compost*

Docket No. 48720

Black Diamond Compost recorded a “Claim of Ownership” against property owned by the personal representative of the Estate of Victoria H. Smith. The personal representative claimed the Claim of Ownership created a cloud on the title to the property and sued to have it removed as a nonconsensual common law lien.

The Idaho Supreme Court affirmed the district court’s decisions (1) determining the Claim of Ownership filed by Black Diamond Compost to be a nonconsensual common law lien, (2) ordering the lien to be released and discharged, (3) imposing a \$5,000 civil penalty against Black Diamond Compost, and (4) awarding attorney fees to Elsaesser pursuant to Idaho Code section 45-811(4). The Idaho Supreme Court held that the Claim of Ownership fit squarely in the category of nonconsensual common law liens that Idaho Code section 45-811 was meant to protect against and awarded attorney fees and costs on appeal to the personal representative pursuant to Idaho Code section 45-811(4).

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