

**BOISE, THURSDAY, MAY 09, 2024, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 50835**

**KAREN CRANE,** )

**Plaintiff-Respondent-** )  
**Cross Appellant,** )

**v.** )

**CLESTON GODFREY, KRISTIE** )  
**GODFREY, TRI-C a Partnership, aka** )  
**TRI-C PTN; and all persons unknown** )  
**claiming any right, title, estate, lien or** )  
**interest in the real property described in** )  
**the complaint adverse to plaintiffs'** )  
**ownership or any cloud on plaintiff's title,** )

**Defendants-Appellants-** )  
**Cross Respondents.** )

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**CLESTON GODFREY, KRISTIE** )  
**GODFREY, TRI-C a Partnership, aka** )  
**TRI-C PTN; and all persons unknown** )  
**claiming any right, title, estate, lien or** )  
**interest in the real property described in** )  
**the complaint adverse to plaintiffs'** )  
**ownership or any cloud on plaintiff's title,** )

**Counterclaimants,** )

**v.** )

**KAREN CRANE and REX KELLER** )  
**CRANE, wife and husband, and all other** )  
**persons claim under them to the property** )  
**described in the counterclaim,** )

**Counterdefendants.** )

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Caribou County. Hon. Mitchell W. Brown, District Judge.

Hearn Law PLC; John J. Bulger and John B. Ingelstrom, Pocatello, for defendants-appellants-cross respondents.

Merrill & Merrill, Chartered; Kent A. Higgins, Pocatello, for plaintiff-respondent-cross appellant.

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Cleston Godfrey appeals from the district court's judgment dismissing his counterclaims for adverse possession and boundary by agreement. Godfrey argues the district court erred in concluding his mistaken belief as to the true boundary did not constitute an open, hostile, and notorious claim of adverse possession. For his boundary by agreement counterclaim, Godfrey argues the district court erred by improperly weighing the evidence. Specifically, he asserts that a long period of acquiescence by a landowner to another landowner's use of disputed property provides a factual basis for inferring boundary by agreement.

Karen Crane cross-appeals from the district court's judgment granting, in part, her claim for civil trespass damages, the judgment awarding to her but reducing an award of attorney fees and costs, and the judgment dismissing her claim of costs of survey as reasonable costs associated with investigating the trespass. For her trespass damages claim, Crane argues the district court erred by allowing the Godfreys to profit from the trespass. Next, Crane argues the district court abused its discretion by arbitrarily reducing the award of attorney fees from the amount she requested, and in doing so, prevented her from an opportunity to address the reduction of fees. Finally, Crane argues the district court erred in denying her costs of survey because it is manifestly impossible to bring a quiet title action over a disputed boundary without a survey. Both parties request attorney fees on appeal.