

SUMMARY STATEMENT

Easterling v. Clark
Docket No. 50939

This is the second appeal concerning Edward and Janice Easterling's efforts to secure an easement by necessity to their landlocked parcel. At the time the action began, the property was owned by HAL Pacific Properties, LP ("HAL"). In the first appeal (*Easterling I*), the Idaho Supreme Court ruled in a 3-2 decision that easements by necessity are subject to the "catch-all" statute of limitations (four years) set forth in Idaho Code section 5-224. The Court remanded the case to determine when the accrual date for the statute of limitations began. HAL then conveyed the property to Jeremiah and Amanda Clark ("the Clarks").

On remand, the district court concluded the Easterlings should have known of a claim adverse to their properties in 2004, so the four-year statute of limitations to bring a claim for an easement by necessity expired in 2008. Accordingly, the district court granted summary judgment to the Clarks. The Easterlings appealed, raising three arguments on appeal. First, they maintained HAL had waived their statute of limitations defense since it failed to raise it in their answer. Second, that the district court erred in awarding summary judgment to HAL and dismissing the case. Third, and most importantly for this appeal, they asked this Court to re-consider its prior decision in *Easterling I* regarding the applicability of a statute of limitations to an easement by necessity claim.

On appeal, the Idaho Supreme Court, again by a vote of 3-2, first ruled that HAL was not barred from raising the statute of limitations in the original appeal as a defense under Idaho Rule of Civil Procedure 8(c). Next, the Court addressed its authority to reconsider its prior decision in *Easterling I*. The Court reasoned that neither principles of res judicata nor the law of the case doctrine precluded it from reconsidering its earlier decisions in an ongoing case in order to correct a mistake of law. Next, reviewing the district court's initial decision on the easement claim, the Court reversed its prior ruling in *Easterling I* and held that easements implied by necessity are not subject to any statute of limitations because they arise at the time of severance. Accordingly, the Court ruled that the district court in *Easterling I* did not err in granting the Easterlings an easement by necessity to access their Northern, Southern, and Eastern Parcels.

Lastly, the Court addressed the district court's decisions setting the width and location of the easement. As a matter of first impression, the Court held that easements by necessity can be expanded beyond their historic use based on current necessity so long as the adjustment does not unreasonably burden the servient estate owners' use and enjoyment of their property. However, the Supreme Court ruled that the district court erred by determining the easement's location without affording both sides an opportunity to be heard on this issue. The Court remanded the case to the district court to ascertain the proper location of the easement.

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