

SUMMARY STATEMENT

Homes and Neighborhoods, LLC v. Mountain Air Resort, LLC

Docket No. 51009-2023

The Idaho Supreme Court dismissed the appeal for lack of standing. This case concerns whether a party that no longer has an ownership interest in real property has standing to challenge a judgment ordering the sale of the real property and the subsequent sheriff's sale.

Steven H. Larsen and LeAnne L. Larsen owned property in Kootenai County, Idaho. The Larsens deeded the property to Mountain Air Resort, LLC ("MAR"). MAR executed a promissory note in which MAR promised to repay Homes and Neighborhoods, LLC, and Copper River Funding, LLC (collectively referred to as "Copper"), \$1.1 million. The promissory note was secured by a deed of trust encumbering the property and was also personally guaranteed by the Larsens. MAR defaulted on the terms of the note and Copper filed suit against the Larsens and MAR. Through a series of transactions by MAR and the Larsens, the property was deeded to SLC Contracting, LLC, who is not a party to this appeal. The property was eventually purchased by Copper at a sheriff's sale. Copper recorded a sheriff's deed for the property.

The Larsens and MAR filed a motion to set aside the sheriff's sale. The district court denied the motion. The Larsens and MAR appealed. The parties stipulated to submit their arguments on the briefs.

The Idaho Supreme Court did not reach the merits of the case. The Court held that neither MAR or the Larsens had standing to bring the appeal because MAR and the Larsens conveyed all their interest in the resort property to SLC Contracting. The Court dismissed the 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.