

BOISE, FRIDAY, JUNE 12, 2020 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

LINDSEY WILSON,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47056
)	
SEAN MOCABEE)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Cynthia K.C. Meyer, District Judge.

Post Falls Law, Post Falls, for Appellant.

Bistline Law, PLLC, Coeur d'Alene, for Respondent.

Appellant Sean Mocabee and Respondent Lindsey Wilson began an intimate relationship in 2000. In 2013, after receiving a large inheritance, Wilson fully funded the purchase of a home in Kootenai County, Idaho. The deed to the home includes the names of both Wilson and Mocabee. Wilson and Mocabee split in 2017. Shortly thereafter, Wilson filed a complaint seeking quiet title, unlawful detainer¹ and partition of the home. Mocabee answered and counterclaimed seeking partition and for the court to declare Mocabee owned fifty percent of the home. Mocabee also moved for summary judgment arguing the statute of limitations barred Wilson's quiet title action. The court granted Mocabee's motion for summary judgment.

The case proceeded to trial on the partition action. Mocabee filed a motion in limine asking the court to exclude any evidence demonstrating Wilson did not intend to gift Mocabee a fifty percent interest in the home. The court denied the motion. The court then concluded Wilson owned one hundred percent interest in the home and partition of the home was unnecessary. Mocabee timely appealed arguing the district court erred in using partition statutes to deprive Mocabee of any interest in the home, the district court erred in denying Mocabee's motion in limine, and the district court erred in finding that Mocabee did not own a fifty percent interest in the home by way of gift from Wilson.

¹ Wilson voluntarily withdrew her unlawful detainer cause of action.