

BOISE, WEDNESDAY, JUNE 17, 2020 AT 11:10A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ROYAL VON PUCKETT,

Plaintiff-Appellant,

V.

Docket No. 47074

SHARON KAY BERGMANN,

fka SHARON KAY SMITH,

fka SHARON KAY NOVOTNY,

Defendant-Respondent.

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Jason D. Scott, District Judge.

Law Office of Vernon K. Smith, PC, Boise, for Appellant.

Swafford Law, PC, Idaho Falls, for Respondent.

Royal Von Puckett received a money judgment against Sharon K. Smith in November 1999, and has renewed the judgment against Smith several times since then. In November 2014, Puckett began proceedings to execute on the judgment by having the Ada County Sheriff sell Smith's rights as a judgment creditor in her divorce case, and Puckett won the bid for \$100. Smith then filed a motion to set aside the sale, which the district court granted. The court determined that the property description was inadequate and that the sale failed to yield a credit bid that would even cover the sheriff's fees, making the total judgment increase rather than decrease.

Soon after this judgment, Puckett filed a motion for reconsideration. Smith then filed for bankruptcy, which stayed the court proceedings for years. In 2019, the bankruptcy court issued an order for stay relief. The parties then renewed their briefing on Puckett's prior motion for reconsideration. The district court denied Puckett's motion. He timely appealed to the Idaho Supreme Court, arguing that the district court erred in setting aside the sheriff's sale.