

BOISE. MONDAY, APRIL 19, 2021, AT 10:00A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ALICIA GANGI, an individual,

Plaintiff-Appellant,

V.

Docket No. 48003

MARK W. DEBOLT and JANE DOE

DEBOLT, individuals,

Defendants-Respondents.

Appeal from the District Court of the First Judicial District of the State of Idaho,
Kootenai County. John T. Mitchell, District Judge.

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

Madsen Law Offices, PC, Coeur d'Alene, for Respondent.

Alicia Gangi brought a declaratory suit against her neighbors, Mark Debolt and Claire Humphrey (Debolt), who own the adjacent parcel to determine the parties' rights to the use and enjoyment of a water tank system and an arid deck that sits on top the system. The water tank system and above ground deck lie on Gangi's parcel but it only serves the Debolt parcel with water and the Debolt's have enjoyed exclusive use and enjoyment of the above ground deck. After the district court denied Gangi's motion for summary judgment, Gangi dismissed her own case with prejudice. Thereafter, Debolt sought attorney fees on the basis that both Gangi's and Debolt's predecessor in interest had a written and recorded agreement that the water system shall only service one single-family home per their two parcels. The agreement provided for attorney fees to the prevailing party if a suit was brought to enforce or interpret the agreement. On that basis, the district court granted Debolt's request for attorney fees. Gangi appeals the district court's decision to award attorney fees.