

SUMMARY STATEMENT

Terrell v. Paradis de Golf Holding, LLC

Docket No. 48570-2021

The Idaho Supreme Court reversed the district court's award of attorney fees to Paradis de Golf Holding, LLC under Idaho Code section 12-120(3). This case arose from a recreational easement dispute between the Terrells and Paradis. The Terrells purchased property for personal use as their residence that provided recreational easement rights to use a golf course owned at the time by Paradis. After arbitration proceedings, the district court awarded Paradis attorney fees under Idaho Code section 12-120(3) based on allegations in the Terrells' complaint.

On appeal, the Terrells argued that they had not alleged a commercial transaction in their complaint. Further, the Terrells maintained that they never entered into a commercial transaction; they simply purchased a home for personal use that included recreational easement rights.

The Supreme Court held that the district court erred in awarding attorney fees under section 12-120(3) because Paradis did not demonstrate that the Terrells had entered into a commercial transaction, nor did the Terrells allege in their complaint that they had entered into a commercial transaction. Accordingly, the Court reversed the district court's award of attorney fees to Paradis.

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