

## SUMMARY STATEMENT

*Aizpitarte v. Minear*, Docket No. 48773

This appeal arose from a dispute between neighbors about whether an easement had been established by prior existing use for an access driveway. Miguel and Janice Aizpitarte sued Michael and Laura Minear to quiet title and sought a declaratory judgment to recognize their right to an implied easement by prior use. They also sought injunctive relief enjoining the Minears from blocking access to the driveway. The Aizpitartes moved for summary judgment, which the district court granted. The district court concluded the Aizpitartes had an implied easement by prior use of the driveway crossing the Minear property to the Aizpitarte property. The Minears timely appealed. They argued the district court erred in granting summary judgment against them because there were genuine issues of material fact in the record. They also argued the scope of the easement recognized by the district court was too broad.

The Idaho Supreme Court affirmed the district court's decision granting summary judgment to the Aizpitartes and affirmed the district court's second amended judgment defining the scope of the Aizpitartes' easement. Neither party was awarded attorney fees on appeal, but the Court awarded the Aizpitartes costs as a matter of right.

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