

SUMMARY STATEMENT

Datum Construction, LLC v. RE Investment Co., Docket No. 49708

This appeal concerns the release of a mechanic's lien bond following the district court's finding that a foreclosure action had not been filed within six months under Idaho Code section 45-521. RE Investment Co., LLC, dba Pro Rentals & Sales ("Pro Rentals") appeals from the district court's judgment releasing the bond filed with the district court by Datum Construction, LLC ("Datum"). Pro Rentals argues that the district court erred in concluding that the bond should be released because Pro Rentals had not commenced an action to recover against the bond within six months. The Idaho Supreme Court reversed the district court's decision, holding that the district court erred in construing the mechanic's lien statute to create a six-month statute of limitations to file an action on a bond posted to release the lien. In reaching its decision, the Court explained that Idaho Code section 45-510 was inapplicable to this dispute because Pro Rentals' lien was released for all purposes by its posting a bond. Additionally, the Idaho Supreme Court recognized that Idaho Code section 5-219 provides the applicable statute of limitations to commence an action against the bond, which provided Pro Rentals with two years to bring its action.

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