

1 *Jeremy L. Bass, Pro Se*  
2 *1515 21<sup>st</sup> Ave*  
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6

7 **IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT**  
8 **FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY**

JEREMY L. BASS,

Plaintiff,

vs.

MICHAEL J. NEWELL, c/o IDEA Law  
Group, LLC, ESQ,  
CARRINGTON MORTGAGE SERVICES,  
LLC,  
BANK OF AMERICA, N.A.,  
RECONTRUST COMPANY, N.A.,  
DOE I-X

Defendants.

Case No. CV35221875

**MOTION FOR  
RECONSIDERATION  
OF TRO REQUEST  
OR REQUEST FOR  
PRELIMINARY INJUNCTION**

**DEMAND FOR JURY**

9  
10  
11 COMES NOW Plaintiff, JEREMY L. BASS (hereinafter "Mr.  
12 Bass"), and respectfully moves this Court for reconsideration of  
13 the previous denial of the temporary restraining order (TRO)  
14 and/or injunction, prohibiting Defendants, specifically Mr.  
15 Newell but including any other parties in this matter, from  
16 proceeding with the scheduled trustee's sale of the property  
17 located at **1515 21<sup>ST</sup> AVE. LEWISTON ID 83501-3926** (hereinafter  
18 "THE PROPERTY" or "HOUSE" fully described in further reading).  
19 As grounds for this request, Mr. Bass respectfully asks the  
20 Court to review the following arguments and legal authorities in

1 support of Mr. Bass' request: "The court may, by injunction, on  
2 good cause shown, restrain the party in possession from doing  
3 any act to the injury of real property during the foreclosure of  
4 a mortgage thereon, or after a sale on execution before a  
5 conveyance."

6 Pursuant to Idaho Code § 6-407 (2022), the court has the  
7 authority to issue an injunction to protect the owner's rights  
8 in real property during a foreclosure. Due to the ongoing  
9 dispute over the property's ownership, the defendant's status as  
10 a valid trustee is uncertain since the Defendant's right to hold  
11 such a sale is intrinsically linked with the status of the  
12 property's ownership, and therefore their authority to execute  
13 the sale is questionable. Allowing the sale to proceed would  
14 cause irreparable harm to the Plaintiff's property rights.

15 Therefore, the Plaintiff respectfully requests that the Court  
16 issue an injunction pursuant to Idaho Code § 6-407 to prevent  
17 the defendant from selling the property until final judgment is  
18 reached in this case, and to protect the Plaintiff's property  
19 rights during this dispute.

20  
21 Additionally, Idaho Code § 6-409 (2022) provides that

1 "An action for the recovery of real property against a person in  
2 possession cannot be prejudiced by any alienation made by such  
3 person, either before or after the commencement of the action."  
4

5 The purpose of ID Code § 6-409 is to prevent a defendant in a  
6 real property action from selling or transferring the property  
7 to a third party in order to defeat the plaintiff's claim to the  
8 property. In this case, the defendant has already attempted to  
9 sell the property, and allowing the sale to proceed could  
10 prejudice the Plaintiff's right to recover the property.

11 Therefore, the  
12

13 Plaintiff respectfully requests that the Court halt the sale  
14 until final judgment is reached in this case, in accordance with  
15 Idaho Code § 6-409 to ensure that the Plaintiff's right to  
16 recover the property is protected.  
17

18 Furthermore, Idaho Code § 6-418 (2022) provides that  
19 "The owner in the main action is entitled to an execution to put  
20 him in possession of his property in accordance with the  
21 provisions of this act, but not otherwise."  
22

1 This statute supports the Plaintiff's request for an injunction,  
2 as it confirms that the owner in the main action is entitled to  
3 possession of their property, and the Plaintiff is the owner in  
4 the main action. Allowing the sale to proceed would interfere  
5 with the Plaintiff's right to possession of their property.

6 Therefore, the Plaintiff respectfully requests that the Court  
7 issue an injunction in accordance with Idaho Code § 6-418 to  
8 prevent the defendant from selling the property and interfering  
9 with the Plaintiff's right to possession.

10  
11 WHEREFORE, the Plaintiff respectfully requests that this Court  
12 issue a temporary restraining order prohibiting the sale of the  
13 property located at 1515 ST AVE. LEWISTON ID 83501-3926, and any  
14 other relief the Court deems just and proper,

15  
16  
Dated this 24 day of March 2023.

Respectfully submitted,

Jeremy L. Bass  
Plaintiff/ Pro Se

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Signature

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND STRIKE SUMMONS AND COMPLAINT to Defendants on March 24th, 2023, at the following email address and postal address:

Email: mnewell@idealawgroupllc.com  
Postal: Michael J. Newell ISBA #1953  
IDEA Law Group, LLC  
4530 S. Eastern Ave., Ste. 10  
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C T CORPORATION SYSTEM  
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Postal: CARRINGTON MORTGAGE SERVICES  
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Jeremy L. Bass  
Plaintiff

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Signature