

1 *Jeremy L. Bass, Pro Se*  
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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 NEWELL, Esq at Idea Law Group, LLC,  
CARRINGTON MORTGAGE SERVICES, LLC,  
BANK OF AMERICA, N.A.,  
RECONTRUST COMPANY, N.A.

Defendants.

Case No. CV35221875

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

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

19  
20 Idaho Code § 6-407 (2022) provides that

21           *"The court may, by injunction, on good cause shown, restrain the party in possession*  
22           *from doing any act to the injury of real property during the foreclosure of a mortgage*  
23           *thereon, or after a sale on execution before a conveyance."*  
24

25 Pursuant to **Idaho Code § 6-407 (2022)**, the court has the authority to issue an injunction to  
26 protect the owner's rights in real property during a foreclosure. Due to the ongoing dispute  
27 over the property's ownership, the defendant's status as a valid trustee is uncertain since the  
28 Defendant's right to hold such a sale is intrinsically linked with the status of the property's  
29 ownership, and therefore their authority to execute the sale is questionable. Allowing the sale to  
30 proceed would cause irreparable harm to the Plaintiff's property rights. Therefore, the Plaintiff  
31 respectfully requests that the Court issue an injunction pursuant to **Idaho Code § 6-407** to  
32 prevent the defendant from selling the property until final judgment is reached in this case, and  
33 to protect the Plaintiff's property rights during this dispute.  
34

35           Additionally, **Idaho Code § 6-409 (2022)** provides that

36           *"An action for the recovery of real property against a person in possession cannot be*  
37           *prejudiced by any alienation made by such person, either before or after the*  
38           *commencement of the action."*  
39

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

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

Furthermore, **Idaho Code § 6-418 (2022)** provides that

*"The owner in the main action is entitled to an execution to put him in possession of his property in accordance with the provisions of this act, but not otherwise."*

This statute supports the Plaintiff's request for an injunction, as it confirms that the owner in the main action is entitled to possession of their property, and the Plaintiff is the owner in the main action. Allowing the sale to proceed would interfere with the Plaintiff's right to possession of their property. Therefore, the Plaintiff respectfully requests that the Court issue an injunction in accordance with **Idaho Code § 6-418** to prevent the defendant from selling the property and interfering with the Plaintiff's right to possession.

WHEREFORE, the Plaintiff respectfully requests that this Court issue a temporary restraining order prohibiting the sale of the property located at **1515 2<sup>ST</sup> AVE. LEWISTON ID 83501-3926**, and any other relief the Court deems just and proper.

Dated this 21 day of February 2023.

Respectfully submitted,

Jeremy L. Bass  
Plaintiff/ Pro Se

\_\_\_\_\_  
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 the Defendant on February 21, 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  
Las Vegas, NV 89119

Jeremy L. Bass  
Plaintiff

\_\_\_\_\_  
Signature

**ACKNOWLEDGMENT**

STATE OF IDAHO        )  
                              : ss.  
County of NEZ PERCE COUNTY    )

On the 21 day of FEBRUARY, 2023, before me, the undersigned Notary Public, personally appeared Jeremy Bass, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

\_\_\_\_\_  
Notary Public for Idaho

Residing at \_\_\_\_\_  
Commission Expires: \_\_\_\_\_