

IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

Jeremy L. Bass, Plaintiff,

vs.

BANK OF AMERICA, MICHAEL NEWELL, ESQ AT IDEA LAW GROUP LLC, and
CARRINGTON MORTGAGE,

Defendants.

CIVIL ACTION NO. CV 35221875

REQUEST FOR TEMPORARY RESTRAINING ORDER

Plaintiff Jeremy L. Bass respectfully requests that this Court issue a temporary restraining order (TRO) prohibiting Defendants from proceeding with the scheduled trustee's sale of the property located at 1515 21ST AVE. LEWISTON ID 83501-3926.

As grounds for this request arise from the Complaint and in summary Plaintiff alleges the following:

1. Plaintiff is the owner of the property located at 1515 21ST AVE. LEWISTON ID 83501-3926.
2. This is an action for declaratory relief, breach of contract, and violation of the Consumer Foreclosure Protection Act and the Fair Credit Reporting Act, arising out of the Defendants' efforts to sell the property located at 1515 21st Ave., Lewiston, Idaho 83501, which the Plaintiff owns and occupies as his primary residence.
3. The Defendants have scheduled the sale of the property for December 30, 2022.
4. The Plaintiff timely responded to the notice of default, but the address provided by the Defendants for the Plaintiff's response led to a forwarding loop that has been ongoing since September 1, 2022. Defendant Michael Newell, ESQ., was aware of this issue.
5. The Plaintiff has attempted to secure legal representation but has been unable to do so due to conflicts of interest.
6. The sale of the property would cause irreparable harm to the Plaintiff, as he would lose his home and his investment in the property.
7. There is no adequate remedy at law for the harm that the Plaintiff will suffer if the sale of the property is allowed to proceed.

8. The balance of hardships weighs heavily in favor of the Plaintiff, as the harm that he will suffer if the sale is allowed to proceed far outweighs any harm that the Defendants may suffer if the sale is prevented.
9. The public interest would be served by issuing a TRO, as it would prevent the sale of a home under disputed circumstances and protect the rights of the homeowner.
10. A temporary restraining order is necessary to preserve the status quo and prevent irreparable harm to the Plaintiff.
11. In light of the actions of the defendants, the Plaintiff is requesting that the TRO is set to 120 days in order to ensure that all respect due to all parties is able to be achieved without additional burdens.

WHEREFORE, Plaintiff respectfully requests that this Court issue a temporary restraining order prohibiting the sale of the property located at 1515 21ST AVE. LEWISTON ID 83501-3926, and any other relief the Court deems just and proper:

- A. Halting the trustee's sale of the property scheduled for December 30, 2022;
- B. Prohibiting the Defendants from proceeding with the sale of the property; and
- C. Setting the matter for a hearing on the plaintiff's request for a preliminary injunction within 120 days or until the matter can be heard on the merits, whichever is earlier.

DATED: December 27, 2022

Respectfully submitted,

_____ Date: _____

Jeremy L. Bass
Pro Se
1515 21st Ave.
Lewiston, Idaho 83501

Date: _____ Signed: _____

Judge

CLERK OF THE DISTRICT COURT

Date: _____ Signed: _____

Deputy Clerk

