

1 *Jeremy L. Bass, Pro Se*
2 *1515 2nd Ave*
3 *Lewiston, ID 83501-3926*
4 *Ph: 208-549-9584*
5 *Quantum.J.L.Bass@RAWdeal.io*

6
7 **IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT**
8 **FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY**

DPW Enterprises LLC and Mountain Prime 2018
LLC,

Plaintiff,

vs.

JEREMY L. BASS

Defendants.

Case No. CV35-24-1063
MOTION FOR STAY PENDING APPEAL

DEMAND FOR JURY

9
10 **I. INTRODUCTION**

11 Defendant Jeremy L. Bass, pro se, respectfully submits this Motion for Stay Pending
12 Appeal and requests that this Court halt all proceedings in this case pending the
13 resolution of the Defendant's forthcoming appeal. The interests of justice and equity
14 strongly favor granting this motion to avoid irreparable harm to the Defendant,
15 particularly where the equity at stake for the Defendant significantly exceeds the
16 plaintiffs' speculative interests.

17
18 **II. FACTUAL BACKGROUND**

19 The plaintiffs, DPW Enterprises LLC and Mountain Prime 2018 LLC, purchased the
20 subject property at an auction for \$160,000—a value significantly lower than the equity
21 Defendant Jeremy L. Bass holds in the property, which amounts to approximately

1 \$160,000 to \$170,000, based on previously calculated amortization schedules (See
2 EXHIBIT AE from prior filings).

3
4 Defendant Bass contends that the foreclosure sale was neither properly authorized
5 nor validly conducted. Idaho Code § 45-1506, Section 8 mandates that "The trustee shall
6 sell the property in one (1) parcel or in separate parcels at auction to the highest
7 bidder." The foreclosure auction in question was manipulated, preventing a lawful
8 auction to the highest bidder, and thus should be considered void. Moreover, "The
9 attorney for such trustee may conduct the sale and act in such sale as the auctioneer of
10 trustee," which only underscores the importance of a fair auction. The plaintiffs do not
11 qualify as bona fide purchasers, as they participated in this questionable auction,
12 undermining their claims to the property.

13
14 Denying the stay would cause the Defendant to lose both his home and the
15 substantial equity built over years of ownership, while forcing the Defendant to
16 undertake a separate lawsuit against the bank for wrongful foreclosure.

17
18 Defendant Bass is preparing to appeal to the Idaho Supreme Court regarding legal and
19 procedural errors in this case, specifically the validity of the foreclosure sale and
20 improper procedural conduct.

21 III. LEGAL AUTHORITY AND ARGUMENTS

1 1. Irreparable Harm to Defendant Bass

2 Denying this stay would result in immediate and irreparable harm to Defendant
3 Bass, including the loss of his home and approximately \$160,000 in equity. In
4 contrast, the plaintiffs' financial interests are secured by the property and would
5 not suffer significant injury due to a stay.

6
7 Courts have consistently recognized that the loss of a primary residence
8 constitutes irreparable harm. In *Dixon v. Thatcher*, 103 Nev. 414, 742 P.2d 1029
9 (1987), the Nevada Supreme Court held that the loss of a home through
10 foreclosure constitutes irreparable harm, emphasizing that compensatory
11 damages are inadequate when a home is at risk. Additionally, the court in
12 *Tompkins v. Jackson*, 2008 NY Slip Op 51285(U) [20 Misc 3d 1108(A)] (2008), ruled
13 that eviction from one's home results in considerable disruption and irreparable
14 harm, justifying the issuance of injunctive relief.

15
16 The balance of equities here overwhelmingly favors Defendant Bass, as the
17 harm to him—loss of his home and substantial equity—far exceeds any potential
18 financial injury to the plaintiffs, whose interests remain secured by the property
19 itself.

20
21 Moreover, Idaho Code § 6-418 affirms that the owner in the main action is
22 entitled to possession of their property: "The owner in the main action is entitled

1 to an execution to put him in possession of his property in accordance with the
2 provisions of this act, but not otherwise." This statute supports the Defendant's
3 request for a stay, as it confirms his right to possession of the property. Any
4 eviction would directly violate this entitlement. Therefore, Defendant Bass
5 respectfully requests that the Court stay the proceedings to preserve his rights
6 during the appeal.

7 8 2. Likelihood of Success on the Merits

9 Defendant Bass raises significant questions of law in his forthcoming appeal.
10 The foreclosure process, as conducted, violated Idaho Code § 45-1506, which
11 mandates that foreclosure auctions be publicly and fairly conducted. This ensures
12 that the trustee sells the property "at auction to the highest bidder" (Idaho Code §
13 45-1506, Section 8). Furthermore, the process was conducted without adherence to
14 these mandated auction procedures, with credible allegations of auction
15 manipulation and fraud undermining the sale's legitimacy (See EXHIBIT AE from
16 prior filings).

17 Other Idaho statutes, such as Idaho Code § 6-418, provide protections for
18 property owners, affirming that an owner in the main action is entitled to possession
19 unless proper procedures have been followed. These statutes bolster Defendant Bass's
20 claims that the foreclosure was not properly conducted, and his likelihood of success on
21 appeal supports issuing the stay.
22

3. Public Interest and Judicial Economy

The public interest heavily favors granting this stay, as it ensures that homeowners like Defendant Bass are not unjustly displaced. The substantial equity Defendant Bass holds in his home should not be lost without allowing the appeal to be fully considered. Moreover, the appeal raises critical legal questions regarding the fairness and transparency of foreclosure practices in Idaho.

Granting the stay also promotes judicial economy, as it avoids the risk of further proceedings being rendered moot if the appeal succeeds. Allowing the defendant to remain in possession of the property while preserving his equity protects all parties' rights and prevents unnecessary complications in the litigation process.

IV. CONCLUSION

For the reasons set forth above, Defendant Jeremy L. Bass respectfully requests that this Court grant a Stay of All Proceedings pending the resolution of the appeal. The harm caused to Defendant Bass by denying this motion significantly outweighs any speculative harm to the plaintiffs, and the public interest and principles of fairness support granting the stay.

TABLE OF AUTHORITIES

STATUTES:

Idaho Code § 45-1506	2, 4
Idaho Code § 6-418. Occupant of real estate — Owner's right to possession	3, 4

CASES:

Dixon v. Thatcher, 103 Nev. 414, 742 P.2d 1029 (1987)	3
Tompkins v. Jackson, 2008 NY Slip Op 51285(U) [20 Misc 3d 1108(A)] (2008)	3

Dated this 17 day of September 2024.

Respectfully submitted,
Jeremy L. Bass
Defendant/ Pro Se

Signature

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this MOTION TO DISMISS AND STRIKE SUMMONS AND COMPLAINT to Plaintiffs on September 17th, 2024, at the following email address and postal address:

Email: lewis@hwmlawfirm.com Postal: Lewis N. Stoddard, Bar No. 7766 Halliday, Watkins & Mann, P.C. 376 East 400 South, Suite 300 Salt Lake City, UT 84111	
---	--

Jeremy L. Bass
Defendant

Signature

ACKNOWLEDGMENT

STATE OF IDAHO)

: ss.

County of NEZ PERCE COUNTY)

On the 17 day of September, 2024, 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: _____