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

DPW ENTERPRISES LLC and MOUNTAIN PRIME
2018 LLC,

Plaintiff -Respondents,

v.

JEREMY L. BASS,

Defendant-Appellant,

and

DWAYNE PIKE, and CURRENT OCCUPANT, and
Unknown Parties in Possession of the real
property commonly known as 1515 21st Avenue,
Lewiston, Idaho 83501

Defendants,

Docket No. 52552-2024

Case No. CV35-24-1063

**[PROPOSED] ORDER GRANTING
MOTION TO WAIVE SUPERSEDEAS BOND**

THIS MATTER having come before the Court on Defendant-Appellant's *Motion to Waive
Supersedeas Bond*, and the Court having reviewed the motion, supporting memoranda, and
affidavit, and being fully advised in the premises, hereby finds and ORDERS as follows:

I. FINDINGS OF FACT

1. Defendant-Appellant has filed a timely appeal and Motion to Stay Judgment Pending Appeal.
2. The Court finds that:
 - a. Defendant-Appellant maintains ongoing financial obligations related to the subject property, including approximately \$600 monthly in property-related expenses;
 - b. The property's assessed value of \$306,545 substantially exceeds Plaintiffs-Respondents' purchase price of \$165,346.71;

- 1 c. Defendant-Appellant's continued maintenance of the property preserves its value
2 and protects all parties' interests;
3 d. Plaintiffs-Respondents maintain multiple avenues for recovery of their bid
4 amount through various channels independent of the property.

5 **II. CONCLUSIONS OF LAW**

- 6 1. Pursuant to *Idaho Appellate Rule 13(b)*, this Court has discretion to waive or modify
7 supersedeas bond requirements when equitable considerations warrant such action.
8 2. The circumstances of this case demonstrate that:
9 a. Plaintiffs-Respondents face minimal financial risk during the pendency of the
10 appeal;
11 b. Requiring a substantial bond would impose undue hardship on Defendant-
12 Appellant;
13 c. The equities favor waiver of the bond requirement.

14 **III. ORDER**

15 NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 16 1. Defendant-Appellant's Motion to Waive Supersedeas Bond is GRANTED
17 2. The requirement for posting a supersedeas bond is WAIVED.
18 3. This Order shall remain in effect until further order of this Court or final disposition of the
19 appeal.

Dated this ____ day of January 2025.

BY: _____
HONORABLE MICHELLE M. EVANS Signature
DISTRICT COURT JUDGE

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this *[PROPOSED] ORDER GRANTING MOTION TO WAIVE SUPERSEDEAS BOND* to Plaintiffs and Co-Defendant's counsel on January____, 2025, at the following email address and postal address:

Lewis N. Stoddard, Bar No. 7766 Email: lewis@hwmlawfirm.com [✓] Postal: Halliday, Watkins & Mann, P.C. [] 376 E 400 S, STE 300 Salt Lake City, UT 84111-2906	Ken Nagy - Idaho Legal Aid Services, Inc. <i>Counsel for Dwayne Pike</i> Email: kennagy@idaholegalaid.org [✓]
Jeremy L. Bass Email: quantum.j.l.bass@rawdeal.io [✓] Postal: 1515 21 st ave. [] Lewiston, Idaho 83501	

Deputy Clerk

Signature