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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,

vs.

Jeremy L. Bass, Dwayne Pike, and Current
occupant, and Unknown Parties in
Possession of the real property commonly
known as 1515 21st Avenue, Lewiston,
Idaho 83501

Defendants,

Jeremy L. Bass,

Defendant-Appellant

Case No. CV35-24-1063

NOTICE OF APPEAL

ORAL ARGUMENT REQUESTED

**TO: THE ABOVE-NAMED PLAINTIFFS, DPW ENTERPRISES LLC and MOUNTAIN PRIME 2018 LLC, and
THEIR ATTORNEYS, LEWIS N. STODDARD, AND THE CLERK OF THE DISTRICT COURT OF THE SECOND
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE:**

NOTICE IS HEREBY GIVEN THAT:

1. **Appellant:** The above-named Appellant, Defendant Jeremy L. Bass, perforce pro se,
appeals against the above-named Respondents, Plaintiffs, DPW ENTERPRISES LLC and
MOUNTAIN PRIME 2018 LLC, to the Idaho Supreme Court from:
 - The *Order Denying Defendant's Motion for Reconsideration*, entered on
December 16th, 2024;
 - The *Judgment Re: Jeremy Bass*, entered on December 16th, 2024;
 - The *Memorandum Opinion and Order on Plaintiffs' Motion for Summary
Judgment*, entered on November 5th, 2024; and

- The *Opinion and Order on Motion to Dismiss and Strike Summons and Complaint*, entered on October 18th, 2024,
in the above-entitled action, the Honorable Michelle M. Evans presiding.

2. Jurisdictional Statement:

- Appellant has the right to appeal to the Idaho Supreme Court pursuant to *Idaho Appellate Rules 11(a)(1)* and *17*.
- The orders described in paragraph 1 above are appealable as:
 - o The District Court has entered its *Judgment Re: Jeremy Bass* on December 16, 2024, accompanied by an *express Rule 54(b) Certificate* wherein the Honorable Michelle M. Evans certified that *"there is no just reason for the delay of the entry of a final judgment and that the Court has as does hereby direct that the above judgment or order shall be a final judgment upon which an appeal may be taken"*;
 - o Said Judgment constitutes a final judgment within the meaning of *Idaho Rule of Civil Procedure 54(b)* and *Idaho Appellate Rule 11(a)(1)*, having fully adjudicated all claims between Plaintiffs-Respondents and Defendant-Appellant Jeremy L. Bass;
 - o The antecedent interlocutory orders, including the *Memorandum Opinion and Order on Plaintiffs' Motion for Summary Judgment* entered November 5, 2024, and the *Opinion and Order on Motion to Dismiss and Strike Summons and Complaint* entered October 18, 2024, merge into and become appealable upon entry of the final judgment pursuant to established Idaho appellate jurisprudence.

- This *Notice of Appeal* is timely filed within forty-two (42) days from entry of the final judgment and *Rule 54(b) Certificate* as prescribed by *Idaho Appellate Rule 14(a)*.

3. PRELIMINARY STATEMENT OF ISSUES ON APPEAL:

Appellant intends to assert the following issues on appeal, without prejudice to assert additional issues as prescribed by *I.A.R. 17(f)*.

- WHETHER the District Court erred in its application of *Idaho Code § 45-1508* by:
 - o Misapplying the statutory protections afforded to bona fide purchasers in the context of substantive defects that void a foreclosure sale ab initio;
 - o Failing to distinguish between procedural deficiencies and substantive defects as established in *Baker v. Nationstar Mortg., LLC*;
 - o Misinterpreting the scope of statutory protections in instances of alleged auction irregularities.
- WHETHER the District Court's evidentiary determinations constitute reversible error regarding:
 - o The adequacy of circumstantial evidence pertaining to pre-printed checks matching auction bids;
 - o Documentary evidence and testimony alleging pre-coordinated bidding practices;
 - o Video evidence demonstrating auction irregularities and procedural deficiencies, with plaintiffs actively on the phone and being well informed in.

- WHETHER the District Court erred in its application of Idaho Rule of Civil Procedure 10(c) by:
 - o Declining to consider Defendant's Filings **Sections C, D, and E**, submitted on October 21th, 2024;
 - o Failing to incorporate explicitly referenced materials in the ***Motion for Reconsideration***.
- WHETHER the District Court's dismissal of evidence pertaining to trustee misconduct and auction irregularities constitutes an abuse of discretion under ***Idaho Code § 45-1506***.

(Note: The appellant reserves the right to assert additional issues on appeal.)

4. **Sealed Record:** No part of the record has been sealed.

5. **Transcript:**

- [✓] The appellant requests the preparation of the reporter's standard transcript as defined in ***Rule 25(c), I.A.R.*** in [✓] hard copy [✓] electronic format.
- The following proceedings are requested:
 - o Status Conference held on August 17th, 2024.
 - o Hearing on the ***Motion for Dismissal*** held on October 8th, 2024.
 - o Hearing on the ***Motion for Summary Judgment*** held on October 22nd, 2024.
 - o Hearing on the ***Defendant's Motion for Reconsideration*** held on December 6th, 2024;
- All other proceedings that may have occurred that is not already enumerated.

6. **Record:**

In addition to the standard record automatically included under *I.A.R. 28*, Appellant requests the following documents be included in the clerk's record:

- The appellant designates that the clerk's record shall include all pleadings, motions, memorandums, exhibits, affidavits, sur-replies and all other documents filed in the trial court, including:
 - o Defendant's Filings **Sections C, D, and E** (submitted October 21th, 2024);
 - o All video, audio, image, and text evidence submitted regarding auction proceedings;
 - o All affidavits and exhibits attached to any motions or responses;
 - o All correspondence regarding trustee conduct and auction procedures;
 - o Documentation pertaining to pre-printed checks and auction participation.

This designation is made to ensure that all filed documents, including those not accepted by the court, are reviewed by the appellate court.

7. **Exhibits:**

- The appellant requests the inclusion of all exhibits, charts, pictures and all forms offered or admitted as evidence during trial or hearings.

8. **Certification:**

- ☒ A copy of this notice of appeal has been served on the court reporter.
- ☐ The appellant is exempt from paying the estimated fees for preparation of the transcript and record due to financial reasons stated in the accompanying affidavit.
- ☒ All appellate filing fees have been paid.

- [✓] Service has been made upon all parties required to be served pursuant to

Rule 20, I.A.R.

Dated this 18th day of December 2024.

Respectfully submitted,

Jeremy L. Bass

Defendant-Appellant / Perforce Pro Se

Signature

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this **NOTICE OF APPEAL** to Plaintiffs and Co-Defendant's counsel on December 18th, 2024, at the following email address and postal address:

Email: lewis@hwmlawfirm.com [✓]	Ken Nagy
Postal: Lewis N. Stoddard, Bar No. 7766 [] Halliday, Watkins & Mann, P.C. 376 East 400 South, Suite 300 Salt Lake City, UT 84111	Idaho Legal Aid Services, Inc. Email: kennagy@idaholegalaid.org [✓] Counsel for Dwayne Pike

Jeremy L. Bass
Defendant-Appellant / Perforce Pro Se

Signature

ACKNOWLEDGMENT

STATE OF IDAHO)
: ss.

County of NEZ PERCE)

On the 18th day of December, 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: _____