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FILED

2025 JAN -2 P 5:01

CLERK OF THE DISTRICT COURT

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

DIANE ASH

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

MOTION TO WAIVE SUPERSEDEAS BOND

ORAL ARGUMENT REQUESTED

1 TO THE HONORABLE COURT:

2 COMES NOW the Defendant, Jeremy L. Bass, perforce pro se, pursuant to Idaho Appellate Rule
3 13(b), and respectfully moves this Court for an order waiving the requirement of a supersedeas
4 bond pending the resolution of the appeal filed in this matter. In support of this motion, the
5 Defendant states as follows:

6 **I. INTRODUCTION**

7 The Court's judgment of December 16th, 2024, has been timely appealed, and Defendant seeks
8 relief from the financial burden of posting a supersedeas bond to ensure meaningful access to
9 appellate review. Requiring such a bond would impose an insurmountable barrier to justice and
10 serve no legitimate protective purpose given the circumstances of this case. Furthermore, it would
11 be unduly punitive to Defendant, who has acted in good faith to maintain the property and uphold
12 all obligations.

II. BASIS FOR THE MOTION

1. Financial Hardship

As detailed in Defendant's Affidavit in Support of Motion to Stay, Defendant faces significant financial constraints, including property-related expenses, reduced rental income, and legal costs. Requiring a supersedeas bond would further exacerbate these challenges and obstruct Defendant's ability to pursue appellate relief.

2. Minimal Risk to Plaintiffs

The assessed value of the property (\$306,545) substantially exceeds Plaintiffs' purchase price (\$165,346.71). Defendant's ongoing maintenance ensures no diminution in value. Additionally, Plaintiffs have multiple avenues for recovery of their bid amount, as outlined in the affidavit.

3. Equitable Considerations

Defendant has demonstrated good faith, as described in the affidavit, by:

- a. Maintaining the property and preserving its value;
- b. Protecting tenant rights;
- c. Covering all property-related expenses to benefit Plaintiffs.

Requiring a bond would create undue financial hardship, obstruct meaningful appellate review, and constitute an unjust and punitive measure against Defendant while enabling unjust enrichment for Plaintiffs.

4. Public Interest

Granting this motion aligns with the public interest by:

- a. Ensuring fair access to appellate review in foreclosure disputes involving significant property rights;
- b. Promoting equitable treatment of vulnerable parties;

c. Preventing unnecessary financial barriers that undermine justice.

III. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests that this Court:

1. WAIVE the supersedeas bond requirement; or
2. In the alternative, set a nominal bond amount not exceeding \$1,000.00;
3. GRANT such other relief as this Court deems just and proper.

Dated this 2nd day of January 2025.

Respectfully submitted,

Jeremy L. Bass

Defendant-Appellant / Perforce Pro Se



Jeremy L. Bass

Signature

Defendant-Appellant / Perforce Pro Se

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this **MOTION TO WAIVE SUPERSEDEAS BOND** to Plaintiffs and Co-Defendant's counsel on January 2nd, 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.

Counsel for Dwayne Pike

Email: kennagy@idaholegalaid.org

☒



Jeremy L. Bass

Signature

Defendant-Appellant / Perforce Pro Se

CERTIFICATION AFFIDAVIT

STATE OF IDAHO)

: ss.

County of NEZ PERCE)

Jeremy L. Bass, being sworn, deposes and says:

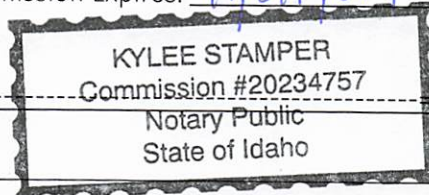
That the party is the appellant in the above-entitled appeal and that all statements in this notice of appeal are true and correct to the best of his knowledge and belief.

Jeremy L. Bass
Jeremy L. Bass Signature
Defendant-Appellant / Perforce Pro Se

Subscribed and Sworn to before me this 2nd, day of January, 2025.

Kylee Stamper
Notary Public for Idaho

Residing at Lewiston, Id Commission Expires: 11/21/29



ACKNOWLEDGMENT

STATE OF IDAHO)
: SS.
County of NEZ PERCE)

On the 2nd day of January, 2025, before me, the undersigned Notary Public, personally appeared Jeremy L. 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.

Kylee Stamper
Notary Public for Idaho

Residing at Lewiston, Id Commission Expires: 11/21/29

