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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

**MEMORANDUM IN SUPPORT
OF MOTION TO STAY**

ORAL ARGUMENT REQUESTED

I. INTRODUCTION

Defendant Jeremy L. Bass ("Defendant"), perforce pro se, submits this *Memorandum in Support of Motion to Stay*. This Court entered judgment against Defendant on December 16th, 2024, ordering enforcement against his property located at 1515 21st Avenue, Lewiston, Idaho. Defendant has filed a timely *Notice of Appeal* and now seeks a stay of enforcement pending appellate review pursuant to *Idaho Rule of Civil Procedure 62(d)* and *Idaho Appellate Rule 13(b)*.

II. LEGAL STANDARD

Under *Idaho Rule of Civil Procedure 62(d)*, the Court has the authority to stay the enforcement of a judgment pending appeal. *Idaho Appellate Rule 13(b)* further provides that a stay may be granted under such terms and conditions as the Court deems just. When determining whether to grant a stay, courts consider:

1. The likelihood of success on appeal;
2. The threat of irreparable harm to the movant if a stay is not granted;
3. The potential harm to the opposing party from granting the stay; and
4. The public interest.

III. ARGUMENT

1. Substantial Questions Are Raised on Appeal

The appeal raises significant legal questions concerning the validity of the foreclosure sale and compliance with Idaho Code §45-1508. Defendant's appeal challenges:

- a. Procedural irregularities and potential collusion at the trustee's sale, including pre-printed bid checks and improper notice;
- b. The failure of the foreclosure process to meet statutory and constitutional requirements, which voids the Plaintiffs' claim to the property; and
- c. The lack of bona fide purchaser protections due to substantive defects in the foreclosure sale process.

These issues are non-frivolous and warrant careful appellate review to ensure the fairness and integrity of Idaho's foreclosure system.

2. Irreparable Harm to Defendant

Absent a stay, Defendant will face:

- a. Immediate eviction from his primary residence, resulting in the loss of his home and disruption to his tenant's rights;
- b. Loss of over \$400,000 in equity in the property, which cannot be adequately compensated by monetary damages; and

- 1 c. Severe financial hardship caused by the enforcement of the judgment,
2 exacerbated by ongoing property-related expenses totaling approximately \$600
3 per month for utilities, taxes, and insurance.

4 These harms are irreparable and justify granting a stay to preserve the status quo during
5 the appellate process.

6 **3. Minimal Harm to Plaintiffs**

7 Granting a stay will impose minimal, if any, harm on Plaintiffs because:

- 8 a. Plaintiffs purchased the property at a trustee's sale for \$165,346.71, significantly
9 below its assessed value of \$306,545, and can recover their bid amount if the
10 appeal voids the sale;
11 b. Defendant's diligent maintenance of the property ensures its value is preserved,
12 protecting Plaintiffs from financial loss; and
13 c. A temporary delay in possession is unlikely to cause significant harm, particularly
14 given the ongoing care provided by Defendant.

15 **4. Public Interest Supports Granting a Stay**

16 The public interest is served by:

- 17 a. Ensuring meaningful access to appellate review, particularly in foreclosure
18 disputes involving significant property rights;
19 b. Promoting fairness and preventing unjust enrichment, as Plaintiffs would
20 otherwise benefit from Defendant's financial contributions to maintaining the
21 property; and
22 c. Preserving stability in property ownership while substantive legal issues are
23 resolved on appeal.

24 **VI. CONCLUSION**

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

Notary Public for Idaho

Residing at _____ Commission Expires: _____

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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.

Notary Public for Idaho

Residing at _____ Commission Expires: _____