*Jeremy L. Bass, Perforce Pro Se*

*1515 21st Ave*

*Lewiston, ID 83501-3926*

*Ph: 208-549-9584*

*Quantum.J.L.Bass@RAWdeal.io*

**IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT**

**FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY**

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| 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  RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO DEFENDANT JEREMY BASS’S MOTION FOR STAY AND MOTION TO WAIVE BOND  ORAL ARGUMENT REQUESTED |
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I. INTRODUCTION

Defendant Jeremy L. Bass ("Defendant"), perforce pro se, submits this response to Plaintiffs' Supplemental Memorandum in Opposition to Defendant’s Motion for Stay and Motion to Waive Bond. Plaintiffs’ filing is characterized by misstatements of fact, improper legal conclusions, and scandalous assertions intended to prejudice the Court. Defendant requests that this Court strike irrelevant and inflammatory material under Rule 12(f) of the Idaho Rules of Civil Procedure. Furthermore, Defendant reiterates the urgent need for relief through the granting of his motion for stay and waiver of bond, given his financial circumstances, the uninhabitable condition of the property, and Plaintiffs’ minimal risk of harm.

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:
   1. Procedural irregularities and potential collusion at the trustee’s sale, including pre-printed bid checks and improper notice;
   2. The failure of the foreclosure process to meet statutory and constitutional requirements, which voids the Plaintiffs' claim to the property; and
   3. 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.

1. Irreparable Harm to Defendant  
   Absent a stay, Defendant will face:
   1. Immediate eviction from his primary residence, resulting in the loss of his home and disruption to his tenant’s rights;
   2. Loss of over $400,000 in equity in the property, which cannot be adequately compensated by monetary damages; and
   3. Severe financial hardship caused by the enforcement of the judgment, exacerbated by ongoing property-related expenses totaling approximately $600 per month for utilities, taxes, and insurance.

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

1. **Minimal Harm to Plaintiffs**  
   Granting a stay will impose minimal, if any, harm on Plaintiffs because:
   1. Plaintiffs purchased the property at a trustee’s sale for $165,346.71, significantly below its assessed value of $306,545, and can recover their bid amount if the appeal voids the sale;
   2. Defendant’s diligent maintenance of the property ensures its value is preserved, protecting Plaintiffs from financial loss; and
   3. A temporary delay in possession is unlikely to cause significant harm, particularly given the ongoing care provided by Defendant.
2. **Public Interest Supports Granting a Stay**  
   The public interest is served by:
   1. Ensuring meaningful access to appellate review, particularly in foreclosure disputes involving significant property rights;
   2. Promoting fairness and preventing unjust enrichment, as Plaintiffs would otherwise benefit from Defendant’s financial contributions to maintaining the property; and
   3. Preserving stability in property ownership while substantive legal issues are resolved on appeal.

VI. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that this Court:

1. Grant Defendant’s Motion for Stay Pending Appeal.
2. Waive the Requirement for a Supersedeas Bond, recognizing the undue financial burden such a requirement would impose and the lack of substantial risk to Plaintiffs.
3. Strike Scandalous and Irrelevant Material from Plaintiffs’ Supplemental Memorandum pursuant to Idaho Rule of Civil Procedure 12(f).
4. Grant Any Other Relief deemed just and proper under the circumstances.

Dated this \_17th\_ day of January 2025.

Respectfully submitted,

Jeremy L. Bass

Defendant-Appellant / Perforce Pro Se

Jeremy L. Bass Signature

*Defendant-Appellant / Perforce Pro Se*

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**CERTIFICATE OF MAILING**

I certify that I have sent by email and first-class mail this RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO DEFENDANT JEREMY BASS’S MOTION FOR STAY AND MOTION TO WAIVE BOND to Plaintiffs and Co-Defendant’s counsel on January 17th, 2025, at the following email address and postal address:

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| 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*

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**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 Signature

*Defendant-Appellant / Perforce Pro Se*

Subscribed and Sworn to before me this 17th , day of January, 2025.

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*Notary Public for Idaho*

Residing at \_ Commission Expires: \_ \_

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**ACKNOWLEDGMENT**

STATE OF IDAHO )

: ss.

County of NEZ PERCE )

On the 17th 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.

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*Notary Public for Idaho*

Residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ Commission Expires: \_\_\_\_\_\_\_\_\_ \_\_