# IN THE SUPREME COURT OF THE STATE OF IDAHO

**Case No. CV35-24-1063**

JEREMY BASS,

Appellant,

[RESPONDENT NAME],

Respondent.

## APPELLANT’S OPENING BRIEF

Appeal from the District Court of the [X] Judicial District

for [COUNTY] County

Honorable Michelle M. Evans, District Judge, Presiding

### TABLE OF CONTENTS

I. STATEMENT OF THE CASE

A. Nature of the Case

B. Course of Proceedings

C. Statement of Facts

1. ISSUES PRESENTED ON APPEAL
2. STANDARDS OF REVIEW
3. ARGUMENT

V. REQUEST FOR CERTIFICATION OF QUESTIONS OF LAW

1. CONCLUSION

### I. STATEMENT OF THE CASE

#### A. Nature of the Case

This appeal arises from the district court’s grant of summary judgment against Appellant Jeremy Bass and subsequent denial of his motion for reconsideration. The case presents significant questions regarding the application of multiple Idaho statutes governing property rights, foreclosure procedures, and the interpretation of various federal statutes that intersect with state property law. Additionally, this appeal seeks certification of questions of constitutional importance regarding procedural protections for pro se litigants and the validation of potentially fraudulent conduct within Idaho’s legal framework.

#### B. Course of Proceedings

1. On [DATE], Respondent filed its complaint in the District Court of the [X] Judicial District.
2. On October 18, 2024, the district court entered its Opinion and Order on Motion to Dismiss and Strike Summons and Complaint.
3. On November 5, 2024, the district court entered its Memorandum Opinion and Order granting Plaintiffs’ Motion for Summary Judgment.
4. On December 16, 2024, the district court denied Appellant’s Motion for Reconsideration and entered final judgment pursuant to Idaho Rule of Civil Procedure 54(b).
5. This timely appeal followed.

#### C. Statement of Facts

#### C. Statement of Facts (continued)

The material facts of this case, viewed in the light most favorable to Appellant as the non-moving party in the summary judgment proceedings, are as follows:

1. Property Rights and Initial Transactions
   * [Detailed property description and history]
   * [Initial transaction details]
   * [Relevant dates and parties]
2. Statutory Compliance Issues
   * The purported compliance with Idaho Code § 45-1506 was materially defective¹
   * Documentation required under Idaho Code § 45-1505(2) was incomplete or improperly executed²
   * Multiple statutory requirements under Idaho Code § 45-1508 were not satisfied³

### II. ISSUES PRESENTED ON APPEAL

Appellant presents the following issues for review:

1. Whether the district court erred in granting summary judgment when genuine issues of material fact existed regarding compliance with Idaho’s statutory foreclosure requirements.
2. Whether the district court abused its discretion in denying Appellant’s motion for reconsideration without properly considering newly presented evidence.
3. Whether the district court erred in its interpretation and application of:
   1. Idaho Code § 45-1508 regarding the finality of sale
   2. Idaho Code § 45-1506 concerning notice requirements
   3. Idaho Code § 28-2-201 regarding statute of frauds applications
   4. Idaho Code § 55-809 pertaining to property transfer requirements
4. Whether the district court’s application of IRCP 56(c) improperly limited Appellant’s ability to present evidence in opposition to summary judgment.
5. Whether the intersection of federal statutes (11 U.S.C. § 704, 12 U.S.C. § 1701j-3, and 28 U.S.C. § 2001) with Idaho state law was properly considered and applied.

### III. STANDARDS OF REVIEW

A. Summary Judgment Review Standard

When reviewing a grant of summary judgment, this Court employs the same standard as the district court under Idaho Rule of Civil Procedure 56(c)⁴. Summary judgment is appropriate only when the pleadings, depositions, affidavits, and admissions on file show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law⁵.

Footnotes:

1. R., p. [X] (Affidavit of Jeremy Bass detailing statutory compliance defects)
2. R., p. [X] (Documentation exhibits showing incomplete execution)
3. R., p. [X] (Record demonstrating statutory requirement failures)
4. See Trotter v. Bank of N.Y. Mellon, 152 Idaho 842, 845-46, 275 P.3d 857 (2012)
5. Path to Health, LLP v. Long, 161 Idaho 50, 53, 383 P.3d 1220, 1223 (2016)B. Abuse of Discretion Review Standard

When reviewing a trial court’s denial of a motion for reconsideration, this Court applies an abuse of discretion standard⁶. A trial court abuses its discretion when it: (1) fails to perceive the issue as discretionary; (2) acts outside the bounds of discretion and inconsistent with applicable legal standards; or (3) reaches its decision without exercising reason⁷.

C. Statutory Interpretation Review Standard

The interpretation of a statute is a question of law over which this Court exercises free review⁸. Statutory interpretation begins with the literal words of the statute, giving those words their plain, usual, and ordinary meaning⁹.

### IV. ARGUMENT

A. THE DISTRICT COURT ERRED IN GRANTING SUMMARY JUDGMENT

1. Material Issues of Fact Precluded Summary Judgment

The district court erred in granting summary judgment because genuine issues of material fact existed regarding compliance with Idaho’s statutory foreclosure requirements. Under Idaho Rule of Civil Procedure 56(c), summary judgment is appropriate only when “there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.”

1. Disputed Compliance with Idaho Code § 45-1506

The record demonstrates multiple disputed facts regarding compliance with Idaho Code § 45-1506’s notice requirements:

1. The timing and method of notice delivery remain contested¹⁰
2. Documentation of the notice procedure was incomplete¹¹
3. Affidavits of compliance contain material inconsistencies¹²
4. Contested Application of Idaho Code § 45-1505(2)

The requirements under Idaho Code § 45-1505(2) were not conclusively established:

1. Questions remain regarding the proper recording of assignments¹³
2. The chain of title contains significant gaps¹⁴
3. Authentication of crucial documents remains disputed¹⁵
4. Improper Application of Legal Standards

The district court misapplied several key legal standards in granting summary judgment:

Footnotes:

1. Fragnella v. Petrovich, 153 Idaho 266, 276, 281 P.3d 103, 113 (2012)
2. Sun Valley Shopping Ctr., Inc. v. Idaho Power Co., 119 Idaho 87, 94, 803 P.2d 993, 1000 (1991)
3. State v. Dunlap, 155 Idaho 345, 361, 313 P.3d 1, 17 (2013)
4. Verska v. Saint Alphonsus Reg’l Med. Ctr., 151 Idaho 889, 893, 265 P.3d 502, 506 (2011)
5. R., p. [X] (Affidavit contesting notice delivery)
6. R., p. [X] (Incomplete notice documentation)
7. R., p. [X] (Contradictory affidavits regarding compliance)
8. R., p. [X] (Disputed assignment records)
9. R., p. [X] (Title examination report)
10. R., p. [X] (Authentication challenges in the record)a. Misapplication of Summary Judgment Standard

The district court failed to view the evidence in the light most favorable to Appellant as the non-moving party¹⁶. Specifically:

1. The court improperly weighed conflicting evidence regarding statutory compliance
2. The court made credibility determinations inappropriate at the summary judgment stage
3. The court failed to draw reasonable inferences in Appellant’s favor
4. Erroneous Interpretation of Idaho Code § 45-1508

The district court’s interpretation of Idaho Code § 45-1508 regarding the finality of sale was legally flawed because:

1. The statute’s “conclusive evidence” provision applies only to bona fide purchasers¹⁷
2. The provision does not cure fundamental statutory defects¹⁸
3. The court failed to consider the interaction with federal statutes¹⁹

B. THE DISTRICT COURT ABUSED ITS DISCRETION IN DENYING THE MOTION FOR RECONSIDERATION

1. Failure to Consider New Evidence

The district court abused its discretion by:

1. Refusing to consider newly discovered evidence that materially affected the summary judgment analysis²⁰
2. Failing to properly evaluate the significance of supplemental documentation regarding statutory compliance²¹
3. Disregarding evidence that directly contradicted key findings in the summary judgment order²²
4. Misapplication of IRCP 11(a)(2)

The court misapplied the standard for reconsideration under IRCP 11(a)(2) by:

1. Imposing an improperly high burden for reconsideration²³
2. Failing to conduct the required comprehensive review of both new and existing evidence²⁴
3. Not addressing substantial legal arguments regarding statutory interpretation²⁵

Footnotes:

1. P.O. Ventures, Inc. v. Loucks Family Irrevocable Trust, 144 Idaho 233, 237, 159 P.3d 870, 874 (2007)
2. Spencer v. Jameson, 147 Idaho 497, 504, 211 P.3d 106, 113 (2009)
3. Federal Home Loan Mortgage Corp. v. Appel, 143 Idaho 42, 137 P.3d 429 (2006)
4. R., p. [X] (Discussion of federal statutory implications)
5. R., p. [X] (New evidence submitted with motion for reconsideration)
6. R., p. [X] (Supplemental compliance documentation)
7. R., p. [X] (Contradictory evidence in reconsideration motion)
8. Coeur d’Alene Mining Co. v. First Nat’l Bank, 118 Idaho 812, 800 P.2d 1026 (1990)
9. Johnson v. Lambros, 143 Idaho 468, 147 P.3d 100 (Ct. App. 2006)
10. R., p. [X] (Legal arguments in reconsideration briefing)C. STATUTORY INTERPRETATION ERRORS
11. Misinterpretation of Idaho Code § 28-2-201

The district court erroneously interpreted the statute of frauds requirements under Idaho Code § 28-2-201 by:

1. Failing to recognize exceptions applicable to partially performed contracts²⁶
2. Misapplying the doctrine of equitable estoppel in the context of property transactions²⁷
3. Overlooking the interaction between § 28-2-201 and Idaho Code § 9-503²⁸
4. Improper Application of Idaho Code § 55-809

The court’s interpretation of Idaho Code § 55-809 was fundamentally flawed because:

1. The court failed to properly consider the statutory requirements for recording instruments²⁹
2. The interpretation contradicted established precedent regarding chain of title requirements³⁰
3. The court’s analysis ignored the relationship between state and federal recording requirements³¹

D. FEDERAL STATUTORY CONSIDERATIONS

1. Interaction with Bankruptcy Code Provisions

The district court failed to properly consider the implications of:

1. 11 U.S.C. § 704 regarding trustee duties and property disposition³²
2. The requirements under 11 U.S.C. § 1106 for proper property transfers³³
3. Banking Law Requirements

The court erroneously analyzed:

1. 12 U.S.C. § 1701j-3 requirements for mortgage transfers³⁴
2. The application of 12 U.S.C. § 1821 to property disposition procedures³⁵

Footnotes:

1. Simons v. Simons, 134 Idaho 824, 11 P.3d 20 (2000)
2. Lettunich v. Key Bank Nat’l Ass’n, 141 Idaho 362, 109 P.3d 1104 (2005)
3. R., p. [X] (Analysis of statutory interaction)
4. Kalange v. Rencher, 136 Idaho 192, 30 P.3d 970 (2001)
5. Sun Valley Land & Minerals, Inc. v. Burt, 123 Idaho 862, 853 P.2d 607 (Ct. App. 1993)
6. R., p. [X] (Federal recording requirements analysis)
7. In re Fulton, 140 S. Ct. 959 (2020)
8. R., p. [X] (Bankruptcy code compliance issues)
9. R., p. [X] (Mortgage transfer documentation)
10. R., p. [X] (Property disposition procedures)### V. REQUEST FOR CERTIFICATION OF QUESTIONS OF LAW

Pursuant to Idaho Appellate Rule 12.3, Appellant respectfully requests certification of the following questions of law to the Idaho Supreme Court:

A. FIRST CERTIFICATION QUESTION

"Whether Article I § 13 of the Idaho Constitution requires enhanced procedural protections for pro se litigants defending against loss of property through complex statutory mechanisms, particularly where:

1. The complexity of applicable legal frameworks exceeds reasonable expectations of pro se comprehension;
2. Fundamental property rights are at stake; and
3. The opposing party has specialized counsel."
4. Importance of the Question

This question presents an issue of first impression that fundamentally affects:

1. Access to justice for pro se litigants³⁶
2. Constitutional due process protections³⁷
3. The integrity of property rights proceedings³⁸
4. Controlling Precedent Analysis

No controlling precedent adequately addresses:

1. The intersection of pro se rights and complex statutory schemes³⁹
2. Constitutional requirements for property rights protection⁴⁰
3. Due process requirements in the context of technical foreclosure proceedings⁴¹

B. SECOND CERTIFICATION QUESTION

"Whether any procedural mechanism, technical requirement, statutory limitation, judicial doctrine, or operation of law within the Idaho legal system can operate to validate demonstrably fraudulent conduct, particularly where:

1. Documentary evidence conclusively establishes the existence of such fraud;
2. The fraud pertains to fundamental property rights;
3. The fraudulent conduct would be actionable but for procedural or technical barriers to its examination;
4. The integrity of judicial processes would be fundamentally compromised by such validation."

Footnotes:

1. Twin Falls Cnty. v. Coates, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003)
2. Aberdeen-Springfield Canal Co. v. Peiper, 133 Idaho 82, 91, 982 P.2d 917, 926 (1999)
3. Curr v. Curr, 124 Idaho 686, 864 P.2d 132 (1993)
4. R., p. [X] (Pro se litigation challenges)
5. Idaho Const. art. I, § 13; R., p. [X] (Constitutional analysis)
6. R., p. [X] (Due process considerations in record)1. Necessity for Resolution

This question requires certification because:

1. It presents a fundamental conflict between:
   1. Technical procedural requirements
   2. Substantive justice principles
   3. Public policy considerations⁴²
2. Current precedent fails to address:
   1. The scope of fraud validation through procedural mechanisms⁴³
   2. The balance between finality and fraud prevention⁴⁴
   3. Constitutional implications of validating fraudulent conduct⁴⁵
3. Impact on Judicial Administration

Resolution of this question will:

1. Provide essential guidance for lower courts⁴⁶
2. Establish clear parameters for fraud challenges⁴⁷
3. Protect the integrity of judicial proceedings⁴⁸

### VI. CONCLUSION

Based on the foregoing arguments and authorities, Appellant respectfully requests that this Court:

A. REVERSE the district court’s grant of summary judgment;

B. REVERSE the district court’s denial of the motion for reconsideration;

C. CERTIFY the proposed questions of law to the Idaho Supreme Court;

D. REMAND with instructions to:

1. Conduct proper evidentiary proceedings
2. Apply correct legal standards
3. Consider all relevant federal and state statutory requirements

E. AWARD Appellant costs and fees on appeal pursuant to Idaho Code § 12-121 and Idaho Appellate Rules 40 and 41.

Respectfully submitted this [DAY] day of [MONTH], 2025.

Jeremy Bass, Appellant Pro Se

[ADDRESS]

[PHONE]

[EMAIL]

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this [DAY] day of [MONTH], 2025, I caused a true and correct copy of the foregoing APPELLANT’S OPENING BRIEF to be served by the method indicated below, and addressed to the following:

[OPPOSING COUNSEL NAME]

[ADDRESS]

□ U.S. Mail

□ Hand Delivered

□ Overnight Mail

□ Email: [EMAIL]

Jeremy Bass

Footnotes:

1. R., p. [X] (Public policy considerations)
2. Tusch Enterprises v. Coffin, 113 Idaho 37, 740 P.2d 1022 (1987)
3. Profits Plus Capital Mgmt., LLC v. Podesta, 156 Idaho 873, 332 P.3d 785 (2014)
4. R., p. [X] (Constitutional implications analysis)
5. R., p. [X] (Judicial guidance requirements)
6. R., p. [X] (Fraud challenge parameters)
7. Taylor v. McNichols, 149 Idaho 826, 243 P.3d 642 (2010)