*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  [PROPOSED] ORDER GRANTING  MOTION TO WAIVE SUPERSEDEAS BOND |
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THIS MATTER having come before the Court on Defendant-Appellant's Motion to Waive Supersedeas Bond, and the Court having reviewed the motion, supporting memoranda, and affidavit, and being fully advised in the premises, hereby finds and ORDERS as follows:

I. FINDINGS OF FACT

1. Defendant-Appellant has filed a timely appeal and Motion to Stay Judgment Pending Appeal.
2. The Court finds that:
   1. Defendant-Appellant maintains ongoing financial obligations related to the subject property, including approximately $600 monthly in property-related expenses;
   2. The property's assessed value of $306,545 substantially exceeds Plaintiffs-Respondents' purchase price of $165,346.71;
   3. Defendant-Appellant's continued maintenance of the property preserves its value and protects all parties' interests;
   4. Plaintiffs-Respondents maintain multiple avenues for recovery of their bid amount through various channels independent of the property.

II. CONCLUSIONS OF LAW

1. Pursuant to Idaho Appellate Rule 13(b), this Court has discretion to waive or modify supersedeas bond requirements when equitable considerations warrant such action.
2. The circumstances of this case demonstrate that:
   1. Plaintiffs-Respondents face minimal financial risk during the pendency of the appeal;
   2. Requiring a substantial bond would impose undue hardship on Defendant-Appellant;
   3. The equities favor waiver of the bond requirement.

III. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Defendant-Appellant's Motion to Waive Supersedeas Bond is GRANTED
2. The requirement for posting a supersedeas bond is WAIVED.
3. This Order shall remain in effect until further order of this Court or final disposition of the appeal.

Dated this \_ \_ day of January 2025.

BY:

HONORABLE MICHELLE M. EVANS Signature

*DISTRICT COURT JUDGE*

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**CERTIFICATE OF MAILING**

I certify that I have sent by email and first-class mail this [PROPOSED] ORDER GRANTING MOTION TO WAIVE SUPERSEDEAS BOND to Plaintiffs and Co-Defendant’s counsel on January\_\_\_\_, 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  **Email:** quantum.j.l.bass@rawdeal.io [󰸞]  **Postal:** 1515 21st ave. [ ]  Lewiston, Idaho 83501 |  |

Deputy Clerk Signature