

BOISE, MONDAY, JUNE 4, 2018 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**GENESIS GOLF BUILDERS, INC., formerly)
known as National Golf Builders, Inc., a)
Nevada corporation,)**

Plaintiff,)

v.)

**PEND OREILLE BONNER)
DEVELOPMENT, LLC, a Nevada limited)
liability company, et al.,)**

Defendants-Third Party Defendant.)

Docket No. 44584

**_____)
VALIANT IDAHO, LLC, an Idaho limited)
liability company,)**

**Third Party Plaintiff-Cross)
Claimant-Respondent,)**

v.)

JV L.L.C. an Idaho limited liability company,)

**Defendant-Third Party Defendant-)
Cross Defendant-Appellant.)**

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

Finney Finney & Finney, P.A., Sandpoint, attorneys for appellant.

McConnell Wagner Sykes & Stacey, Boise, attorneys for respondent.

This is a foreclosure and lien priority case arising out of a failed golf course and residential development project in Bonner County known as the “Idaho Club” undertaken by Pend Oreille Bonner Development, LLC (“POBD”). POBD took out several loans to finance the development of the Idaho Club and subsequently defaulted on them, failed to pay mechanic and materialmen for their services, and failed to pay Bonner County real property taxes. On October 13, 2009, Genesis Golf Builders, Inc. (“Genesis”) filed a complaint, in part, alleging breach of

contract and sought to foreclose on its mechanic's and materialman's liens against POBD's property interest in the Idaho Club. In this complaint, Genesis Golf also named seventeen other individuals and entities as defendants that may have property interests in the Idaho Club.

During the course of this litigation, Valiant Idaho, LLC ("Valiant") was assigned three promissory notes with POBD that were secured by three mortgages that contained the Idaho Club as collateral. Valiant then moved for summary judgment seeking a judgment from the district court that its mortgages had priority over any other defendant's property interest in the Idaho Club—including JV, L.L.C. ("JV"). The district court granted Valiant's motion for summary judgment. JV appeals the grant of Valiant's motion for summary judgment, claiming the district court erred by not subrogating JV to Bonner County's right, title, claim, and interest based upon JV's tax redemption subrogation claim. JV also appeals the district court's award of discretionary costs and costs as a matter of right.