

STATE OF IDAHO } SS  
COUNTY OF BONNER }  
FILED: 8-18-00  
AT 10:10 O'CLOCK A M  
CLERK, DISTRICT COURT  
J M  
DEPUTY

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9 Attorneys for Plaintiffs

10 IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

12 LAWRENCE GUMENSKI and )  
13 JUDY M. GUMENSKI, husband and ) CASE NO. CV 97-01746  
14 wife, )  
15 Plaintiffs, ) JUDGMENT  
16 vs. )  
17 JAMES R. MCBRIDE and )  
18 KATHERINE MCBRIDE, husband )  
19 and wife, )  
Defendants. )

20 The Court having entered its Findings of Fact and  
21 Conclusions of Law on December 6, 1999, this Court now makes the  
22 following Orders, Judgment, and Decrees, and Judgment is hereby  
23 entered for the Plaintiffs as follows:

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that it was the  
25 intent of the developer filing the plat creating the easement  
26 corridors to permit a property owner such use of the easement  
27 corridor for access to the property as was reasonably necessary.  
28

JUDGMENT

1 IT IS FURTHER ORDERED that if the plaintiffs require a  
2 portion of that easement corridor in order to provide reasonable  
3 access to the lot, then the plaintiffs have the right to build an  
4 access road in that portion of the easement corridor reasonably  
5 necessary to accomplish that purpose.

6 IT IS FURTHER ORDERED that the plaintiffs, and their heirs,  
7 successors and assigns shall have a prescriptive easement over  
8 and across the driveway presently located on the property (Lot 2-  
9 A of Cape Horn Estates, County of Bonner, State of Idaho) owned  
10 by the defendants, or their heirs, successors and assigns in its  
11 existing location in order to access the property of the  
12 plaintiff (Lot 1-A of Cape Horn Estates, County of Bonner, State  
13 of Idaho).

14 IT IS FURTHER ORDERED that plaintiffs shall have the right  
15 to use the existing easement corridor north of the existing  
16 driveway to improve access to their existing driveway.

17 IT IS FURTHER ORDERED that the Court hereby incorporates by  
18 reference its findings of fact and conclusions of law into this  
19 judgment.

20 IT IS FURTHER ORDERED that a conformed copy of this judgment  
21 shall be forwarded to each of the parties through their attorneys  
22 of record, or to their last known address:

23 Plaintiffs:  
24 Lawrence Gumenski  
25 and Judy M. Gumenski  
26 c/o Harold B. Smith  
Attorney at Law  
P.O. Box 2083  
Coeur d'Alene, ID 83816

Defendants:  
James R. McBride  
and Katherine McBride  
c/o Patrick E. Miller  
Attorney at Law  
P.O. Box E  
Coeur d'Alene, ID 83816

27  
28 JUDGMENT

1 DATED this 18 day of August, 2000.

2  
3 Charles W. Hosack  
4 Charles W. Hosack,  
District Judge

5  
6  
7  
8 CERTIFICATE OF SERVICE:

9 I hereby certify that a true and correct copy of the  
10 foregoing was served by the method indicated below on the 18  
day of August, 2000, to:

11 Patrick E. Miller  
12 Attorney at Law  
13 816 Sherman Avenue  
P.O. Box E  
14 Coeur d'Alene, ID 83816-0328  
FAX: (208) 664-6338

15 Harold B. Smith, Chartered  
16 Attorney at Law  
715 Lakeside Avenue  
17 P.O. Box 2083  
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- 18  U.S. Mail  
19  Hand delivery  
 Facsimile transmission (FAX)  
20  Federal Express

21  
22 Barbara J. Smith  
23 clerk Scott to Judge Hosack  
24

25  
26  
27  
28 JUDGMENT