

ORIGINAL

FILED

04/24/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 18-0677

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 18-0677

WILLIAM M. RUSSELL,

Plaintiff and Appellant,

v.

360 Reclaim, LLC, a Montana Limited
Liability Company; and KS VENTURES,
LLC, an Arizona Limited Liability Company,

Defendants and Appellees.

FILED

APR 24 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Through counsel, Appellee KS Ventures, LLC (KS Ventures) has filed a motion to dismiss, stating KS Ventures is not a party in this proceeding. Self-represented Appellant William M. Russell appeals a November 1, 2018 Order Granting Defendant 360 Reclaim, LLC's Motion to Dismiss, issued in the Eleventh Judicial District Court, Flathead County. Russell has acknowledged in his opening brief that he never personally served KS Ventures, because counsel for KS Ventures refused service on its behalf.

In a separate proceeding, KS Ventures had sought a collection and judicial foreclosure action against Russell because of his default on a loan agreement with KS Ventures, and this Court affirmed the District Court granting summary judgment in favor of KS Ventures against Russell. *KS Ventures, LLC v. Russell, et al.*, No. DA 18-0238, 2019 MT 4N, ¶¶ 2, 14-17, 2019 Mont. LEXIS 8.

However, KS Ventures is not a party to this appeal. In the underlying proceeding, a notice and acknowledgment of summons and complaint was filed on behalf of Defendant 360 Reclaim, LLC in August 14, 2018. No summons was returned or filed on behalf of KS Ventures. The parties in this appeal are Appellant Russell, the former debtor, and Appellee 360 Reclaim, LLC, which purchased the real property parcel in the foreclosure action.

Accordingly,

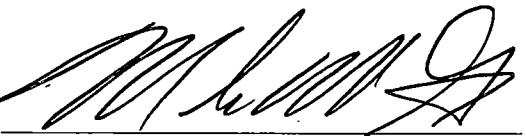
IT IS ORDERED that Appellee's Motion to Dismiss KS Ventures, LLC from Appeal is GRANTED. KS Ventures, LLC is not a party in this appeal.

IT IS FURTHER ORDERED that the Clerk of the Supreme Court is DIRECTED to AMEND the caption as follows: *William M. Russell, Plaintiff and Appellant, v. 360 Reclaim, LLC, a Montana Limited Liability Company, Defendant and Appellee.*

The Clerk is also directed to provide a copy of this Order to counsel of record and to William M. Russell personally.

DATED this 27th day of April, 2019.

For the Court,

By 
Chief Justice