

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA-22-0358

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DAVID LOCKHART AND DOREEN LOCKHART  
Plaintiffs-Appellants-Cross-Appellees,  
v.  
WESTVIEW MOBILE HOME PARK.  
Defendant-Appellee-Cross-Appellant.

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**MONTANA ASSOCIATION OF REALTORS® MOTION FOR LEAVE TO  
FILE *AMICUS CURIAE* BRIEF**

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On Appeal from the Montana Fourth Judicial District Court  
Missoula County  
Cause No. DV-32-2022-0000545  
Honorable Shane Vannatta

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The Montana Association of REALTORS<sup>®</sup>, Inc. (“MAR”) respectfully requests leave to submit an *amicus curiae* brief in this matter, pursuant to Mont. R. App. P. 12(7). In support of its motion, MAR states the following:

**1. MAR’s Interest**

MAR is an association of Montana real estate professionals. A portion of MAR’s membership is made up of property managers, including property managers of mobile home parks. MAR’s mission is to advocate for and enhance the professionalism of its members, protect private property rights and support Montana communities. MAR is acutely interested in this case because its resolution may have far-reaching impacts on the manner in which its members have understood and followed Montana law relative to the management of mobile home parks, and the manner in which its members have entered into and understood contractual relationships relative to mobile home parks, including their purchase and sale. More broadly, MAR and its members are interested in protecting private property rights and advocating for the consistent and predictable interpretation of legal obligations in the Montana real estate market.

**2. The issue on which MAR wishes to submit an *amicus* brief**

The issue on which MAR wishes to file an *amicus* brief is whether the Montana Residential Mobile Home Lot Rental Act, Mont. Code Ann. § 70-33-101, *et seq.*, prohibits a lease from being terminated at the expiration of its own term, and the consequences that would follow from such a prohibition for private property owners and real estate professionals in Montana.

**3. The reason an *amici* brief is desirable**

Allowing the MAR to file an *amicus curiae* brief would be desirable because MAR can present a unique perspective and relevant context that may assist the Court in reaching a decision. More specifically, although MAR's interpretation of the relevant statutory provisions may align with that of the Appellee, MAR can offer a broader perspective of the underlying policies in play and the likely effects of a decision that would further limit the ability of mobile park owners to terminate a lease.

**4. Identity of the party whose position MAR supports**

MAR supports the position of Defendant-Appellee-Cross-Appellant Westview Mobile Home Park ("Westview").

**5. The parties' position regarding MAR's participation as *amicus***

Plaintiffs-Appellants-Cross-Appellees oppose MAR's motion. Westview does not oppose MAR's participation as *amicus*.

**6. The date on which MAR's *amici curiae* brief can be filed**

MAR plans to file the *amicus* brief on or before the date Westview's brief is due. MAR has been informed that Westview will seek a 30-day extension of the current due date of November 11, 2022, and MAR will file its brief on or before the extended deadline.

**CONCLUSION**

For the reasons above, MAR respectfully request the Court grant it leave to file an *amicus curiae* brief in this matter.

DATED this 22nd day of November, 2022.

BOONE KARLBERG P.C.

/s/ James A. Bowditch

James A. Bowditch

*Attorneys for Amicus Curiae Montana  
Association of REALTORS®*

## **CERTIFICATE OF SERVICE**

I, James A Bowditch, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 11-22-2022:

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Electronically signed by Kate Palmer on behalf of James A Bowditch  
Dated: 11-22-2022