

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court No. DA 23-0728

GBSB HOLDING, LLC,

Plaintiff and Appellant,

v.

FLATHEAD COUNTY BOARD OF COUNTY COMMISSIONERS AND
FLATHEAD COUNTY, MONTANA; WHITEFISH VILLAGE, LLC; WILLIAM
F. OSWALD AND JULIANA M. OSWALD, Co-Trustees of the Oswald Family
Trust dated May 23, 2016; SEAN PATRICK JAMES AND KRISTIN PATRICIA
BELL; WHITEFISH HILLS VILLAGE HOMEOWNERS ASSOCIATION, INC.;
and JOHN DOES 1 and 2,

Defendants and Appellees.

On Appeal from The Montana Eleventh Judicial District Court
Consolidated Cause Nos. DV-20-995(A) and DV-21-206(D)
Filed in DV-20-995(A)
The Honorable Amy Eddy

ANSWER BRIEF OF APPELLEES
WILLIAM F. OSWALD AND JULIANA M. OSWALD, Co-Trustees of the
Oswald Family Trust Dated May 23, 2016, SEAN PATRICK JAMES,
KRISTIN PATRICIA BELL, and SCOTT C. MARTIN AND RIKKI ANN
MARTIN, Trustees of the Scott and Rikki Martin Family Trust
Dated July 15, 1998

Appearances:

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*Trustees of the Oswald Family Trust
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James, Kristin Patricia Bell, and Scott
C. Martin and Rikki Ann Martin,
Trustees of the Scott and Rikki Martin
Family Trust dated July 15, 1998*

Appellees William F. Oswald and Juliana M. Oswald, Co-Trustees of the
Oswald Family Trust dated May 23, 2016, Sean Patrick James, Kristin Patricia
Bell, and Scott C. Martin and Rikki Ann Martin, Trustees of the Scott and Rikki
Martin Family Trust dated July 15, 1998, hereby adopt and incorporate herein the
Answer Brief filed by Appellee Flathead County.

Dated this 24th day of July 2024.

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and Rikki Ann Martin, Trustees of the
Scott and Rikki Martin Family Trust
dated July 15, 1998*

CERTIFICATE OF COMPLIANCE

Under Rule 11 of the Montana Rules of Appellate Procedure, I certify that this Brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Microsoft Word is 58 words, not averaging more than 280 words per page, excluding the certificate of service and certificate of compliance.

Dated this 24th day of July 2024.

/s/Dana L. Hupp

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CERTIFICATE OF SERVICE

I certify that on July 24th, 2024, I served a copy of the preceding document by U.S. mail and email on the following:

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I, Dana Lynn Hupp, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellee's Response to the following on 07-24-2024:

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Electronically signed by Lane E. Hanson on behalf of Dana Lynn Hupp

Dated: 07-24-2024