

ORIGINAL

FILED

08/20/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0463

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0463

KASCO OF IDAHO, L.L.C.,
an Idaho Limited Company
and KEITH A. SIMS,

Petitioners and Appellees,

v.

TRINA MARIE WELCH,

Respondent and Appellant.

ORDER

FILED

AUG 20 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Trina Marie Welch has filed a petition for an out-of-time appeal of an Entry of Foreign Judgment filed January 16, 2024, in the Fourth Judicial District Court, Mineral County. Welch states that she improperly filed a Notice of Appeal in the Mineral County District Court. She includes pleadings from several courts.

Pursuant to Montana's Uniform Enforcement of Foreign Judgment Act, § 25-9-501 to § 25-9-508, MCA, counsel for Petitioner Kasco of Idaho, L.L.C. (Kasco) petitioned for entry of an Idaho judgment and filed the necessary corresponding affidavit. In the affidavit, Kasco represents that Welch owns real and personal property in Mineral County, Montana, and that Kasco was awarded a civil judgment in the amount of \$2,674,338.00 against Welch on October 10, 2023, from the District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone (Case No. CV40-19-0372). Kasco included a copy of the December 1, 2023 Amended Judgment. On May 30, 2024, the Supreme Court of the State of Idaho reinstated the appeal of the underlying case from the First Judicial District.

We also observe that the Mineral County District Court has a civil proceeding pending (Cause No. DV-24-4), but it does not appear the matter has concluded. That civil matter concerns the division of personal property belonging to Welch's spouse and adult son. The District Court held a hearing in April 2024.

M. R. App. P. 4(6) allows this Court to grant an out-of-time appeal “[i]n the infrequent harsh case and under extraordinary circumstances amounting to a gross miscarriage of justice[.]” “Extraordinary circumstances do not include mere mistake, inadvertence, or excusable neglect.” M. R. App. P. 4(6).

Welch does not present a final judgment issued from a Montana court. M. R. App. P. 4(5)(a)(i). An entry of a foreign judgment entitles a creditor “to full faith and credit in this state” of a judgment it has received. Section 25-9-503, MCA. The judgment debtor is to receive notice and may seek a stay pending appeal from the foreign judgment. Section 25-9-505, MCA. However, Welch is not entitled to an out-of-time appeal of an Entry of Foreign Judgment in this Court as Welch already has an appeal proceeding in the Supreme Court of the State of Idaho. Further, Welch has not presented us with a final order dividing her property in the Mineral County matter. Therefore,

IT IS ORDERED that Welch’s Petition for Out-of-Time Appeal is DENIED and DISMISSED.

IT IS FURTHER ORDERED that this matter is CLOSED as of this Order’s date.

The Clerk is directed to provide a copy of this Order to counsel of record and to Trian Marie Welch.

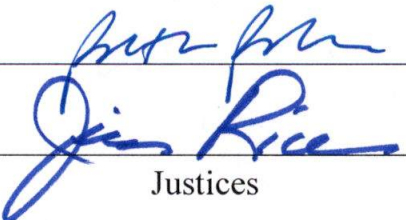
DATED this 20 day of August, 2024.



Chief Justice







Justices