

Loomis v. Messersmith

Case Number

A-14-0559

Call Date

May 13, 2015

Case Time

9:00 AM

Case Audio

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Case Summary

A-14-0559, Loomis v. Messersmith (Appellants)

Hayes County, District Judge David W. Urbom

Attorney for Appellants: James R. Korth and Trevor Perkins (Reynolds, Korth & Samuelson, P.C., L.L.O.)

Attorney for Appellees: Brock D. Wurl (Norman, Paloucek & Herman Law Offices)

Civil Action: Ejection/Fraud

Action Taken by Trial Court: The district court granted summary judgment in favor of the Loomises on their action to eject the Messersmiths from property sold by the Messersmiths to the Loomises, and on the Messersmiths' counterclaims for fraudulent inducement and misrepresentation, breach of contract, and unjust enrichment.

Assignments of Error on Appeal: The Messersmiths assign that the district court erred in (1) granting summary judgment in favor of the Loomises because genuine issues of material fact existed regarding their counterclaims; (2) excluding certain evidence as hearsay offered by the Messersmiths to show an oral agreement between the parties existed to permit the Messersmiths to buy back their property; (3) concluding the Loomises did not acquire title to the real property through fraudulent inducement, misrepresentation, or abuse of relationship; (4) determining that an oral buy back agreement did not satisfy the statute of frauds; and (5) finding that the written real estate agreement executed between the parties precluded a finding that the parties entered into a contemporaneous oral buyback agreement.

Case Location

North Platte

Panel Text

Moore, Chief Judge, Pirtle, and Bishop, Judges
