

*Jon Stenquist is an experienced commercial and real estate attorney. His practice focuses on problem solving through transactional and litigation solutions.*



## Jon A. Stenquist

Shareholder | Idaho Falls

### Biography

Jon Stenquist is a commercial and real estate attorney with more than 20 years of experience. He began his legal career in Houston, Texas, where he represented large clients in complex legal disputes and transactions.

Mr. Stenquist's varied experience has provided him with a unique and valuable perspective in addressing commercial contracts, complex real estate transactions and dispute resolution. As such, he is an outstanding resource for small and large companies requiring outside general counsel.

Jon is recognized as an effective advocate who has a deep understanding of the process and economics of litigation. This expertise allows him to provide his clients with both strategic guidance and confidence in addressing their legal needs and business objectives.

### Contact information

208.528.5228

[jstenquist@parsonsbehle.com](mailto:jstenquist@parsonsbehle.com)

### Capabilities

Business & Commercial Litigation  
Healthcare  
Banking & Financial Services  
Mergers & Acquisitions  
Real Estate Litigation  
Financial Institution Litigation  
Mortgage Servicing Litigation

### Licensed/Admitted

Idaho  
Utah  
Wyoming  
Texas  
U.S. Court of Appeals, 1st Circuit  
U.S. Court of Appeals, 9th Circuit

## Experience

### **Idaho Supreme Court - Successful Establishment of Prescriptive Easement**

Successfully established a prescriptive easement across multiple properties. Initially losing at trial, the Idaho Supreme Court reversed and remanded the case to the district court which granted roadway access to an 80-acre parcel via a prescriptive easement. This important decision clarified that one of the key elements of a prescriptive easement - “adverse and under a claim of right,” is a legal element, not a practical one. Because the owners of the two properties had been friends for generations, the trial court initially held that permission was implied. However, plaintiff was able to show that the use was legally adverse, albeit friendly. The Supreme Court decision also clarifies and discusses the various circumstances in which the parties bear the burden of proof of the necessary elements of prescriptive easements.

### **Idaho Supreme Court – Successful Trial Verdict and Successful Appeal**

Parsons Behle & Latimer represented a cattle rancher who brought claims against a neighboring rancher for property damage, trespass, fence construction costs (Idaho Code section 35-103) and intentional driving of cattle onto the client’s land to graze without compensation. Parsons also successfully defended against the neighbor’s counterclaims, including a claim for prescriptive easement across the client’s lands. As the Supreme Court put it “This litigation stems from the contentious relationship between adjacent landowners over subjects as old as the American West: land, cattle, and fence lines.” On appeal, Parsons successfully obtained a reversal of the District Court who failed to award overgrazing damages, and successfully defended against the defendants’ issues raised on appeal.

### **Idaho Supreme Court – Successful Defense of Lender Liability Claims**

Represented Chase Bank and successfully obtained summary judgment against claimants who raised multiple counterclaims including bad faith and predatory lending. The Supreme Court upheld the district court granting the lender’s motion for summary judgment and denied the borrowers’ motion to amend the counterclaims to add a fraud claim. The Supreme Court awarded Chase attorney fees on appeal.

### **Idaho Supreme Court – Successful Defense of Real Property Quiet Title Claims**

A landowner brought suit against Parsons Behle & Latimer’s lender client to extinguish a deed of trust that was recorded against the landowner’s property. The landowner claimed that the lender’s time to foreclose the deed of trust had expired. The district court denied a motion to enter default judgment in favor of the landowner, finding, among other things, that the statute of limitations to foreclose the deed of trust had not run. The district court entered a judgment dismissing the landowner’s suit. The Supreme Court affirmed the district court’s judgment.

### **Idaho Supreme Court – Successful Defense of Claims of Regulatory Violations (12 C.F.R. § 1024.41(g) – Regulation X)**

Represented US Bank obtaining a judgment and prevailing on appeal to the Idaho Supreme Court. After the borrower defaulted on her Sun Valley vacation property. The borrower initiated against U.S. Bank to enjoin the foreclosure sale based on allegations of regulatory and technical sale violations. Cost and fees awarded to client.

**Idaho Guide and Outfitting Properties**

Representing various buyers and sellers of multiple fishing and hunting lodge properties. Successfully negotiated, documented and steered clients through the complex issues surrounding the purchasing and licensing process of recreational properties tied to guide licenses. Worked with the Idaho Guide Licensing Board (IGOLB), Bureau of Land Management (BLM), and US Forest Service to ensure these transactions are successfully closed.

**9th Circuit Bankruptcy Appellate Panel – Successful Defense of Debtor’s Attempt to Modify Loan as a Matter of First Impression**

Parsons Behle & Latimer obtained a favorable bankruptcy court and 9th Circuit BAP opinion on behalf of a national lender, successfully arguing that the anti-modification provision under § 1123(b)(5) applies to any loan secured only by real property that the debtor uses as a principal residence. The issue was one of statutory construction and of first impression in the 9th Circuit.

**Corporate Formation, Purchase and Sale Documents**

Mr. Stenquist has negotiated, drafted and closed dozens of business mergers and acquisitions. His work has involved the transfer of significant real estate and intellectual property. These transactions include negotiating and drafting non-compete agreements and confidentiality provisions. He also regularly assists clients with business continuation issues.

**Homeowners Associations**

Represented dozens of HOAs including drafting and amending CC&Rs, preparing bylaws and corporate documents and advising HOAs and their members on governance and enforcement issues as well as substantial litigation to enforce and defend provisions.

**Construction Defect**

Represented client in a construction defect matter in which the home construction began in October 2019. As of September 2020, the home was still not completed. Filed for Breach of Contract, Breach of implied warranty of Workmanship, Fraud, Replevin/Claim and Delivery, Trespass, Injunctive Relief, Slander of Title, Quiet Title, Unjust Enrichment.

**Breach of Contract**

Represented client in Breach of Contract and Foreclosure of Lien. Counterclaim – Breach of Contract, Unjust Enrichment.

## Accomplishments

### Academic

Brigham Young University, J. Reuben Clark School of Law (*J.D.*, 1999)

University of Texas Executive Education Program (1999)

Brigham Young University (*B.S.*, 1996)

## Associations

### Professional

Idaho AGC (Associated General Contractors) - Member

Idaho Banking Association - Member

Federal Bar Association – Banking Law, Bankruptcy Law, and Federal Litigation

## Presentations

“Physicians and Practices - Fundamentals in Healthcare Law,” (July 20, 2022)