

DA 18-0058

IN THE SUPREME COURT OF THE STATE OF MONTANA

2018 MT 242N

NORMAN TIMOTHY ALAN SOLLID,

Plaintiff and Appellant,

v.

LSF9 MASTER PARTICIPATION TRUST
and JOHN "JOE" SOLSENG,

Defendants and Appellees.

APPEAL FROM: District Court of the Eighth Judicial District,
In and For the County of Cascade, Cause No. ADV 17-0624
Honorable Gregory G. Pinski, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Norman Timothy Alan Sollid, self-represented, Ulm, Montana

For Appellee:

Mark D. Etchart, Browning, Kaleczyc, Berry & Hoven, P.C., Helena,
Montana

John A. Solseng, Attorney at Law, Seattle, Washington

Submitted on Briefs: August 29, 2018

Decided: September 25, 2018

Filed:



Clerk

Justice Ingrid Gustafson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Appellant Norman Timothy Alan Sollid appeals from an Order Granting Motion to Dismiss from the Eighth Judicial District Court, Cascade County, in which the court dismissed Sollid's Petition for Emergency Declaratory Relief pursuant to Defendant's Motion to Dismiss filed by LSF9 Master Participation Trust and John "Joe" Solseng (the Trust). Sollid had alleged that the Trust had failed to meet his demand that it provide an accounting of his real estate loan, and thus he claimed he was entitled to a reconveyance of the property free of any encumbrances. The District Court determined that Sollid's petition was "frivolous and . . . without merit." On appeal, Sollid does not address the substance of the District Court's Order, but raises new issues, arguing that he no longer need pay his mortgage because the lender used a trademark name rather than the actual name of the corporation on the promissory note he signed, and thus asserting the note is void. Having reviewed the record, we have determined that Sollid did not raise this argument below. This Court will not address an issue raised for the first time on appeal. *Ellenburg v. Chase*, 2004 MT 66, ¶ 18, 320 Mont. 318, 87 P.3d 473 (citation omitted).

Since Sollid has only raised new arguments without addressing the lower court's rulings on appeal, we conclude his appeal is without merit.

¶3 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶4 Affirmed.

/S/ INGRID GUSTAFSON

We concur:

/S/ MIKE McGRATH
/S/ LAURIE McKINNON
/S/ DIRK M. SANDEFUR
/S/ JIM RICE