

Bond Case Briefs

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ANNEXATION - MONTANA

Sharp v. Eureka Town Council

Supreme Court of Montana - August 12, 2014 - P.3d - 2014 MT 216

Property owner brought action for judicial review of town's annexation of real property. The District Court granted summary judgment in favor of town. Property owner appealed.

The Supreme Court of Montana held that statute governing judicial review of annexation decision prohibited relation back of amended petition.

Statute requiring petition for judicial review of annexation decision to be filed by majority of affected property owners within 30 days after passage of annexation ordinance prohibited relation back of property owner's amended petition, which added names of property owners who had been listed as John Does in original petition challenging town's annexation of real property. Statute did not contemplate relation back of amendment adding names of majority of real property owners to petition after 30-day deadline had passed.