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*Pro Se*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF ADA**

ST. LUKE'S HEALTH SYSTEM, LTD; ST.  
LUKE'S REGIONAL MEDICAL CENTER,  
LTD; CHRIS ROTH, an individual; NATASHA  
D. ERICKSON, MD, an individual; and TRACY  
W. JUNGMAN, NP, an individual,

Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON  
BUNDY FOR GOVERNOR, a political  
organization; DIEGO RODRIGUEZ, an  
individual; FREEDOM MAN PRESS LLC, a  
limited liability company; FREEDOM MAN  
PAC, a registered political action committee; and  
PEOPLE'S RIGHTS NETWORK, a political  
organization,

Defendants.

Case No. CV01-22-06789

**MOTION FOR RETURN OF SEIZED  
PROPERTY**

COMES NOW, Diego Rodriguez, appearing *pro se*, and pursuant to Idaho Code § 11-301 et seq. and the Fourth and Fourteenth Amendments to the United States Constitution, hereby moves this Court for an Order requiring the return of personal property (a 2013 Coachmen Freelanders R.V., VIN 1GB6G5CG1D1132264) that was unlawfully seized by the Sheriff of Gem County in execution of a judgment in the above-captioned case.

## **FACTUAL BACKGROUND**

1. The R.V. is solely titled in the name of Diego Rodriguez and is encumbered by a lien held by Idaho Central Credit Union in the amount of \$36,125.84. A copy of a recent loan statement confirming this amount is attached as Exhibit C.
2. At the time of seizure, the R.V. was located on the private property of Ammon Bundy, co-defendant in this matter, who did not provide consent or authorization for the Sheriff or Plaintiff to enter his land. A sworn declaration from Mr. Bundy confirming this lack of consent is attached hereto as Exhibit A.
3. Upon information and belief, the Sheriff acted pursuant to a general writ of execution that did not specifically identify or describe the R.V. as a target for seizure.
4. The R.V. has sustained significant damage while in the Sheriff's custody, including but not limited to water damage and additional damage for not being winterized and for being left without maintenance, thereby reducing its fair market value substantially below the outstanding loan balance.
5. The undersigned has continued to make monthly loan payments to Idaho Central Credit Union throughout the period of seizure, further evidencing his lack of default and commitment to the underlying lien obligation.
6. Comparable listings for 2013 Coachmen Freelanders R.V.s indicate that the market value for similar models generally ranges between \$24,000 and \$35,000. A summary of these comparable listings is attached as Exhibit B, demonstrating that the seized R.V. is likely worth less than the outstanding lien.

## LEGAL BASIS

Pursuant to Idaho Code § 11-301 et seq., a writ of execution may only be executed against the debtor's non-exempt, unencumbered property. The Sheriff lacks lawful authority to seize property that is:

- a. Located on private property without a valid order authorizing entry;
- b. Fully encumbered by a superior lien, leaving no attachable equity;
- c. Not specifically listed in the writ of execution;
- d. Subject to damage while in state custody, resulting in unjust deprivation.

The seizure constitutes a wrongful levy and/or conversion under Idaho law and violates the Fourth and Fourteenth Amendments to the U.S. Constitution.

## LEGAL AUTHORITIES

Under Idaho Code § 11-301(1), only non-exempt personal property of the judgment debtor may be levied upon. Property that is fully encumbered and offers no attachable interest is not subject to execution.

See *United States v. Whiting Pools, Inc.*, 462 U.S. 198 (1983) (*holding that a secured creditor's interest in collateral has priority over general creditors and that execution against such property must honor lien priorities*).

In *Bradbury v. Rasmussen*, 114 Idaho 766, 768 (Ct. App. 1988), the court found that seizure of property not supported by lawful authority or valid process constituted conversion and could result in damages against the enforcing party.

Further, warrantless entry onto private property for civil enforcement without consent or exigency is prohibited under the Fourth Amendment, as articulated in *United States v. Dunn*, 480 U.S. 294 (1987), which protects private land from unlawful governmental intrusion.

### **PRAYER FOR RELIEF**

- A. Order the immediate return of the 2013 Coachmen Freelanders R.V., VIN 1GB6G5CG1D1132264;
- B. Prohibit any further attempts to seize or dispose of the R.V. without judicial review;
- C. Review and consider the attached Exhibits A, B, and C in support of this motion;
- D. Award such other and further relief as the Court deems just and proper.

DATED: April 21st, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez

### CERTIFICATE OF SERVICE

I certify I served a copy to: (name all parties or their attorneys in the case, other than yourself)

Erik F. Stidham (ISB #5483)  
HOLLAND & HART LLP  
800 W. Main Street, Suite 1750  
Boise, ID 83702-5974

☐ By Mail  
☐ By fax  
☒ By Email/iCourt/eServe

Sheriff Donnie Wunder  
Gem County Sheriff's Office  
410 E. First Street  
Emmet, ID 83617  
dwunder@co.gem.id.us

☒ By Certified Mail  
☐ By fax  
☒ By Email/iCourt/eServe

DATED: April 21st, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez

## **EXHIBIT A**

### **DECLARATION OF AMMON BUNDY**

I, Ammon Bundy, declare as follows:

1. I am over the age of eighteen (18) and competent to testify to the matters stated herein.
2. I am the lawful occupant and property owner of the private land located at 800 E Locust St, Emmet, ID 83617.
3. In or around December 15, 2023, my associate Diego Rodriguez stored his 2013 Coachmen Freelander recreational vehicle (VIN 1GB6G5CG1D1132264) on my private property, with my full knowledge and permission.
4. At all times relevant, the R.V. was not abandoned but was stored securely and with my consent. Diego Rodriguez did not reside at my property but retained ownership of the vehicle.
5. At no time did I receive notice of any writ of execution or court order authorizing law enforcement or any third party to enter my land for the purpose of seizing property belonging to Diego Rodriguez.
6. I did not give consent to the Sheriff of Gem County nor to any of their agents or representatives, to enter my property or remove the above-mentioned R.V.
7. Despite this, I later learned that law enforcement entered my private land and removed the R.V. without my permission or prior notice.
8. I affirm that such entry was not voluntary or consensual, and that the seizure occurred without lawful process being served on me.

I declare that the foregoing is true and correct.

Executed on this 21st day of April 2025, at Cedar City, Utah.



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Ammon Bundy

## Exhibit B – Comparable Listings for 2013 Coachmen Freelanders RVs

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The following table summarizes recent public listings for 2013 Coachmen Freelanders RVs, demonstrating that the fair market value for comparable models in used condition typically ranges between \$18,000 and \$34,995. Given the significant damage to my vehicle and the outstanding lien balance of \$36,125.84, it is evident that the R.V. holds no attachable equity and should not have been seized.


Model & Trim	Condition	Listed Price	Location	Source
26QB	Used	\$34,995	Meridian, ID	RVTrader.com
32BH	Used	\$33,000	Dousman, WI	RVTrader.com
31DS (2012)	Used	\$18,800	Cocoa, FL	eBay.com
28QB LTD	Used	\$29,999	Unspecified	RVTrader.com
32BH	Used	\$24,999	Satellite Beach, FL	RVUSA.com



These values confirm that the likely resale or liquidation value of the R.V. is equal to or less than the lien balance, particularly considering its current damage (water intrusion, missing water heater, broken canopy, and lack of maintenance while in custody). One damaged 2013 Coachmen Freelanders was listed at only \$25,000, further confirming the absence of equity in the seized vehicle. Therefore, it should not have been subject to execution.

*\* All prices were researched and found on April 20<sup>th</sup>, 2025.*

# EXHIBIT A

## ICCU BALANCE





AccountsTransfer & PayOpen & ApplyManage CardsPlanning & OffersTools & Services

### Accounts

Recreational Vehicle Loan \$36,125.84

9151

\$476.97 due on Apr 20, 2025

Recreational Vehicle Loan

9151

Current Balance  
\$36,125.84

TransactionsAccount DetailsAnalytics

Pay Now

Search

Sort By: 

Default

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DATE	DESCRIPTION	DEBITS	CREDITS	BALANCE
MAR 21 2025	External Loan Payment Idaho Central Credit Union - PAYMENT Loan Payment		\$476.97	\$36,125.84
	Loans			