

SUPREME COURT OF MONTANA

Waddell v. Studer

2025 MT 269 · No. DA 24-0632 · Decided November 25, 2025

SUMMARY

The Montana Supreme Court reviewed a dispute concerning restrictive covenants governing the placement of a proposed home and the effect on neighboring homeowners’ views. The Court held that the covenants required good-faith consideration of neighboring views and solar gains by both the builders and the homeowners’ association. It reversed summary judgment and attorney-fee awards in favor of the defendants and remanded for further proceedings, while concluding that challenges to the preliminary-relief orders had merged into the final judgment.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Ingrid Gustafson; Justice Laurie McKinnon; Justice Beth Baker; Justice Katherine M. Bidegaray; Justice James Jeremiah Shea; Justice Jim Rice; Chief Justice Cory J. Swanson
JURISDICTION	Supreme Court of Montana
DECIDED	November 25, 2025
DOCKET	DA 24-0632
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a final judgment granting summary judgment to the defendants, dismissing the plaintiffs’ claims, and awarding attorney fees and costs.
STANDARD OF REVIEW	Injunctive relief is reviewed for manifest abuse of discretion; summary judgment is reviewed de novo under Montana Rule of Civil Procedure 56; attorney-fee and cost awards are reviewed for abuse of discretion; interpretation of restrictive covenants is reviewed for correctness.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Russell Waddell, Casey Magan v. Paul Studer, Rachael Studer, Summer Ridge Homeowners’ Association

TOPICS

covenants and restrictions

real estate

summary judgment

attorney fees

appellate procedure

PRACTICE AREAS

real estate

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether challenges to orders denying preliminary relief were merged into the final judgment and therefore did not require separate review.
2. Whether the District Court erred by granting summary judgment to the Studers and the Summer Ridge Homeowners' Association based on its interpretation of the restrictive covenants and its conclusion that the defendants had sufficiently considered the Waddells' views.
3. Whether the District Court abused its discretion by awarding attorney fees and costs to the Studers and the Summer Ridge Homeowners' Association.

HOLDINGS

1. Orders denying a temporary restraining order and preliminary injunction were merged into the final judgment and did not require separate appellate review because the case had proceeded to an adjudication on the merits.
2. The covenant stating that building placement 'should take into consideration' neighboring dwellings, with allowance for views and solar gains, creates a mandatory obligation for the builder to make a genuine, good-faith consideration of those neighboring impacts. The homeowners' association likewise must in good faith consider views and solar gains when approving building size, height, and location.
3. Summary judgment for the Studers and the homeowners' association was improper because genuine factual questions remained concerning whether their consideration of the Waddells' views and solar gains was sufficient and made in good faith.
4. The attorney-fee and cost awards to the Studers and the homeowners' association had to be reversed because reversal of summary judgment eliminated their status as prevailing parties, and the covenants authorize fees only to the prevailing party.

KEY QUOTATIONS

“Read as a whole, both the homebuilder and the SRHOA are required to in good faith consider the impact on neighboring homeowners’ views and solar gains in the size and location of proposed building construction.” (¶ 24)

“Ultimately, this matter is not susceptible to summary judgment as the District Court misinterpreted the Covenants and the factual determination of whether the Studers and SRHOA sufficiently considered the impact of the construction on the Waddells’ views is best left to a jury to decide.” (¶ 29)

“Reversed and remanded.” (¶ 34)

FACTUAL BACKGROUND

The Waddells owned a residence on Lot 7 in the Summer Ridge Subdivision, while the Studers owned the adjacent vacant Lot 6. The subdivision's recorded covenants addressed building placement, views, solar gains, size, height, and setbacks, and assigned plan-review responsibilities to the Summer Ridge Homeowners' Association and its Design Review Committee. The Studers' proposed plans omitted the Waddells' existing residence, were initially approved, and were later rescinded and reinstated by the association after the Waddells objected that the proposed home would obstruct their Bridger Mountain views. The Studers ultimately built the home in the originally planned location.

PROCEDURAL HISTORY

The plaintiffs sought a temporary restraining order, preliminary injunction, declaratory relief, and permanent injunctive relief concerning the planned construction of the defendants' home. The District Court denied preliminary relief, later granted summary judgment to the Studers and the homeowners' association, entered final judgment for the defendants, and awarded them attorney fees and costs. The Montana Supreme Court reversed the summary judgment and fee awards and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings, including a jury determination whether the Studers and the Summer Ridge Homeowners' Association sufficiently and in good faith considered the impact of the construction on the Waddells' views as required by the covenants. The attorney-fee award must be vacated pending determination of the prevailing party.

CASES CITED

- Larsen v. Sayers, 2025 MT 24, ¶¶ 14, 18-19, 420 Mont. 270, 563 P.3d 269
- Davis v. Westphal, 2017 MT 276, ¶ 10, 389 Mont. 251, 405 P.3d 73
- Flying T Ranch, LLC v. Catlin Ranch, LP, 2020 MT 99, ¶ 7, 400 Mont. 1, 462 P.3d 218
- Mullee v. Winter Sports, Inc., 2025 MT 113, ¶ 9, 422 Mont. 180, 569 P.3d 594
- CB1 v. Hove, 2025 MT 36, ¶ 9, 420 Mont. 380, 564 P.3d 434
- Peters v. Hubbard, 2020 MT 282, ¶ 9, 402 Mont. 71, 475 P.3d 730
- James Talcott Construction, Inc. v. P. & D. Land Enterprises, 2006 MT 188, ¶ 27, 333 Mont. 107, 141 P.3d 1200
- Friedel, LLC v. Lindeen, 2017 MT 65, ¶ 5, 387 Mont. 102, 392 P.3d 141
- Worldwide Church of God v. Philadelphia Church of God, Inc., 227 F.3d 1110, 1114 (9th Cir. 2000)
- SEC v. Mount Vernon Memorial Park, 664 F.2d 1358, 1361 (9th Cir. 1981)
- United States v. Chicago, 534 F.2d 708, 712 (7th Cir. 1976)
- Flora v. Clearman, 2016 MT 290, ¶ 21, 385 Mont. 341, 384 P.3d 448
- Lewis & Clark County v. Wirth, 2022 MT 105, ¶¶ 14, 16, 409 Mont. 1, 510 P.3d 1206

- Craig Tracts Homeowners' Association v. Brown Drake, LLC, 2020 MT 305, ¶ 9, 402 Mont. 223, 477 P.3d 283
- Montco v. Simonich, 285 Mont. 280, 287, 947 P.2d 1047, 1051 (1997)
- Arnold v. Yellowstone Mountain Club, LLC, 2004 MT 284, ¶ 15, 323 Mont. 295, 100 P.3d 137
- Klock v. Town of Cascade, 284 Mont. 167, 174, 943 P.2d 1262, 1266 (1997)
- Mt. W. Bank, N.A. v. Mine & Mill Hydraulics, Inc., 2003 MT 35, ¶ 28, 314 Mont. 248, 64 P.3d 1048
- Mlekush v. Farmers Insurance Exchange, 2015 MT 302, ¶ 10, 381 Mont. 292, 358 P.3d 913
- Winter v. State Farm Mutual Automobile Insurance Co., 2014 MT 168, ¶ 31, 375 Mont. 351, 328 P.3d 665
- Houden v. Todd, 2014 MT 113, ¶ 41, 375 Mont. 1, 324 P.3d 1157

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-montana-supreme-court-of-montana/2025/waddell-v-studer-dxynpnsh>