

## **SUMMARY STATEMENT**

*Kawamura v. Kawamura*, Docket No. 42112

In an appeal from a decision of the Bannock County district court acting in its appellate capacity, the Supreme Court affirmed the decision of the district court with instructions to remand the case for further proceedings before the magistrate court. In the underlying case, Jessica and Eric Kawamura purchased a marital residence in Pocatello. The warranty deed to the home conveyed the property to “Eric Kawamura and Jessica Kawamura, husband and wife.” Initially, the magistrate court determined that the home was Eric’s separate property, based on its factual finding that Eric had purchased the home with separate funds. In a subsequent appeal, the district court reversed and remanded, determining that the magistrate court improperly considered parol evidence because the deed to the residence unambiguously transferred the home to both Jessica and Eric. On appeal, the Supreme Court determined that the district court did not err, holding that the deed unambiguously transferred the home to both Jessica and Eric, making the home community property.