

## **SUMMARY STATEMENT**

*Kemmer v. Newman*

No. 42566

The Idaho Supreme Court reversed the Bonner County district court's decision that Bob Newman, Phyllis Miller, and Ruth Smith were properly elected as directors of New Life Missions, Inc. church, a nonprofit organization, at a properly called special meeting on August 1, 2010. Ruth Smith, believing that the other two directors at the time, Duane Kemmer and Tim Dolph, had resigned through their actions, unilaterally called the August 1, 2010 special meeting. The Court held that Idaho's Nonprofit Corporation Act, Idaho Code section 30-3-69(1), only allows a director to resign by tendering written notice. Because there was no evidence in writing that Duane Kemmer or Tim Dolph had resigned or been removed as directors of NLM, Ruth Smith was not authorized under Idaho Code section 30-3-47(1)(a) to call the special meeting. Therefore, Duane Kemmer and Tim Dolph remain as directors, and Bob Newman, Phyllis Miller, and Ruth Smith were improperly elected to the Board.