

SUMMARY STATEMENT

Hodge v. Waggoner

Docket No. 45336

The estate of Paul Robert Welch (Welch) appealed the Twin Falls County district court's grant of summary judgment to the estate of Barbara Sue Chitwood (Chitwood). Chitwood was murdered in August 2015, at which time a dispute arose over ownership of funds Chitwood and Welch held at Farmers Bank in two bank accounts designated as "JOINT - WITH SURVIVORSHIP (and not as tenants in common or community property)[.]" Farmers Bank interpleaded the funds with the district court and initiated this action to resolve the dispute. Law enforcement's investigation into Chitwood's death led to Welch being charged with murdering Chitwood. Accordingly, in the interpleader action, Chitwood asserted Idaho's slayer statute, Idaho Code section 15-2-803, precluded Welch from taking the funds.

The Idaho Supreme Court affirmed the district court's ruling on summary judgment that the funds went to Chitwood, concluding Chitwood's slayer statute defense was dispositive. The Court concluded that the undisputed material facts showed that Welch was a "slayer" under section 15-2-803(a)(1) and, as such, that section 15-2-803(c) barred Welch from taking the funds. Consequently, the Court affirmed that the district court properly awarded the funds to Chitwood.