

SUMMARY STATEMENT
Demoney-Hendrickson v. Larsen
Docket No. 49108-2021

The Idaho Supreme Court reversed the district court's grant of summary judgment to Krystal Demoney-Hendrickson, the personal representative of Cynthia Juker's estate (collectively, "the Estate"). This case concerns an action for the partition of real property. Appellant, Redginald Larsen, purchased unimproved property (the "Rock Garden Property") as the sole owner in 1994. Years later, Larsen and Juker entered into a romantic relationship, but the two were never legally married. In 2019, Larsen and Juker jointly sought funding to construct a home on the Rock Garden Property. To procure financing, Larsen was required to execute a deed conveying the Rock Garden Property to himself and Juker. About a month later, Juker unexpectedly passed away. Juker's Estate sued Larsen, asserting a cause of action for partition by sale. Larsen asserted a cause of action for declaratory judgment, seeking a declaration that the Estate had no interest in the property.

The parties each moved the district court for summary judgment. The Estate asserted that it possessed a 50% interest in the Rock Garden Property by virtue of the deed. Larsen argued that he owned a 100% interest in the Rock Garden Property because he contributed all the costs for the construction. The district court granted the Estate's motion and denied Larsen's motion. The district court relied exclusively on the deed, finding that it unambiguously conveyed the Rock Garden Property to Larsen and Juker as 50% co-owners and ordered the sale of the property. The district court did not consider any extrinsic evidence produced by Larsen. Larsen appealed.

The Supreme Court held that the district court erred by not considering the extrinsic evidence Larsen produced because the plain language of the deed did not indicate the parties' respective ownership interests in the property. The Court held that when a deed conveys property to multiple parties but does not expressly indicate each party's ownership interest, a rebuttable presumption of equal shares of ownership interest arises in partition actions. The presumption can be rebutted with evidence that the parties intended to create unequal shares. Accordingly, the Court reversed the district court's grant of summary judgment in favor of the Estate because there was a genuine issue of material fact regarding the parties' respective ownership interests. The Court also vacated the district court's order for the sale of the property and directed the district court to first determine the parties' respective ownership interests, and then determine whether the property should be partitioned by sale.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.