

SUMMARY STATEMENT

Wright v. Parish
Docket No. 49605

Jay Wright and Kristie Parish were married in 2002 and divorced in 2019. Prior to their marriage, Wright and Parish, as single persons, purchased two adjacent parcels of real property in Island Park (“the Island Park Properties”), and their ownership of the property did not change following their marriage. In 2019, a magistrate court presided over Wright’s and Parish’s divorce proceedings and the distribution of their community property. The magistrate court specifically declined to divide the Island Park Properties because the court concluded the Island Park Properties were separate property and that it “lack[ed] authority to divide the property.”

Roughly one year after the magistrate court entered its final judgment for the divorce, Wright filed a complaint in district court seeking a partition of the Island Park Properties and for Parish to deed the Island Park Properties back to him. He argued in part that his ownership interest in the Island Park Properties exceeded the fifty percent determination that the magistrate court had ostensibly made. The district court concluded that Wright’s partition action was barred by both issue preclusion and claim preclusion.

The Idaho Supreme Court reversed, concluding that the district court erred when it found that Wright’s attempt to prove that he has a greater than fifty percent ownership interest in the Island Park Properties was barred by both issue preclusion and claim preclusion. The Court remanded the case to the district court to consider whether Wright can produce evidence to overcome the rebuttable presumption of equal ownership in the Island Park Properties, as expressed in both *Nordgaarden v. Kiebert*, ___ Idaho ___, 527 P.3d 486 (2023), and *Demoney-Hendrickson v. Larsen*, ___ Idaho ___, 527 P.3d 520 (2023). The Court further held that neither party was entitled to attorney fees under Idaho Code section 6-545 because the attorney fees were incurred as part of an adversarial process.

******This summary constitutes no part of the Court’s opinion. It has been prepared by court staff for the convenience of the public.******