

## **SUMMARY STATEMENT**

*Terteling v. Terteling*

Docket No. 50736

This case concerns reformation of a trust to remove male beneficiary restrictions and replace them with gender-neutral language. Joseph L. Terteling, his former wife Carolyn E. Terteling, and their three granddaughters, Brooke J. Terteling, Alyssa M. Terteling, and Darcy A. Terteling (collectively, “the Petitioners”) filed a verified petition to reform the Terteling Trust No. 6 (“the Trust”) to reflect the alleged original intentions of the five Trustors to benefit successive generations of Joseph’s family, regardless of their gender. Thomas J. Terteling, a contingent beneficiary of the Trust who is Joseph’s and Carolyn’s grandson, filed an objection to the reformation. He argued that the Petitioners could not demonstrate by clear and convincing evidence that (1) a mistake was made in the drafting of the Trust by including the male restrictions, or (2) that it was the intention of *all* the Trustors, including Joseph’s since-deceased aunt and uncle, to benefit successive generations of the family regardless of gender.

The magistrate court granted the verified petition. The magistrate court concluded the facts demonstrated by clear and convincing evidence that a drafting error had occurred in restricting the class of beneficiaries to male children only, and the Trustors did not intend to restrict the Trust’s beneficiaries to only male members of the Terteling family but rather intended to benefit all the children and descendants of Joseph, regardless of gender. Thomas J. appealed to the district court, which affirmed the magistrate court’s decision. The Idaho Supreme Court affirmed, holding that substantial and competent evidence supported the magistrate court’s findings and decision to grant reformation of the Trust.

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