

SUMMARY STATEMENT

Mace v. Luther

Docket No. 50834

This appeal involves Ginger Collins' attempts to invalidate the sale of her mother's home, which she did not learn of until after her sister's death. Ginger's parents, Jean and Lewis Mace transferred certain real property, which included their home, to Ginger's sister, Judith Mace, by a fee simple deed. Judith later sold the property to Deborah and Raymond Luther. Jean and Ginger did not learn about the sale under after Judith's death.

Ginger subsequently filed a lawsuit on Jean's behalf against Judith's estate, the Luthers, and Scott Mace, individually and as successor trustee, (collectively "the Respondents"), to invalidate the sale based on a resulting trust theory. The lawsuit also raised other claims related to Judith's beneficiaries that are not the subject of this appeal. Scott Mace, both individually and as Judith's successor trustee, moved for summary judgment on the resulting trust claim. As trustee, he contended that Ginger could not establish a claim for a resulting trust because the deed was unambiguous and extrinsic evidence was not admissible to contradict the plain language of the deed. Ginger countered that extrinsic evidence is admissible to support a claim for a resulting trust. The district court granted summary judgment in favor of Scott Mace and the Luthers because it determined the deed was unambiguous and the merger doctrine applied to exclude any extrinsic evidence meant to contradict the deed. The district court determined that Jean and Lewis transferred their property to Judith in fee simple and that Judith did not hold the property in trust for their benefit. Ginger filed a motion for reconsideration, which the district court denied.

On appeal Ginger argued that the district court erred when it excluded extrinsic evidence of conversations between family members that she had intended to use to support her claim for a resulting trust. Scott Mace, as trustee, and individually, argued that the district court did not err when it granted summary judgment in his favor, because the deed was unambiguous and extrinsic evidence cannot be introduced to contradict the deed. Scott Mace and the Luthers also sought attorney fees on appeal under Idaho's Trust and Estate Dispute Resolution Act ("TEDRA"). The Idaho Supreme Court reversed the grant of summary judgment in favor of Scott Mace and the Luthers because a claim for a resulting trust may be supported by extrinsic evidence. The Idaho Supreme Court reiterated that the formation of a resulting trust depends on the parties' intent. Thus, the district court erred when it declined to consider extrinsic evidence in support of Ginger's claim. The Idaho Supreme Court declined to award attorney fees on appeal.

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