SUMMARY STATEMENT

Kirsten Marie Anderson v. The Estate of Daniel Lee Goffman, Bonner County Case No. CV09-22-1611; Ronald A. Goffman and Michael Goffman, Co-Personal Representatives
Docket No. 52003

Anderson and Goffman were in a dating relationship that began in 2011. In 2013, Anderson purchased a parcel of real property solely in her name. In 2015, Anderson transferred the real property to herself and Goffman as "joint tenants" via a quitclaim deed. Several years later, the parties temporarily separated. Goffman continued to reside at the property while Anderson did not; but Anderson returned to the property intermittently, kept her personal property at the residence, and continued to have her mail sent to the residence. On June 1, 2022, Anderson filed a lawsuit seeking partition of the property, claim and delivery, and a declaratory judgment. On October 11, 2022, Goffman passed away, and the Estate of Daniel Lee Goffman (the "Estate") was substituted for Goffman in the lawsuit. Anderson then filed a motion for leave to amend her pleadings to assert a cause of action for quiet title. The Estate stipulated to allow Anderson to amend her pleadings.

Anderson amended her complaint to add a claim for quiet title and filed a motion for partial summary judgment, wherein she argued that the quitclaim deed created a joint tenancy with a right of survivorship ("joint tenancy"). In response, the Estate filed an objection to the motion for partial summary judgment, arguing that the tenancy between Anderson and Goffman was not a joint tenancy, and instead, should be considered a tenancy in common. The district court held a hearing on the motion and then issued its written memorandum decision. The district court granted Anderson's motion for partial summary judgment, finding that the quitclaim deed from Anderson to Anderson and Goffman created a joint tenancy with a right of survivorship. As a result, the district court held that the title to the property fully vested in Anderson.

On appeal, the Estate argued the district court erred by holding that the quitclaim deed transferring the property from Anderson to Anderson and Goffman created a joint tenancy with a right of survivorship. The Estate argued the district court abused its discretion by holding that Idaho's statutes overruled the common law requirement of the four unities. The Estate also argued the district court erred in holding that the four unities were present at the creation of the estate. Finally, the Estate argued that because the quitclaim deed did not contain the words "with right of

survivorship," the quitclaim deed did not create a joint tenancy. Anderson argued that the district court correctly determined that the deed created a joint tenancy with a right of survivorship.

The Court of Appeals found that the district court did not err in holding that the creation of a joint tenancy is governed by the relevant statutes and language of the deed, not the common law concepts of the four unities. The Court of Appeals found that the district court did not err in holding that the term "joint tenants" included the language "with right of survivorship" and that it was unnecessary to include the phrase "with right of survivorship" where the deed contained the term "joint tenants" to create a joint tenancy. Further, the Court of Appeals found that nothing under Idaho law prevented Anderson from transferring her interest to another person and herself, as joint tenants. Thus, the Court of Appeals found that the district court did not err in holding that the quitclaim deed from Anderson to Anderson and Goffman created a joint tenancy.