

BOISE, WEDNESDAY, SEPTEMBER 15, 2021 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**JAMES ALLEN, an individual; JESSICA
ALLEN TCHOUKALOV, an individual;
ADAM ALLEN, an individual; MATTHEW
ALLEN, an individual; KIRSTEN ALLEN,
an individual; and MICHAEL ALLEN, an
individual,**

Plaintiffs-Appellants,

v.

**NEIL CAMPBELL and TAMRA
CAMPBELL, husband and wife; NEIL
CAMPBELL as trustee of the BRIAN
VILLET CAMPBELL AND DORIS
HAMILTON CAMPBELL JOINT TRUST,
dated May 23, 2011; VICKEY FREELAND,
as trustee of the BRIAN VILLET
CAMPBELL AND DORIS HAMILTON
CAMPBELL JOINT TRUST, dated May 23,
2011; CONNIE JO WOODS, as trustee of the
BRIAN VILLET CAMPBELL AND DORIS
HAMILTON CAMPBELL JOINT TRUST,
dated May 23, 2011; and BRIAN
CAMPBELL, JR., trustee of the BRIAN
VILLET CAMPBELL AND DORIS
HAMILTON CAMPBELL JOINT TRUST,
dated May 23, 2011,**

Defendants-Respondents.

Docket No. 48452

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County, Darren B. Simpson, District Judge.

Parsons, Behle & Latimer, Idaho Falls, for appellants.

Cooper & Larsen, Chartered, Pocatello, and Turner Law Firm, Dunnellon, Florida, for respondents.

Brian Campbell, Sr. and Doris Campbell were the settlors and original trustees of a trust (“the Trust”), which they established to distribute their assets upon the second of their deaths. Respondents are the settlors’ four living children, as well as Tamra Campbell, wife of Respondent Neil Campbell. Appellants are the settlors’ grandchildren from a daughter who predeceased the settlors. Brian Sr. passed away in 2014 and Doris passed away in 2015. When Doris died, the Respondents other than Tamra (i.e. the settlors’ four living children), became successor co-trustees of the Trust. One of the Appellants was also a successor co-trustee, but resigned from that position before Appellants filed their complaint.

When Doris died, her home in Bonneville County was among the Trust’s assets. The dispute between Appellants and Respondents stems, in part, from the sale of a home from the Trust to Neil and Tamra. Appellants sued Trustees in Bonneville County seeking rescission of the sale, an accounting of the Trust, damages from alleged breaches of fiduciary duty, distribution of Trust assets, and termination of the Trust. Respondents responded with a motion to dismiss for lack of subject matter jurisdiction, which the district court granted pursuant to Idaho Code section 15-7-203. Appellants argue on appeal that the district court made several errors in its application of section 15-7-203.