

BOISE, FRIDAY, JUNE 19, 2020 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

THE ESTATE OF JEANNE H. DAVIS,)
deceased)

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GREG DAVIS,)

Plaintiff-Respondent,)

v.)

Docket No. 47427

JOHN (JACK) DAVIS,)

Defendant-Appellant)

and)

DRINDA DAVID BELL and THE)
ESTATE OF JEANNE H. DAVIS,)

Defendants.)

Appeal from the District Court of the Sixth Judicial District of the
State of Idaho, Bannock County. Robert C. Naftz, District Judge.

Beard St. Claim Gaffney PA, Idaho Falls, for Appellant John (Jack) Davis.

Maguire Law, PC, Pocatello, for Respondent Greg Davis.

This appeal concerning the administration of a trust arises from a district court sitting in its intermediate appellate capacity. In 1996, Jack K. Davis and Jeanne H. Davis created the Davis Family Trust (“Trust”), in which they were the grantors, trustees, and primary beneficiaries. The Trust was revocable until the death of either Jack or Jeanne, at which time it became irrevocable. Upon the death of the survivor grantor, the Trust would be terminated and the property would be divided equally among Jack and Jeanne’s three children: John (Jack) Davis, Greg Davis, and Drinda Ann Bell. The Trust became irrevocable in 2003 when Jack died.

In 2016, Greg initiated proceedings against Jeanne, John (Jack) and Drinda, and filed a motion to compel accounting of the Trust. The magistrate court denied Greg’s motion, finding that he and his siblings were “contingent residual beneficiaries” who did not have any rights

relative to the Trust until the death of Jeanne, the last surviving grantor. On appeal the district court held the magistrate court failed to give due consideration to the distinction between revocable and irrevocable trusts. The district court held Greg's rights vested at the time the Trust became irrevocable, which occurred in 2003 once Jack died. The district court remanded the case for further proceedings. John (Jack) filed a timely notice of appeal to this Court.