

SUMMARY STATEMENT

Brown v. Brown, Docket No. 46926

This appeal arises from Carol McCoy Brown's petition for an elective share of her decedent husband's augmented estate. When the decedent died intestate, Carol Brown discovered that he set aside multiple payable on death (POD) accounts for his children from a prior marriage (the Heirs). Carol Brown filed a petition for a portion of the POD funds as part of the decedent's augmented estate. The magistrate court denied Carol Brown's petition, concluding that she failed to carry her burden of proving that the disputed POD funds were quasi-community property as required by the elective share statutes. The district court affirmed the magistrate court's denial of Carol Brown's petition, and granted the heirs attorney fees pursuant to Idaho Code section 12-121.

The Supreme Court affirmed the decision of the district court. The Court held that community property and quasi-community property are distinct legal terms under the Idaho Code, and that Carol Brown failed to demonstrate that the disputed POD funds were quasi-community as required by the elective share statutes. Further, the Court held that the district court, acting in an appellate capacity, did not err in failing to address the magistrate court's alternative community property conclusions. The Court affirmed the district court's award of attorney fees and awarded the Heirs attorney fees for this appeal under Idaho Code section 12-121.