

SUMMARY STATEMENT

Eich v. Revocable Trust, Docket No. 48160

The Idaho Supreme Court affirmed a district court's judgment ordering Mary C. Eich to vacate property owned by the trustees of the Wilbur Eich and Henrietta Eich Revocable Trust (the "Trust"). In 2015, Mary filed an action seeking to quiet title to 2.5 acres of an 80-acre tract of real property owned by her father, who held title to the property as trustee of the Trust. Following a bench trial, the district court ruled that Mary had a year to obtain Teton County's approval to partition the 2.5 acres from the remaining Trust property. If she could not do so within the time prescribed, the Trust would have to pay Mary \$107,400 for the value of improvements she had made on the land plus her reasonable relocation costs, and Mary would have to vacate the property. Mary worked for several years to separate the 2.5 acres from the remaining Trust property to no avail. In August 2019, the Trust moved to compel enforcement of the district court's alternative remedy and for entry of final judgment. In January 2020, a newly assigned district court judge granted the Trust's motion and entered a declaratory judgment ordering the Trust to pay Mary \$107,400, plus reasonable relocation expenses, and for Mary to vacate the property. Mary timely appealed, arguing that the newly assigned district court judge abused his discretion by deviating from the original judge's equitable remedy. The Idaho Supreme Court affirmed after concluding that it was not an abuse of discretion for the newly assigned judge to impose the alternative remedy available since the original judge entered the initial remedy.

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