

## SUMMARY STATEMENT

*Allen v. Campbell*

Dkt. No. 48452

Brian Campbell, Sr. and Doris Campbell were the settlors and original trustees of the Brian Villet Campbell and Doris Hamilton Campbell Joint Trust (“the Trust”), which they established to distribute their assets upon the second of their deaths. Respondents (hereinafter “Trustees”) are the settlors’ four living children, as well as Tamra Campbell, wife of Respondent Neil Campbell. Appellants (hereinafter “Beneficiaries”) 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 Trustees other than Tamra (i.e., the settlors’ four living children), became successor co-trustees of the Trust.

When Doris died, her home in Bonneville County was among the Trust’s assets. The dispute between Beneficiaries and Trustees stems, in part, from the Trust’s sale of Doris’s home to Neil and Tamra. Beneficiaries 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. Trustees responded with a motion to dismiss for lack of subject matter jurisdiction, in part because they contended that the Trust’s principal place of administration was in Indiana. The district court granted the motion because it agreed that the Trust was administered in Indiana and therefore it lacked subject matter jurisdiction under Idaho Code section 15-7-203. Beneficiaries appealed.

The Idaho Supreme Court reversed the decision of the district court. First, the Court held that section 15-7-203 is a statute pertaining to venue, not subject matter jurisdiction, and disavowed language to the contrary in *Rasmuson v. Walker Bank & Trust Company*, 102 Idaho 95, 625 P.2d 1098 (1981). Then, the Court held that the district court erred by granting Trustees’ motion to dismiss because Tamra was a necessary party to the action, yet the district court did not find—as required by section 15-7-203—that Tamra could be bound by litigation in Indiana and no evidence supported that she could.

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