

SUMMARY STATEMENT

Martin v. Garrett Living Trust

Docket No. 48512

The Idaho Supreme Court affirmed the district court's decision denying Alva's children quiet title to real property. This appeal originated from a contract for wills and reciprocal wills entered into by Alva and Thelma Garrett, in which they agreed that upon the death of the surviving spouse, the survivor's remaining property would be divided among their seven children in equal shares. Alva and Thelma had a blended family consisting of his four and her three children. After Alva's death, Thelma created a trust and transferred the real property into the name of the trust. Thelma's daughter, Cynthia Swartz, received the property under the terms of the trust. Alva's children sued the Swartzes, Thelma's estate, and the trust, alleging that Thelma had breached the terms of the contract for wills. The district court did not find a breach of contract and granted summary judgment in favor of the Swartzes. Alva's children timely appealed.

The Supreme Court affirmed the district court's judgment on alternate grounds—which had been asserted below but were not addressed by the district court—concluding that this case was brought in violation of Idaho Code section 15-3-104. Because Thelma and Alva were the only parties to the contract, any action seeking to recover property from the Swartzes based on Thelma's breach of the contract for wills could only be initiated against her estate. However, since a personal representative for Thelma's estate had not been appointed within three years of her death, an action against the estate was no longer possible.

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