

**SUMMARY STATEMENT**  
*Uzzle v. Estate of Eric Milo Hirning*  
Docket No. 49243

The parties to this relatively small probate action have returned to the Idaho Supreme Court. This time the dispute only concerns attorney fees. Appellants challenge the recovery of legal expenses incurred in the administration of the estate and allowed by the magistrate court, arguing that the personal representatives were not entitled to “attorney fees” incurred in defending an earlier appeal of this case.

The Idaho Supreme Court affirmed the district court’s decision that the magistrate court properly allowed the personal representatives to recover legal expenses incurred in the administration of the estate pursuant to Idaho Code section 15-3-720. The Court explained that the personal representatives were not seeking an award of attorney fees against the Appellants as adverse parties in the litigation, as Appellants contended; rather, they were seeking reimbursement from the estate for their necessary and reasonable costs incurred in hiring counsel to defend claims throughout this litigation. Because this was a rightful recovery of legitimate expenses upon completion of their fiduciary duties to the estate, the personal representatives were entitled to the reimbursement.

Additionally, the Court held that because Appellant’s subsequent appeals to both the district court and the Supreme Court were pursued “frivolously, unreasonably, and without foundation,” the personal representatives were also entitled to an award of attorney fees on appeal pursuant to Idaho Code section 12-121.

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