

BOISE, FRIDAY, SEPTEMBER 13, 2024 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JEAN WILMA MACE, through GINGER)	
COLLINS, her Attorney-in-Fact,)	Docket No. 50834
)	
Plaintiff-Appellant,)	
)	
v.)	
)	
DEBORAH LYNN LUTHER and)	
RAYMOND JOSEPH LUTHER, Husband)	
and Wife; SCOTT ARTHUR MACE,)	
individually, and in his capacity as the Trustee))	
of the JUDITH LYNN MACE REVOCABLE))	
TRUST and as Personal Representative of the))	
ESTATE OF JUDITH LYNN MACE;)	
SHERYL LOUISE AUCUTT, THE))	
BOUNDARY COUNTY PUBLIC LIBRARY,))	
)	
Defendants-Respondents,)	
)	
and)	
)	
BONNERS FERRY VETERINARY CLINIC,))	
a professional service corporation doing))	
business in Boundary County, Idaho; and))	
WASHINGTON STATE UNIVERSITY))	
FOUNDATION, an educational foundation))	
residing in Washington State,)	
)	
Defendants.)	

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Lamont C. Berez, District Judge.

Bistline Law, PLLC, Coeur d'Alene, for Appellant.

Wilson Law Firm, Bonners Ferry, for Respondents Deborah Lynn Luther, Raymond Joseph Luther, and Boundary County Public Library.

Ramsden, Marfice, Ealy & De Smet, LLP, Coeur d'Alene, for Respondents, Scott A. Mace, Trustee of the Judith Lynn Mace Revocable Trust and as Personal Representative of the Estate of Judith Lynn Mace.

Scott A. Mace, Respondent *pro se*.

Sheryl L. Ancutt, Respondent *pro se*.

This appeal involves the interpretation of a deed. Jean Wilma Mace, through her Attorney-in-Fact, Ginger Collins, appeals from the district court's dismissal of her claim for a resulting trust. Jean Mace transferred property to her daughter, Judith Mace, through a fee simple deed. Judith then sold the property to Deborah and Raymond Luther. Jean and Ginger did not learn of the sale until after Judith's death.

Jean and Ginger filed suit against Judith's estate, her personal representative, the Luthers, and Scott Mace individually as well as the other beneficiaries of Judith's trust. They sought to evict the Luthers and Sheryl Aucutt, to invalidate the sale to the Luthers, and for the district court to impose a resulting trust for Jean's benefit, among other claims. Jean and Ginger moved for summary judgment on the resulting trust claim. The trustee for Judith's trust, her personal representative, Scott Mace, and the Luthers opposed the motion and moved for summary judgment. At summary judgment, Jean and Ginger sought to introduce extrinsic evidence to show that the transfer of property from Jean to Judith was not in fee simple but that Judith was meant to hold the property in trust for Jean's benefit. The defendants argued that the deed's language was unambiguous, and that extrinsic evidence was inadmissible. The district court granted summary judgment in favor of the defendants, ruling that extrinsic evidence was inadmissible to contradict the deed.

Jean and Ginger timely appealed. They argue that the district court erred in excluding extrinsic evidence meant to establish a resulting trust. They seek reversal of the district court's decision and an award of attorney fees and costs on appeal. The trustee, Judith's personal representative, and the Luthers argue the district court did not err and they seek attorney fees and costs on appeal. Scott Mace as an individual does not seek attorney fees on appeal.