

*Probate case Amend.
Rule effective 4-1-73*

DISTRICT COURT
THIRD JUDICIAL DISTRICT
STATE OF IDAHO

LOYD C. MCCLINTICK
MAGISTRATE

TELEPHONE (208) 459-1625



RESIDENT CHAMBERS

CANYON COUNTY COURTHOUSE ANNEX NO. 2
103 SOUTH 7TH AVENUE
CALDWELL, IDAHO 83605

February 16, 1973

Honorable Gilbert C. Norris
District Judge
Canyon County Courthouse

Dear Judge Norris:

Since the effective date of the Uniform Probate Code we have assumed that the Magistrate Division of District Court, Section One, in Canyon County has jurisdiction of trust registration and administration as contemplated by Title 15 Chapter 7 of the Idaho Code.

A recent review of Magistrate Division jurisdiction in connection with another case involving a trust suggests that Magistrate Division has no jurisdiction in the premises and that trusts ought to be registered and administered in District Court.

Rule 9 of Magistrate Division Rules (as amended) for the Third Judicial District dated January 5, 1973, assigns to Magistrates the matters specified in 1-2208 Idaho Code, and in Chapter 23, Title 1, Idaho Code, except as provided in Rule 10. Rule 10 deals with Adoption, Child Protective, Youth Rehabilitation, Interstate Compact on Juvenile, and Parent-Child Termination matters only. Chapter 23, Title 1 deals with Small Claims Court only.

Section 1-2208 (2), Idaho Code, does not seem broad enough to cover trust registration and administration because it is a grant as well as a limitation of jurisdiction over wills and estates of decedents, minors and incompetents. Many trusts are intervivos and do not arise out of wills and the beneficiaries are not necessarily minors or adult incompetents. *ntf*

I can find elsewhere no grant to Magistrates of jurisdiction over registration and administration of trusts or over the Uniform Probate Code as a whole, Chapter 7 of which makes provisions for trust registration and administration.

Hon. Gilbert C. Morris
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Please instruct us as to whether we should discontinue the registration and administration of trusts and transfer all trust matters to the District Court.

Very truly yours

Lloyd C. McClintick

LCM:cc

cc: Hon. Robert S. Dunlap
Hon. Edward J. Lodge
Mrs. Helen Powell