

SUPREME COURT OF ALABAMA

Daniel v. Moye

224 So. 3d 115 (Ala. 2016) · No. 1140819; 1140820 · Decided November 10, 2016

SUMMARY

The Alabama Supreme Court considers consolidated appeals involving challenges to the wills of Bessie Mae Turner and Claude Wilbur Moye. The opinion addresses whether the circuit court obtained subject-matter jurisdiction over the will contests through removal from probate court or through the filing of a separate contest, as well as issues concerning notice, standing, undue influence, testamentary capacity, and administration of the estates.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Bolin, Justice; Stuart; Parker; Murdock; Main; Wise; Bryan
JURISDICTION	Alabama
DECIDED	November 10, 2016
DOCKET	1140819; 1140820
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from Escambia Circuit Court orders dismissing challenges to the validity of the wills of Claude Wilbur Moye and Bessie Mae Turner for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	A ruling on a motion to dismiss is reviewed without a presumption of correctness; the court accepts the complaint's allegations as true, considers whether the pleader may possibly prevail, and construes doubts regarding pleading sufficiency in favor of the plaintiff.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Alabama
PARTIES	Contestants of Claude Wilbur Moye's will, Contestants of Bessie Mae Turner's will v. Proponents of Claude Wilbur Moye's will, Proponents of Bessie Mae Turner's will

TOPICS

- probate procedure
- will contests
- subject matter jurisdiction
- pleadings
- appellate procedure

PRACTICE AREAS

probate

estate litigation

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the petitions seeking removal of the administrations of Claude Moye's and Bessie Turner's estates from probate court to circuit court satisfied Ala. Code § 12-11-41 and required the circuit court to enter removal orders.
2. Whether the pleadings contesting Claude Moye's and Bessie Turner's wills satisfied Ala. Code § 43-8-199 sufficiently to invoke the circuit court's jurisdiction over post-probate will contests.
3. Whether the circuit court had jurisdiction over equitable claims for accounting and recovery of alleged inter vivos transfers.
4. Whether the failure to provide statutory notice of Bessie's probate proceeding rendered the probate order void or voidable.

HOLDINGS

1. A petition filed in the circuit court clerk's office after probate and issuance of letters testamentary, which identifies the petitioner as an heir or beneficiary and alleges that the estate can be better administered in circuit court, satisfies Ala. Code § 12-11-41. Once those pleading requirements are met, the circuit court must enter an order removing the administration.
2. The contestants' pleadings satisfied the requirements of Ala. Code § 43-8-199 and adequately invoked the circuit court's jurisdiction over the contest of Claude Moye's will.
3. The circuit court would have subject-matter jurisdiction over properly pleaded equitable claims for accounting and recovery of alleged inter vivos transfers as part of the general administration of Claude's estate, but those claims were premature until the estate administration was properly removed to circuit court.
4. The duplicate petition filed in the circuit court clerk's office satisfied Ala. Code § 12-11-41, and the circuit court was required to enter an order removing Bessie's estate administration from probate court.
5. The circuit court had jurisdiction over the contest of Bessie Turner's will because the petition and amended petition, filed in the circuit court within six months after probate, satisfied the pleading requirements of Ala. Code § 43-8-199.
6. The circuit court would have jurisdiction over properly pleaded equitable claims concerning alleged inter vivos transfers and an accounting after entering the order removing Bessie's estate administration to circuit court, but those claims were premature before removal.

KEY QUOTATIONS

"Once a party seeking to remove the administration of an estate from the probate court to the circuit court has satisfied the pleading requirements of § 12-11-41, the circuit court is required to enter an order removing the administration of the estate from the probate court to the circuit court." (131)

“The liberality with which the Rules are construed, then, must be balanced against the requisites of fair notice to adverse parties and strict adherence to statutorily prescribed procedures.” (135)

“The filing of a pleading is deemed completed when that pleading is received by the clerk of the court.” (145)

FACTUAL BACKGROUND

Bessie Mae Turner executed a 2010 will leaving her estate to Claude Michael Moya and Barbara Moya, and Claude Wilbur Moya executed a 2010 will substantially favoring his son Claude Michael Moya. Michael petitioned to probate Bessie's will while representing that he and Barbara were Bessie's only heirs and next of kin, although Claude and other heirs were not given statutory notice. After the wills were admitted to probate, heirs filed pleadings challenging the wills on grounds including lack of testamentary capacity and undue influence, and they also sought removal of the estate administrations to circuit court and accounting for alleged inter vivos transfers.

PROCEDURAL HISTORY

The estates were initially admitted to probate in the Escambia County Probate Court. Contestants filed pleadings seeking removal of each estate's administration to the circuit court and contesting the wills after probate. The circuit court failed to enter removal orders and dismissed both will contests, concluding that it lacked subject-matter jurisdiction because the removal petitions and will-contest pleadings did not satisfy statutory requirements. The Supreme Court of Alabama reversed and remanded both cases.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

In case no. 1140819, enter an order removing Claude Moya's estate administration from the probate court to the circuit court and reinstate the will contest. In case no. 1140820, enter an order removing Bessie Turner's estate administration from the probate court to the circuit court and reinstate the will contest. The circuit court may thereafter administer each estate, including addressing properly pleaded equitable accounting and asset-recovery claims.

CASES CITED

- Nance v. Matthews, 622 So. 2d 297 (Ala. 1993)
- Creola Land Dev., Inc. v. Bentbrooke Housing, L.L.C., 828 So. 2d 285 (Ala. 2002)
- Newman v. Savas, 878 So. 2d 1147 (Ala. 2003)
- Drummond Co. v. Alabama Department of Transportation, 937 So. 2d 56 (Ala. 2006)
- Taylor v. Estate of Harper, 164 So. 3d 542 (Ala. 2014)
- Dubose v. Weaver, 68 So. 3d 814 (Ala. 2011)
- Ex parte Terry, 957 So. 2d 455 (Ala. 2006)
- Ex parte McLendon, 824 So. 2d 700 (Ala. 2001)

- Ex parte Barrows, 892 So. 2d 914 (Ala. 2004)
- Ex parte Higgins, 423 So. 2d 227 (Ala. 1982)
- Noe v. Noe, 679 So. 2d 1057 (Ala. Civ. App. 1995)
- Rubin v. Department of Industrial Relations, 469 So. 2d 657 (Ala. Civ. App. 1985)
- Covington Bros. Motor Co. v. Robinson, 239 Ala. 226, 194 So. 663 (1940)
- Forrester v. Putnam, 409 So. 2d 773 (Ala. 1982)
- Bond v. Pylant, 3 So. 3d 852 (Ala. 2008)
- Stevens v. Gary, 565 So. 2d 73 (Ala. 1990)
- Ex parte Pearson, 241 Ala. 467, 3 So. 2d 5 (1941)
- Carter v. Davis, 275 Ala. 250, 154 So. 2d 9 (1963)
- Dunson v. Friedlander Realty, 369 So. 2d 792 (Ala. 1979)
- Crawford v. Crawford, 349 So. 2d 65 (Ala. Civ. App. 1977)
- Schlagenhauf v. Holder, 379 U.S. 104 (1964)
- Ward v. Saben Appliance Co., 391 So. 2d 1030 (Ala. 1980)
- Freer v. Potter, 413 So. 2d 1079 (Ala. 1982)
- Evans v. Waddell, 689 So. 2d 23 (Ala. 1997)
- Braasch v. Worthington, 191 Ala. 210, 67 So. 1003 (1915)
- Queen v. Harden, 924 So. 2d 712 (Ala. Civ. App. 2005)
- Kelley v. Sutliff, 262 Ala. 622, 80 So. 2d 636 (1955)
- Ex parte Holt, 599 So. 2d 12 (Ala. 1992)
- Lappan v. Lovette, 577 So. 2d 893 (Ala. 1991)
- Byars v. Mixon, 292 Ala. 657, 299 So. 2d 259 (1974)
- Garrison v. Kelly, 257 Ala. 105, 57 So. 2d 345 (1952)
- Andrews v. Merritt Oil Co., 612 So. 2d 409 (Ala. 1992)
- De-Gas, Inc. v. Midland Resources, 470 So. 2d 1218 (Ala. 1985)
- Ex parte Smith, 438 So. 2d 766 (Ala. 1983)
- Krouse v. Youngblood, 171 So. 3d 49 (Ala. Civ. App. 2015)
- Burgett v. Porter, 180 So. 3d 20 (Ala. Civ. App. 2015)
- Ex parte Scottsdale Insurance Co., 180 So. 3d 1 (Ala. 2015)
- Byrd v. Bentley, 221 So. 3d 1064 (Ala. 2016)
- Regions Bank v. Reed, 60 So. 3d 868 (Ala. 2010)
- Jett v. Carter, 758 So. 2d 526 (Ala. 1999)
- Sowell v. Sowell's Administrator, 40 Ala. 243 (1866)
- Hall's Heirs v. Hall, 47 Ala. 290 (1872)
- Dickey v. Vann, 81 Ala. 425, 8 So. 195 (1886)
- Knox v. Paull, 95 Ala. 505, 11 So. 156 (1892)
- Hawkins v. Sanders, 260 Ala. 585, 72 So. 2d 81 (1954)

