

SUPREME COURT OF VERMONT

In re Estate of Howard Mahoney, 126 Vt. 31

220 A.2d 475 (1966) · No. No. 591 · Decided June 7, 1966

SUMMARY

The Vermont Supreme Court considered whether a widow convicted of manslaughter in connection with her husband's death could inherit from his intestate estate. The court held that the probate court improperly decreed the estate directly to the decedent's parents, because Vermont's statutes entitled the surviving spouse to the estate absent a valid equitable proceeding. It reversed and remanded, explaining that any constructive trust based on the widow's intentional killing had to be determined by the court of chancery.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Vermont                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Smith, J.; Holden, C. J.; Shangraw, J.; Barney, J.; Keyser, J.                                                                                                                                                                                                                                                              |
| JURISDICTION          | Vermont                                                                                                                                                                                                                                                                                                                     |
| DECIDED               | June 7, 1966                                                                                                                                                                                                                                                                                                                |
| DOCKET                | No. 591                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Charlotte Mahoney appealed directly from a Franklin District Probate Court decree awarding the intestate estate of Howard Mahoney to his parents rather than to her, the surviving spouse. The Supreme Court of Vermont reversed the probate decree and remanded with directions concerning a possible chancery proceeding. |
| STANDARD OF REVIEW    | De novo review of the legal issues concerning statutory descent, probate-court jurisdiction, and the availability of equitable relief.                                                                                                                                                                                      |
| PRECEDENTIAL VALUE    | Published Vermont Supreme Court opinion; binding state precedent.                                                                                                                                                                                                                                                           |
| PARTIES               | Charlotte Mahoney v. Mark Mahoney and the decedent's mother                                                                                                                                                                                                                                                                 |

TOPICS

- slayer statute
- constructive trust
- probate procedure
- equitable relief
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether a surviving spouse convicted of manslaughter in connection with the death of the decedent may inherit from the decedent's intestate estate.
2. Whether the Probate Court could award the estate directly to the decedent's parents contrary to the statutory order of descent and distribution.
3. Whether the Probate Court had jurisdiction to impose or establish a constructive trust based on the equitable principle that a killer should not profit from the killing.
4. Whether a court of chancery could be invoked to determine whether the widow intentionally killed the decedent and, if so, impose a constructive trust.

## HOLDINGS

1. The Probate Court's decree awarding the estate directly to Howard Mahoney's parents contravened Vermont's statutes of descent and distribution because the surviving spouse was entitled to inherit under the statutory scheme.
2. Vermont recognizes the constructive-trust doctrine under which a person who intentionally and unlawfully kills another may hold property acquired from the victim as constructive trustee for the victim's heirs or next of kin, preventing the killer from improving her position through the killing.
3. The constructive-trust rule is not limited to murder; it applies to voluntary manslaughter because voluntary manslaughter is an intentional and unlawful killing, but it does not apply to involuntary manslaughter absent an intent to kill.
4. The Probate Court lacked jurisdiction to establish a purely equitable constructive-trust claim or to impose a constructive trust on the estate in the widow's hands.

## KEY QUOTATIONS

*"A constructive trust is nothing but 'the formula through which the conscience of equity finds expression.'"* (126 Vt. 33; 220 A.2d 477)

*"The principle to be applied is that the slayer should not be permitted to improve his position by the killing, but should not be compelled to surrender property to which he would have been entitled if there had been no killing."* (126 Vt. 34; 220 A.2d 478)

*"It is the intent to kill, which when accomplished, leads to the profit of the slayer that brings into play the constructive trust to prevent the unjust enrichment of the slayer by reason of his intentional killing."* (126 Vt. 35; 220 A.2d 478)

*"The equity powers conferred upon the probate court do not extend to the establishment of purely equitable claims and equitable rights."* (126 Vt. 36; 220 A.2d 479)

*"The jurisdiction over charging the appellant with a constructive trust on the estate of Howard Mahoney lies in the court of chancery, and not in the probate court."* (126 Vt. 36-37; 220 A.2d 480)

## FACTUAL BACKGROUND

Howard Mahoney died intestate on May 6, 1961, from gunshot wounds. His widow, Charlotte Mahoney, was convicted by a jury of manslaughter in connection with his death and was serving a prison sentence. Howard left no children and was survived by Charlotte and his parents; his estate was valued at approximately \$3,885.89.

## PROCEDURAL HISTORY

Howard Mahoney's estate was administered in the Probate Court for the District of Franklin. After notice and hearing, that court decreed the residue to Howard's parents, relying on Charlotte Mahoney's manslaughter conviction arising from Howard's death. On direct appeal, the Vermont Supreme Court held that the probate court had applied the descent statutes incorrectly and lacked jurisdiction to impose the equitable constructive-trust remedy; it reversed and remanded to allow the administrator to seek relief in chancery.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The proceedings were to be stayed for sixty days to allow the administrator to apply to the Franklin County Court of Chancery for relief. If such an application was made, the probate proceedings were to remain stayed pending the chancery court's final determination. If no application was made, the Probate Court was directed to assign Charlotte Mahoney the right and interest in the estate conferred by Vermont's statutes.

## CASES CITED

- Carpenter's Estate, 170 Pa. 203, 32 A. 637, 29 L.R.A. 145
- Wall v. Pfanschmidt, 265 Ill. 180, 106 N.E. 785, L.R.A. 1915C, 328
- Bird v. Plunkett, 139 Conn. 491, 95 A.2d 71, 36 A.L.R.2d 951
- Riggs v. Palmer, 115 N.Y. 506, 22 N.E. 188, 5 L.R.A. 340
- Price v. Hitaffer, 164 Md. 505, 165 A. 470
- Slocum v. Metropolitan Life Ins. Co., 245 Mass. 565, 139 N.E. 816, 27 A.L.R. 1517
- Miller v. Belville, 98 Vt. 243, 247, 126 A. 590
- Kelley v. State, 105 N.H. 240, 196 A.2d 68
- Chase v. Jenifer, 219 Md. 564, 150 A.2d 251
- State v. McDonnell, 32 Vt. 491, 545
- State v. Averill, 85 Vt. 115, 132, 81 A. 461
- In re Estate of Prudeniano, 116 Vt. 55, 68 A.2d 704
- Manley v. Brattleboro Trust Co., 116 Vt. 460, 461, 464, 78 A.2d 488
- Admr. of Leonard v. Executor of Leonard, 67 Vt. 318, 320, 31 A. 783

