

SUPREME JUDICIAL COURT OF MAINE

Estate of John W. Gilbert

2019 ME 55 (Me. 2019) · No. Wal-18-34 · Decided April 11, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed Waldo County Probate Court judgments concerning the distribution of John W. Gilbert’s estate. The court upheld findings that the estate consisted primarily of real property and a motorcycle, and that the personal representative’s allowable expenses, allowances, and exemptions exceeded the estate’s total value. The court rejected challenges to the probate court’s factual findings, statutory interpretation, evidentiary rulings, and procedural decisions.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Susan C. Saufley, C.J.; Thomas E. Humphrey, J.; Andrew M. Mead, J.; Joseph M. Jabar, J.; William R. Gorman, J.; Hjelm, J.
JURISDICTION	Maine
DECIDED	April 11, 2019
DOCKET	Wal-18-34
DISPOSITION	affirmed
PROCEDURAL POSTURE	Third appeal in an estate dispute concerning the valuation and in-kind distribution of estate assets. Nathan Gilbert appealed judgments of the Waldo County Probate Court, and Judith Gilbert filed a timely cross-appeal.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. Probate Court factual findings are reviewed for clear error and will be upheld when supported by competent evidence. The admission or foundational reliability of expert testimony is reviewed for clear error, and discretionary allowance decisions are reviewed for abuse of discretion. Preserved error requires a showing of both error and prejudice under the harmless-error rule.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion
PARTIES	Nathan Gilbert v. Judith Gilbert

TOPICS

estate administration

probate procedure

appellate procedure

statutory interpretation

harmless error

PRACTICE AREAS

Probate

Estate administration

Appellate procedure

Evidence

Real estate

QUESTIONS PRESENTED

1. Whether the Probate Court correctly interpreted and applied the Maine Probate Code in valuing and distributing the intestate estate.
2. Whether the Probate Court's factual findings concerning the value of the real property and motorcycle, necessary expenses, and Judith's statutory allowances were clearly erroneous.
3. Whether the Probate Court erred by declining to hold a pretrial conference, excluding Nathan's proposed expert testimony, failing to rule on a recusal motion before beginning hearings, or allegedly engaging in improper ex parte communications.
4. Whether the Probate Court properly awarded Judith a family allowance and distributed the estate in kind.

HOLDINGS

1. The Probate Court did not err in interpreting or applying the challenged Probate Code provisions, including section 3-906 to the administration and distribution of the estate.
2. The Probate Court's findings concerning the value of the estate and Judith's expenses were not clearly erroneous because they were supported by record evidence.
3. The Probate Court acted within its discretion in awarding Judith a one-time \$12,000 family allowance as the surviving spouse.
4. Any errors concerning the characterization of Judith's exempt property, the timing of the recusal ruling, or possible reliance on an expense notebook were harmless because they did not affect the distribution or establish prejudice.

KEY QUOTATIONS

“to conduct an evidentiary hearing on the composition and value of the estate” (¶ 3)

“a reasonable allowance in money out of the estate for their maintenance” (¶ 8)

“The Probate Court acted well within its authority and with record support when it found Judith to be credible” (¶ 9)

FACTUAL BACKGROUND

John W. Gilbert died leaving real property valued by the Probate Court at \$63,500 and a Harley-Davidson motorcycle valued at \$5,000. The court found that Judith Gilbert, the personal representative and surviving spouse, paid \$40,705.58 in necessary expenses and was entitled to \$29,000 in allowances and exemptions,

exceeding the estate's total value by \$1,205.58. The court therefore authorized Judith to receive the estate in kind.

PROCEDURAL HISTORY

John W. Gilbert died in 2012, leaving real property and a motorcycle as the primary estate assets. In a prior appeal, the Maine Supreme Judicial Court remanded for an evidentiary hearing concerning the composition and value of the estate and for a distribution decision consistent with the evidence. On remand, the Probate Court determined that Judith Gilbert's necessary expenses, statutory allowances, and exemptions exceeded the estate's value and ordered that she receive the estate in kind. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Estate of Gilbert, 2016 ME 92, ¶ 2, 142 A.3d 583
- Estate of Gilbert, 2017 ME 175, ¶ 11, 169 A.3d 382
- Estate of Cabatit v. Canders, 2014 ME 133, ¶ 11, 105 A.3d 439
- Estate of Snow, 2014 ME 105, ¶ 22, 99 A.3d 278
- Searles v. Fleetwood Homes of Pa., Inc., 2005 ME 94, ¶ 24, 878 A.2d 509
- State v. Bard, 2018 ME 38, ¶ 45, 181 A.3d 187
- Estate of Plummer, 666 A.2d 116, 118 (Me. 1995)
- Wells v. Powers, 2005 ME 62, ¶ 2, 873 A.2d 361

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