

SUPREME JUDICIAL COURT OF MAINE

Estate of David H. Washburn

Washburn, 2020 ME 18 (Supreme Judicial Court of Maine 2020) · No. And-19-47 · Decided January 30, 2020

SUMMARY

The Maine Supreme Judicial Court affirmed the denial of a petition seeking formal adjudication of intestacy and appointment of a personal representative for the estate of David H. Washburn. The court held that the evidence supported the Probate Court's finding that Washburn had testamentary capacity despite being deaf and that the evidence did not establish undue influence by his wife. The court also addressed the applicable standards of review and burdens of proof for testamentary capacity and undue influence.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Jabar, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	January 30, 2020
DOCKET	And-19-47
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Androscoggin County Probate Court denying a petition for formal adjudication of intestacy, invalidation of the decedent's will, and appointment of a personal representative on behalf of the decedent's minor son.
STANDARD OF REVIEW	Testamentary capacity is reviewed for clear error, and because the contestant bore the burden of proof, the findings are not disturbed unless the evidence compels a different result. When reviewing denial of a motion for judgment as a matter of law on undue influence, the court views the evidence and justifiable inferences in the light most favorable to the nonmoving party and asks whether any reasonable view of the evidence could sustain a verdict for that party under the applicable substantive law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Laurie Kennedy v. Michelle Washburn

TOPICS

will contests

testamentary capacity

undue influence

probate procedure

evidence

PRACTICE AREAS

Probate

Wills and estates

Evidence

QUESTIONS PRESENTED

1. Whether the Probate Court clearly erred in finding that David Washburn possessed the testamentary capacity required to execute a valid will despite his deafness and the communication methods used during preparation of the will.
2. Whether the evidence, viewed in the light most favorable to Laurie Kennedy, could support a finding by clear and convincing evidence that Michelle Washburn exercised undue influence over David when he executed his will.

HOLDINGS

1. The Probate Court did not clearly err in finding that David possessed testamentary capacity. Deafness alone does not establish lack of testamentary capacity; the relevant inquiry is whether the testator had sufficient mental capacity to understand his property, the natural objects of his bounty, and the scope and effect of his will.
2. The Probate Court properly granted judgment as a matter of law on the undue-influence claim because, even viewing the evidence in the light most favorable to Laurie, the record could not support a finding by clear and convincing evidence that Michelle exercised undue influence.

KEY QUOTATIONS

“This standard requires only a modest level of competence and a general knowledge of one’s assets.” (§ 10)

“Furthermore, that inference must be based on more than mere suspicion and conjecture, and mere opportunity, interest or inequality in distribution is insufficient proof of undue influence.” (§ 17)

FACTUAL BACKGROUND

David Washburn, who was deaf, lived independently, worked for many years as a welder, owned a home, and completed substantial financial transactions without sign-language interpreters. In connection with an adoption proceeding, David and his wife, Michelle, executed wills prepared by Attorney Heather Seasonwein; David communicated through a combination of American Sign Language, notes, lip reading, and other methods and expressed specific testamentary wishes concerning his home and bequests to his son. Although Michelle sometimes interpreted during meetings with Seasonwein, David had previously consulted with Seasonwein on legal matters without an interpreter, retained control of his finances, and did not suffer from an established mental or physical enfeeblement.

PROCEDURAL HISTORY

Michelle Washburn filed an application for informal probate of David Washburn's will and was appointed personal representative. Laurie Kennedy, on behalf of her and David's minor son, petitioned to remove Michelle, adjudicate the estate intestate, and invalidate the will for lack of testamentary capacity and undue influence. After a two-day hearing, the Probate Court granted judgment as a matter of law for Michelle on undue influence, later found that David possessed testamentary capacity, denied the petition and a motion for additional findings, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Klein v. Klein, 2019 ME 85, ¶ 6, 208 A.3d 802
- Estate of Ruth E. O'Brien-Hamel, Estate of O'Brien-Hamel, 2014 ME 75, ¶¶ 21, 26-28, 93 A.3d 689
- Sulikowski v. Sulikowski, 2019 ME 143, ¶ 11, 216 A.3d 893
- Estate of Siebert, 1999 ME 156, ¶ 5, 739 A.2d 365
- Estate of Record, 534 A.2d 1319, 1321 (Me. 1987)
- Estate of Dodge, 576 A.2d 755, 757 (Me. 1990)
- Estate of Domenica G. Halsey, 2008 N.Y. Misc. LEXIS 4957, at *10 (N.Y. Sur. Ct. July 25, 2008)
- Estate of Johnson, No. A05-2262, 2006 Minn. App. Unpub. LEXIS 1041, at *7-8, 11, 13 (Minn. Ct. App. Sept. 12, 2006)
- Hayward v. Hayward, 299 So. 2d 207, 210 (Miss. 1974)
- Teegarden v. Webster, 199 S.W.2d 728, 729 (Ky. Ct. App. 1947)
- Tidholm v. Tidholm, 62 N.E.2d 473, 477 (Ill. 1945)
- Lewis v. Knowlton, 1997 ME 12, ¶ 6, 688 A.2d 912
- Chapman v. Robinson, 2012 ME 141, ¶ 9, 58 A.3d 1123
- Estate of Lewis, 2001 ME 74, ¶ 7, 770 A.2d 619
- Estate of Horne, 2003 ME 73, ¶ 18, 822 A.2d 1177
- Estate of Bridges, 565 A.2d 316, 317 (Me. 1989)
- North American Life & Casualty Co. v. Butler, 623 A.2d 180, 182 (Me. 1993)
- In re Will of Fenwick, 348 A.2d 12, 14 (Me. 1975)
- Nightingale v. Leach, 2004 ME 22, ¶ 2, 842 A.2d 1277
- Smith v. Welch, 645 A.2d 1130, 1132 (Me. 1990)

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