

SUPREME COURT OF ALABAMA

Council v. Estate of Skelton (Ex parte Skelton)

275 So. 3d 144 (Ala. 2018) · Decided October 26, 2018

SUMMARY

The Alabama Supreme Court considered a petition for a writ of mandamus seeking dismissal of a beneficiary's circuit-court action concerning termination and distribution of a testamentary trust. The Court held that standing did not bar the probate-court petition for appointment of a successor trustee and that the subsequent appointment related back to the filing. Because the circuit-court claims were substantively related to the earlier probate-court proceeding and constituted compulsory counterclaims, the Court applied Alabama's abatement statute and ordered dismissal of the circuit-court action.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Mendheim; Stuart; Parker; Shaw; Bryan; Sellers; Main; Bolin; Wise
JURISDICTION	Alabama
DECIDED	October 26, 2018
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Evangela Skelton petitioned the Supreme Court of Alabama for a writ of mandamus directing the Jefferson Circuit Court to vacate its order denying her motion to dismiss Joshua Council's trust-termination action and to dismiss that action under Alabama's statutory abatement rule.
STANDARD OF REVIEW	When the facts underlying a motion under Ala. Code § 6-5-440 are undisputed, the Supreme Court reviews de novo the application of law to those facts. Mandamus requires a clear legal right, an imperative duty accompanied by refusal, no other adequate remedy, and properly invoked jurisdiction.
PRECEDENTIAL VALUE	Published, precedential Alabama Supreme Court opinion
PARTIES	Evangela Skelton, as personal representative of the Estate of Brian Lee Skelton, Sr. v. Joshua M. Council, Jefferson Circuit Court

TOPICS

writ of certiorari

probate procedure

trust administration

civil procedure

appellate procedure

PRACTICE AREAS

civil procedure

probate

trusts

appellate procedure

QUESTIONS PRESENTED

1. Whether Angel Skelton's lack of appointment as personal representative when the probate petition was filed deprived the probate court of subject-matter jurisdiction or otherwise barred the petition.
2. Whether Angel's later appointment as personal representative related back to the filing of the probate petition.
3. Whether Joshua Council's later-filed circuit-court action was subject to abatement under Ala. Code § 6-5-440 because the earlier probate-court proceeding sought substantially the same relief concerning administration, termination, and distribution of the trust.
4. Whether mandamus was the appropriate remedy to require the Jefferson Circuit Court to apply the statutory abatement rule.

HOLDINGS

1. The doctrine of standing, particularly as a jurisdictional concept, has no application in this private-law trust case; Angel's status when she filed the probate petition did not create a subject-matter-jurisdiction impediment.
2. Angel's subsequent appointment as personal representative related back to her filing of the probate petition because the petition sought relief beneficial to Brian Lee's estate.
3. Joshua's circuit-court petition for termination, as amended, was subject to abatement and dismissal under Ala. Code § 6-5-440 because the earlier probate-court petition sought substantially the same substantive relief concerning the trust.
4. The occurrence of an event terminating a trust does not eliminate the need for a trustee during the reasonable winding-up period required to determine beneficiaries, administer remaining obligations, and distribute trust property.

KEY QUOTATIONS

“Mandamus is the appropriate remedy to correct a trial court's failure to properly apply § 6-5-440.” (275 So. 3d at 150)

“The petition for termination, as amended, is subject to abatement, and the circuit court erred in denying Angel's motion to dismiss that petition based on the application of § 6-5-440.” (275 So. 3d at 155)

“We direct the Jefferson Circuit Court (1) to vacate its order denying Angel's motion to dismiss the petition for termination, as amended, and (2) to enter an order dismissing Joshua's action on the ground of abatement.” (275 So. 3d at 155)

FACTUAL BACKGROUND

The Frederick Tildon Skelton, Jr. Family Trust was to terminate upon Rheta Skelton's death, but its assets still required division, distribution, tax administration, and final settlement. Rheta died in December 2015, and her successor trustee, Brian Lee Skelton, died in July 2016 before completing those tasks and without a named successor trustee. Angel Skelton and other beneficiaries filed a probate-court petition for appointment of a successor trustee on July 26, 2016. Joshua Council filed a circuit-court petition for termination on August 18, 2016, later adding fiduciary-duty claims against Brian Lee's estate.

PROCEDURAL HISTORY

Angel Skelton and other beneficiaries filed a petition in the Jefferson Probate Court seeking appointment of a successor trustee and authority to complete administration and distribution of a testamentary trust. Joshua Council later filed a trust-termination action in the Jefferson Circuit Court and amended it to add fiduciary-duty damages claims against Brian Lee Skelton's estate. The circuit court denied Angel's motion to dismiss on the ground that she lacked standing when the probate petition was filed. The Alabama Supreme Court granted mandamus relief, directed the circuit court to vacate its order, and ordered dismissal of Joshua's action on abatement grounds.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Jefferson Circuit Court was directed to vacate its order denying Angel Skelton's motion to dismiss and to enter an order dismissing Joshua Council's action, as amended, on the ground of abatement.

CASES CITED

- Ex parte BAC Home Loans Servicing, LP, 159 So. 3d 31, 44 (Ala. 2013)
- Gardens at Glenlakes Property Owners' Ass'n, Inc. v. Baldwin County Sewer Service, LLC, 225 So. 3d 47, 53 (Ala. 2016)
- Ex parte Wilcox County Board of Education, 218 So. 3d 774, 779 n.7 (Ala. 2016)
- Ex parte J.E. Estes Wood Co., 42 So. 3d 104, 108 (Ala. 2010)
- Ex parte Perfection Siding, Inc., 882 So. 2d 307, 309-10 (Ala. 2003)
- Ex parte Integon Corp., 672 So. 2d 497, 499 (Ala. 1995)
- Ex parte Metropolitan Property & Casualty Insurance Co., 974 So. 2d 967, 969 (Ala. 2007)
- Washington Mutual Bank, F.A. v. Campbell, 24 So. 3d 435, 437 n.2 (Ala. 2009)
- First Tennessee Bank, N.A. v. Snell, 718 So. 2d 20, 27 (Ala. 1998)
- Penick v. Cado Systems of Central Alabama, Inc., 628 So. 2d 598, 599 (Ala. 1993)
- Ex parte Breman Lake View Resort, L.P., 729 So. 2d 849, 851 (Ala. 1999)
- Ex parte University of South Alabama Foundation, 788 So. 2d 161, 165 (Ala. 2000)
- Ex parte Parsons & Whittemore Alabama Pine Construction Corp., 658 So. 2d 414 (Ala. 1995)
- Ex parte Norfolk Southern Railway, 992 So. 2d 1286, 1289-90 (Ala. 2008)

- Ex parte Brooks Insurance Agency, 125 So. 3d 706, 710 (Ala. 2013)
- Ex parte Cincinnati Insurance Cos., 806 So. 2d 376, 380 (Ala. 2001)
- Ex parte Canal Insurance Co., 534 So. 2d 582, 584 (Ala. 1988)
- Brooks v. Peoples National Bank of Huntsville, 414 So. 2d 917, 919 (Ala. 1982)
- Regions Bank v. Reed, 60 So. 3d 868, 873, 878, 880, 883-85 (Ala. 2010)
- Jett v. Carter, 758 So. 2d 526, 529 (Ala. 2000)
- Ex parte Burch, 236 Ala. 662, 665, 184 So. 694, 697 (1938)
- Ex parte McMichael, 62 So. 3d 465 (Ala. 2010)
- Ex parte J.C. Duke & Associates, 4 So. 3d 1092 (Ala. 2008)
- Martin v. Clark, 554 So. 2d 1030, 1032 (Ala. 1989)
- Wood v. Wayman, 47 So. 3d 1212, 1217 (Ala. 2010)
- Drath v. Armstrong, 224 Ala. 661, 664, 141 So. 634, 637 (1932)