

SUPREME COURT OF KENTUCKY

Debra Goff, Individually and as Executrix of the Estate of Elbert Goff, Sr. v. Honorable Brian C. Edwards

2021-SC-0452-MR · No. 2021-SC-0452-MR · Decided September 19, 2022

SUMMARY

The Supreme Court of Kentucky affirmed the Court of Appeals' denial of Debra Goff's petition for a writ of mandamus seeking dismissal of an estate-related action in Jefferson Circuit Court. The court held that the circuit court had subject-matter jurisdiction over the adversarial probate-related claims under KRS 395.510 and KRS 395.515. It further held that Goff's statutory-standing argument did not support a writ because an adequate remedy by appeal was available and no great and irreparable injury was shown.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Hughes
JURISDICTION	Kentucky
DECIDED	September 19, 2022
DOCKET	2021-SC-0452-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Kentucky Court of Appeals' denial of Goff's petition for a writ of mandamus directing the Jefferson Circuit Court to dismiss an adversarial probate-related action.
STANDARD OF REVIEW	A writ decision is generally reviewed for abuse of discretion. Whether a lower court is acting outside its subject-matter jurisdiction presents a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Debra Goff, individually and as executrix of the Estate of Elbert Goff, Sr. v. Honorable Brian C. Edwards, Judge, Jefferson Circuit Court

TOPICS

probate procedure

subject matter jurisdiction

standing

writ of certiorari

statutory interpretation

PRACTICE AREAS

Probate

Civil procedure

Appellate procedure

Writs

Statutory interpretation

QUESTIONS PRESENTED

1. Whether the Jefferson Circuit Court had subject-matter jurisdiction over the Sisters' adversarial action involving the settlement and distribution of the estate.
2. Whether the Sisters' asserted lack of statutory standing to pursue claims concerning misuse of the power of attorney justified issuance of a writ of mandamus.
3. Whether Goff established the prerequisites for either a first-class or second-class writ.

HOLDINGS

1. The Jefferson Circuit Court had subject-matter jurisdiction because the Sisters' adversarial claims fit within KRS 395.510 and KRS 395.515, including claims presenting a genuine issue concerning the correct and lawful settlement or distribution of estate assets.
2. The asserted question whether the Sisters were authorized by KRS 411.140 to pursue the power-of-attorney misuse claims was a statutory-standing issue, not a subject-matter-jurisdiction issue, and did not support a first-class writ.
3. Goff was not entitled to a second-class writ because an adequate remedy by appeal remained available and she did not establish great injustice or irreparable injury.

KEY QUOTATIONS

“subject-matter jurisdiction involves a court’s ability to hear a type of case while standing involves a party’s ability to bring a specific case.” (at 12)

“standing is distinct from subject-matter jurisdiction.” (at 12)

“if it appears that there is a genuine issue as to what constitutes a correct and lawful settlement of the estate, or a correct and lawful distribution of the assets, such issues may be adjudicated by the court” (at 10)

FACTUAL BACKGROUND

Elbert Goff, Sr. executed a will leaving his estate equally to his six children and later executed a power of attorney naming Debra Goff as attorney-in-fact. After Elbert died, Debra presented the will for probate and was appointed executrix. Debra's sisters filed an adversarial circuit-court action alleging that she misused the power of attorney before Elbert's death and misused her authority as executrix afterward, including by failing to pursue debts allegedly owed to the estate. They sought an accounting, constructive trust, monetary relief, punitive damages, and restraints on further estate administration.

PROCEDURAL HISTORY

The Sisters filed an action in Jefferson Circuit Court against Goff and other family members alleging fiduciary misconduct, misuse of a power of attorney, self-dealing, failure to pursue estate debts, and seeking an accounting and other relief concerning the Estate of Elbert Goff, Sr. The circuit court denied Goff's motion to dismiss for

lack of subject-matter jurisdiction, concluded the Sisters had standing, and permitted an amended complaint. The Court of Appeals denied Goff's writ petition, concluding that the circuit court had subject-matter jurisdiction and that any standing error could be addressed by appeal. The Supreme Court of Kentucky affirmed.

DISPOSITION

affirmed

CASES CITED

- Bender v. Eaton, 343 S.W.2d 799, 800 (Ky. 1961)
- Goldstein v. Feeley, 299 S.W.3d 549, 551-52 (Ky. 2009)
- Daugherty v. Telek, 366 S.W.3d 463, 467 (Ky. 2012)
- Grange Mut. Ins. Co. v. Trude, 151 S.W.3d 803, 810 (Ky. 2004)
- Priestley v. Priestley, 949 S.W.2d 594, 598 (Ky. 1997)
- Myers v. State Bank & Trust Co., 307 S.W.2d 933 (Ky. 1957)
- Maratty v. Pruitt, 334 S.W.3d 107, 112 n.9 (Ky. App. 2011)
- PNC v. Edwards, 590 S.W.3d 818 (Ky. 2019)
- Karem v. Bryant, 370 S.W.3d 867 (Ky. 2012)
- Privett v. Clendenin, 52 S.W.3d 530 (Ky. 2001)
- Stephenson v. Woodward, 182 S.W.3d 162, 169-70 (Ky. 2005)
- Gateway Constr. Co. v. Wallbaum, 356 S.W.2d 247, 249 (Ky. 1962)
- McElroy v. Taylor, 977 S.W.2d 929, 931 (Ky. 1998)
- Harris v. Harris' Adm'r, 145 S.W. 369 (Ky. 1912)
- Gregory v. Hardgrove, 562 S.W.3d 911, 913 (Ky. 2018)
- Smith v. Louisville Trust Co., 237 S.W.2d 836, 837 (Ky. 1951)
- Jones v. Keen, 160 S.W.2d 164, 165 (Ky. 1942)
- Harrison v. Leach, 323 S.W.3d 702, 705-06 (Ky. 2010)
- Small v. Federal National Mortgage Association, 286 Va. 119, 747 S.E.2d 817 (2013)
- CGM, LLC v. BellSouth Telecomm., Inc., 664 F.3d 46, 52 (4th Cir. 2011)
- Lawson v. Office of Atty. Gen., 415 S.W.3d 59, 67 (Ky. 2013)
- Hoskins v. Maricle, 150 S.W.3d 1, 19-20 (Ky. 2004)