

SUPREME COURT OF INDIANA

Estate of Prickett v. Womersley

905 N.E.2d 1008 (Ind. 2009) · No. 71S03-0808-CV-419 · Decided May 13, 2009

SUMMARY

The Indiana Supreme Court held that a family member's services to an incapacitated person are presumed gratuitous and that the presumption was not rebutted by the ward's written desire to compensate her daughter. Because the ward was subject to a guardianship over her estate, she lacked authority to contract for compensation, and the daughter had not shown an express or implied contract with the guardian or obtained the guardian's approval. The court also held that the daughter's claim could properly be filed against the decedent's probate estate rather than being required to be filed in the guardianship proceeding, but reversed the denial of summary judgment on the gratuitous-services issue.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Sullivan, Justice; Shepard, Chief Justice; Dickson, Justice; Boehm, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	May 13, 2009
DOCKET	71S03-0808-CV-419
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Estate appealed the probate court's denial of its motion for summary judgment. The probate court certified the order for interlocutory appeal, the Indiana Court of Appeals affirmed, and the Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The reviewing court determines whether the designated evidence shows no genuine issue of material fact and whether the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published, precedential Indiana Supreme Court opinion
PARTIES	Estate of Margaret H. Prickett v. Marilyn Prickett Womersley

TOPICS

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QUESTIONS PRESENTED

1. Whether a claim for personal services rendered to a protected person in a non-fiduciary capacity had to be filed in the guardianship estate rather than in the subsequent probate estate.
2. Whether a family member's evidence that an incapacitated ward wanted the family member to be compensated rebutted Indiana's presumption that services rendered in a family context were gratuitous.
3. Whether the appointment of a guardian of the ward's estate deprived the ward of the legal power to authorize compensation for services or enter into a contract for those services.

HOLDINGS

1. The Guardianship Code does not require a claim for personal services rendered in a non-fiduciary capacity to a protected person to be filed in the guardianship estate rather than in the later probate estate of the deceased protected person.
2. Evidence that an incapacitated ward desired that a family member be compensated does not, by itself, rebut Indiana's presumption that services rendered by family members living together in a family context were gratuitous.
3. A family member cannot rebut the gratuitous-services presumption merely by showing that the ward requested necessary services; absent exigent circumstances, guardian approval is required to secure compensation for family services provided to a protected person.

KEY QUOTATIONS

“Indiana law presumes that services by a family member are rendered gratuitously.” (1009)

“In this case, the presumption cannot be rebutted by evidence that the mother wanted her daughter to be compensated because the mother was under a guardianship and the guardian did not consent.” (1009)

“The very fact that a guardian for her estate had been appointed established, as a matter of law, that she could not make a legally significant request.” (1015)

FACTUAL BACKGROUND

In 1999, the St. Joseph County Probate Court adjudicated Margaret H. Prickett an incapacitated person and appointed co-guardians of her person and 1st Source Bank as guardian of her estate. During the guardianship, Prickett lived with her daughter, Marilyn Prickett Womersley, who provided personal services and paid various expenses. After Prickett died in 2003, Womersley filed an approximately \$546,000 claim against the probate estate, relying in part on a signed statement expressing Prickett's desire that Womersley be compensated; Womersley had not sought reimbursement from the guardian during the guardianship.

PROCEDURAL HISTORY

Margaret H. Prickett was placed under a guardianship of her person and estate in 1999. After her death, Marilyn Prickett Womersley filed a claim against the probate estate for expenses and personal services provided during the guardianship. The probate court denied the Estate's motion for summary judgment, certifying the order for interlocutory appeal; the Court of Appeals affirmed, and the Supreme Court granted transfer. The Supreme Court reversed the denial of summary judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's denial of the Estate's motion for summary judgment and remand for proceedings consistent with the opinion.

CASES CITED

- Estate of Prickett v. Womersley, 885 N.E.2d 619 (Ind. Ct. App. 2008)
- In re Guardianship of E.N., 877 N.E.2d 795, 798 (Ind. 2007)
- Harrison v. Bishop, 131 Ind. 161, 30 N.E. 1069, 1071 (1892)
- Peters v. Hanlin, 220 Ind. 175, 41 N.E.2d 604, 605 (1942)
- Schwartz v. Schwartz, 773 N.E.2d 348, 354-356 (Ind. Ct. App. 2002)
- Estate of Hann v. Hann, 614 N.E.2d 973, 979 (Ind. Ct. App. 1993)
- Hill v. Hill, 121 Ind. 255, 23 N.E. 87, 88-89 (1889)
- Cole v. Cole, 517 N.E.2d 1248, 1250 (Ind. Ct. App. 1988)
- Schroeder v. Schroeder, 117 Ind. App. 410, 70 N.E.2d 764, 765 (1947)
- Grout v. Solon, 131 Ind. App. 650, 174 N.E.2d 593, 594 (1961)
- Wyneken v. Long, 400 N.E.2d 1147, 1148 (Ind. Ct. App. 1980)
- Rautenkranz v. Plummer, 75 Ind. App. 269, 130 N.E. 435, 436 (1921)
- Polick v. Indiana Department of Highways, 668 N.E.2d 682, 684 (Ind. 1996)
- In re Guardianship of Hickman, 805 N.E.2d 808, 819 (Ind. Ct. App. 2004)
- Smith v. Husted, 28 Ind. App. 168, 62 N.E. 454, 455 (1902)
- Forker v. Berkes, 111 Ind. App. 92, 38 N.E.2d 296 (1941)