

SUPREME COURT OF APPEALS OF WEST VIRGINIA

In re: The Estate of Mary E. McClain

No. 15-0434 · No. No. 15-0434 · Decided April 15, 2016

SUMMARY

The West Virginia Supreme Court of Appeals affirmed an order directing the final distribution of real estate sale proceeds from the Estate of Mary E. McClain. The court held that the circuit court was constrained by the limited remand in *Holland v. Joyce* and properly declined to consider additional assets not involved in the earlier litigation. The court also summarily rejected the petitioner's remaining assignments of error.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Robin Jean Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	April 15, 2016
DOCKET	No. 15-0434
DISPOSITION	affirmed
PROCEDURAL POSTURE	Steven Adams appealed the Circuit Court of Cabell County's April 9, 2015, final order directing distribution of real-estate sale proceeds from the Estate of Mary E. McClain.
STANDARD OF REVIEW	The circuit court's final order and ultimate disposition are reviewed for abuse of discretion; findings of fact are reviewed for clear error; conclusions of law are reviewed de novo. Whether the circuit court correctly interpreted and complied with an appellate mandate is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Memorandum decision; no separate precedential designation stated in the opinion
PARTIES	Steven Adams v. Lolita Joyce Crews

TOPICS

- probate procedure
- estate administration
- appellate procedure
- standard of review
- real estate

PRACTICE AREAS

Probate

Estate administration

Appellate procedure

Real property

QUESTIONS PRESENTED

1. Whether the circuit court complied with the Supreme Court of Appeals' limited remand in *Holland v. Joyce*.
2. Whether the circuit court erred by refusing to find that assets beyond the funeral home, cemetery, and associated real estate belonged to McClain's estate for purposes of distribution.
3. Whether Adams was denied an opportunity to be heard.
4. Whether Adams showed good cause for a requested reinstatement or for presenting a new claim in the longstanding estate litigation.

HOLDINGS

1. A circuit court receiving a limited remand must follow the appellate mandate and may address only the issues identified within that mandate. The circuit court correctly limited the proceedings to implementing *Holland v. Joyce* and determining the possible credit against the judgment.
2. The circuit court did not err by refusing to find that additional assets belonged to McClain's estate for distribution in the existing case.
3. Adams was not denied an opportunity to be heard because the transcript of the August 12, 2013, hearing contradicted that assertion.

KEY QUOTATIONS

“Upon remand of a case for further proceedings after a decision by this Court, the circuit court must proceed in accordance with the mandate and the law of the case as established on appeal. The trial court must implement both the letter and the spirit of the mandate, taking into account the appellate court’s opinion and the circumstances it embraces.” (4)

“Limited remands explicitly outline the issues to be addressed by the circuit court and create a narrow framework within which the circuit court must operate.” (4)

FACTUAL BACKGROUND

Mary E. McClain died intestate in 1959, leaving a funeral home, cemetery, and associated real estate in Huntington, West Virginia. The estate's heirs litigated the validity of a deed, an accounting and alleged conversion of estate assets, and partition by sale of the real property. The circuit court ultimately determined that the deed was never delivered, entered a monetary judgment against Frances M. Joyce subject to a possible credit, and ordered partition by sale. Decades later, the circuit court distributed the net sale proceeds to the estates of McClain's children and declined to include additional assets proposed by Adams.

PROCEDURAL HISTORY

The estate litigation began with three actions filed in 1966 and 1968 concerning an allegedly invalid deed, an accounting and conversion claim, and partition by sale. After a 1968 bench trial, the circuit court invalidated the deed, entered a monetary judgment, and ordered partition by sale. In *Holland v. Joyce*, the Supreme Court of Appeals affirmed most of the circuit court's rulings but remanded for determination of a possible credit against the judgment. On remand, the circuit court entered an unappealed 1974 order addressing the credit and confirming distribution of the sale proceeds. After later proceedings and an August 12, 2013, hearing, the circuit court entered the April 9, 2015, final distribution order, which Adams appealed.

DISPOSITION

affirmed

CASES CITED

- *Holland v. Joyce*, 155 W. Va. 535, 185 S.E.2d 505 (1971)
- *Burgess v. Porterfield*, 196 W. Va. 178, 469 S.E.2d 114 (1996)
- *State ex rel. Frazier & Oxley, L.C. v. Cummings*, 214 W. Va. 802, 591 S.E.2d 728 (2003)

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