

SUPREME COURT OF MISSISSIPPI

Marquan D. Stover v. Elaine G. Davis

268 So. 3d 559 (Miss. 2019) · No. 2016-CT-01605-SCT · Decided April 25, 2019

SUMMARY

The Supreme Court of Mississippi considered whether a second codicil to Tamora G. Robinson's will was the product of undue influence by her sister and conservator, Elaine G. Davis. The court held that a confidential relationship coupled with suspicious circumstances raised a presumption of undue influence, requiring Davis to rebut it by clear and convincing evidence. The court reversed the Court of Appeals and chancery court and remanded for further factfinding.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Beam, Justice; Randolph, C.J.; King, P.J.; Coleman, J.; Maxwell, J.; Chamberlin, J.; Ishee, J.; Kitchens, P.J.; Griffis, J.
JURISDICTION	Mississippi
DECIDED	April 25, 2019
DOCKET	2016-CT-01605-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Stover filed a will contest challenging a second codicil on the ground of undue influence. The chancery court dismissed the contest, and the Court of Appeals affirmed in a plurality decision. The Mississippi Supreme Court granted certiorari, reversed both decisions, and remanded for further factfinding.
STANDARD OF REVIEW	A chancellor's factual findings will not be disturbed unless manifestly wrong or clearly erroneous, or unless the chancellor applied an erroneous legal standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Marquan D. Stover v. Elaine G. Davis, Executrix of the Estate of Tamora G. Robinson, Deceased

TOPICS

- undue influence
- will contests
- probate
- estate litigation
- appellate procedure

PRACTICE AREAS

probate

estate litigation

wills and trusts

QUESTIONS PRESENTED

1. Whether the evidence established a confidential relationship and suspicious circumstances sufficient to raise a presumption of undue influence.
2. Whether the proponent of the will and codicil had the burden to rebut the presumption of undue influence by clear and convincing evidence.
3. Whether the chancery court erred by placing the burden on Stover to prove undue influence and by failing to make findings under the applicable three-part rebuttal test.

HOLDINGS

1. A presumption of undue influence arose because Davis was Robinson's conservator, creating a confidential relationship, and the undisputed evidence showed suspicious circumstances, including Robinson's dementia, Davis's involvement in preparing the codicil, and changes benefiting Davis.
2. Once a presumption of undue influence arises, the proponent of the will bears the burden of rebutting it by clear and convincing evidence.
3. Remand was required because the chancellor failed to determine whether Davis rebutted the presumption under the three-part test and instead incorrectly found that Stover had not met his burden.

KEY QUOTATIONS

“When a presumption of undue influence arises, then the proponent of the will bears the burden to rebut the presumption with clear and convincing evidence that the will was not the result of undue influence.” (at 565)

“Because Davis was Robinson’s duly appointed conservator, a confidential relationship was established.” (at 566)

“Because the evidence was such that the chancellor reasonably could have found either that Davis had rebutted the presumption or that she had not, we reverse the decisions of both courts and remand to the chancery court for factfinding on whether Davis rebutted the presumption by clear and convincing evidence.” (at 568)

FACTUAL BACKGROUND

Tamora Robinson, who was eighty-nine and suffering from dementia, executed a second codicil shortly before her death that devised thirty acres of property to her sister Elaine Davis and nominated Davis as executrix. Davis was Robinson's conservator and participated in discussing the will changes and contacting Robinson's attorney. Stover contested the codicil, alleging undue influence, and presented evidence concerning Robinson's dementia, physical and mental decline, Davis's fiduciary relationship, and Davis's role in procuring the codicil.

PROCEDURAL HISTORY

The Chancery Court of the Second Judicial District of Hinds County found no undue influence and dismissed Stover's motion to contest the second codicil. The Court of Appeals affirmed in a plurality opinion. The Mississippi Supreme Court granted Stover's petition for a writ of certiorari and reversed because the chancery court applied the wrong burden of proof and failed to apply the presumption-and-burden-shifting framework for undue influence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The chancery court must conduct further factfinding on whether Davis rebutted the presumption of undue influence by clear and convincing evidence, including the three-part inquiry concerning Davis's good faith, Robinson's full knowledge and deliberation, and advice from a competent person disconnected from Davis.

CASES CITED

- Wright v. Roberts, 797 So. 2d 992, 997 (Miss. 2001)
- In re Estate of Grantham, 609 So. 2d 1220, 1223 (Miss. 1992)
- Trotter v. Trotter, 490 So. 2d 827, 833 (Miss. 1986)
- Harris v. Sellers, 446 So. 2d 1012, 1014 (Miss. 1984)
- Clardy v. National Bank of Commerce of Mississippi, 555 So. 2d 64, 66 (Miss. 1989)
- Croft v. Alder, 237 Miss. 713, 115 So. 2d 683, 686 (1959)
- In re Estate of Dabney, 740 So. 2d 915, 921 (Miss. 1999)
- Murray v. Laird, 446 So. 2d 575, 578 (Miss. 1984)
- Bryan v. Holzer, 589 So. 2d 648, 657 (Miss. 1991)
- Stover v. Davis, 2016-CP-01605-COA, 2018 WL 2110017 (Miss. Ct. App. May 8, 2018)