

SUPREME COURT OF RHODE ISLAND

Katherine M. Kelley et al. v. Donald Jepson, Administrator of the Estate of Brandt H. Jepson

811 A.2d 119 (R.I. 2002) · No. No. 2001-321-Appeal · Decided December 6, 2002

SUMMARY

The Supreme Court of Rhode Island affirmed the dismissal of an appeal from a Providence Probate Court decision because the appellants failed to file a certified copy of the probate record within the statutory thirty-day period. The court held that the probate judge's signed written decision constituted an appealable decree under Rhode Island law and that the statutory deadlines were jurisdictional and generally could not be extended. The court also declined to grant relief under the statute permitting late appeals based on accident, mistake, unforeseen cause, or excusable neglect.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Williams, C.J.; Lederberg, J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	December 6, 2002
DOCKET	No. 2001-321-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's dismissal of an appeal from a Providence Probate Court decision.
STANDARD OF REVIEW	De novo review applies to questions of law and statutory interpretation, including whether a statutory limitations period has run.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Katherine M. Kelley v. Donald Jepson, Administrator of the Estate of Brandt H. Jepson

TOPICS

- probate procedure
- appellate procedure
- appellate jurisdiction
- statutory interpretation
- final judgment rule

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Providence Probate Court's April 4, 2000 written and signed decision constituted an appealable order or decree that triggered the statutory appeal deadlines.
2. Whether the Superior Court had authority to extend the statutory deadline for filing the certified probate record and transcript.
3. Whether Kelley was entitled to relief under Rhode Island General Laws § 9-21-6.

HOLDINGS

1. A written and signed probate decision that states final legal conclusions, settles the parties' rights, and terminates the will contest constitutes an order or decree for purposes of Rhode Island General Laws § 33-23-1, even though separate documents labeled 'Decree' and 'Administration' were not mailed to the parties.
2. The April 4, 2000 decree triggered the twenty-day and thirty-day deadlines in § 33-23-1, and Kelley and Pearlman failed to perfect their appeal because they did not file the certified record within thirty days.
3. The Superior Court lacks authority to extend the jurisdictional deadlines in § 33-23-1(a)(1) and (a)(2), except for an extension to file a transcript under subsection (c).
4. The Supreme Court would not disturb the denial of relief under § 9-21-6 because Kelley did not articulate a specific basis—accident, mistake, unforeseen cause, or excusable neglect—for the untimely filing.

KEY QUOTATIONS

“The deadline of subsections (a)(1) and (a)(2) of this chapter are jurisdictional and may not be extended by either the probate court or the superior court, except for purposes of extending the time to file the transcript under subsection (c).” (811 A.2d at 122-123)

*“This written, signed decision clearly “settled the respective rights and claims of the * * * contestants challenging the probating of [decedent's] will and it terminated litigation of the will contest in the [Providence] Probate Court,” and therefore the decision satisfied the requirements of a decree.”* (811 A.2d at 122)

FACTUAL BACKGROUND

Brandt H. Jepson died on May 14, 1998. Kelley and Pearlman, named as co-executors, petitioned to probate his will, while Brandt's father objected and sought appointment of Donald Jepson as administrator. On April 4, 2000, the Providence Probate Court issued a written, signed decision disallowing the will on grounds of incompetence and granting administration of the estate. Kelley and Pearlman filed their probate appeal documents but did not file the certified record and transcript within the statutory deadline.

PROCEDURAL HISTORY

Kelley and Thomas W. Pearlman petitioned the Providence Probate Court to probate Brandt H. Jepson's will. The Probate Court disallowed the will for incompetence, granted a petition for administration, and appointed Donald Jepson as administrator. Kelley and Pearlman filed a claim of appeal and reasons of appeal but did not file the certified probate record and transcript within the statutory thirty-day period. The Superior Court dismissed the appeal, and Kelley appealed to the Supreme Court of Rhode Island.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

None. The papers were returned to the Superior Court.

CASES CITED

- Heflin v. Koszela, 774 A.2d 25, 31 (R.I. 2001)
- In re Oliveira, 765 A.2d 840, 842 (R.I. 2001)
- In re Estate of Speight, 739 A.2d 229, 231 (R.I. 1999)
- Ring v. Ring, 97 R.I. 509, 510, 199 A.2d 124, 126 (1964)