

COURT OF APPEALS OF INDIANA

Angela Holtswarth v. Eric M. Oliver, Personal Representative for the Estate of Darryl Lee Cook

25A-EU-1580 · No. 25A-EU-1580 · Decided March 23, 2026

SUMMARY

The Indiana Court of Appeals affirmed the denial of Angela Holtswarth’s petition to determine heirship in the unsupervised estate of Darryl Lee Cook. The court held that Indiana Code section 29-1-17-15.1 did not require a hearing because Cook’s will had been offered and admitted to probate. It also held that, because Holtswarth was over twenty when Cook died and paternity had not been established during Cook’s lifetime, she did not satisfy Indiana Code section 29-1-2-7.

CASE DETAILS

|                       |                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Indiana                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Judge Foley; Judge May; Judge Altice                                                                                                                                                                                                         |
| JURISDICTION          | Indiana Court of Appeals                                                                                                                                                                                                                     |
| DECIDED               | March 23, 2026                                                                                                                                                                                                                               |
| DOCKET                | 25A-EU-1580                                                                                                                                                                                                                                  |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Appeal from the denial of a petition to determine heirship and a motion to reconsider in an unsupervised estate proceeding.                                                                                                                  |
| STANDARD OF REVIEW    | The denial of a motion to reconsider is reviewed for abuse of discretion. Statutory interpretation is reviewed de novo because it presents a question of law. An abuse of discretion also occurs when the trial court misinterprets the law. |
| PRECEDENTIAL VALUE    | Published and precedential opinion of the Court of Appeals of Indiana.                                                                                                                                                                       |
| PARTIES               | Angela Holtswarth v. Eric M. Oliver, Personal Representative for the Estate of Darryl Lee Cook                                                                                                                                               |

TOPICS

- probate procedure
- estate administration
- statutory interpretation
- legislative intent
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Indiana Code section 29-1-17-15.1 required the trial court to set a hearing on Holtswarth's petition to determine heirship.
2. Whether the trial court abused its discretion by denying reconsideration after interpreting Indiana Code section 29-1-2-7 to preclude an adult over twenty from establishing paternity for inheritance purposes after the putative father's death.
3. Whether Holtswarth's constitutional and public-policy challenges to the age limitations were preserved for appellate review.

## HOLDINGS

1. Indiana Code section 29-1-17-15.1 does not require the trial court to set a hearing when a will has been offered for probate and probated, because the statute applies only when no general administration has commenced and no will has been offered for probate within five months after the decedent's death.
2. Under Indiana Code section 29-1-2-7(b), a child who was at least twenty years old when the putative father died must have established paternity in a cause of action filed during the father's lifetime; an adult over twenty cannot establish paternity posthumously within five months of the father's death under subsection (b)(2).
3. The constitutional and public-policy arguments were waived because Holtswarth raised them for the first time on appeal, including her equal-protection argument.

## KEY QUOTATIONS

*“The primary purpose in statutory interpretation is to ascertain and give effect to the legislature’s intent.” (at 4-5)*

*“Considering the plain language of the statute, the trial court was not required to set Holtswarth’s petition for a hearing under the statute because she failed to meet one of the conditions precedent to the filing of an heirship petition, namely that a will had not been offered for probate.” (at 6)*

*“Here, the unambiguous language of the statute clearly establishes the legislative intent to limit the ability of a person to posthumously establish heirship to those persons under the age of twenty.” (at 8-9)*

## FACTUAL BACKGROUND

Angela Holtswarth learned in 2022 through ancestry testing that Darryl Lee Cook was her biological father, and DNA testing established the biological relationship. Paternity, however, was never established by law during Cook's lifetime. Cook died in February 2025, and his will, which named two other daughters as heirs, was filed and probated before Holtswarth filed her petition to determine heirship. Holtswarth was approximately fifty years old when Cook died and sought to establish heirship and challenge the will.

## PROCEDURAL HISTORY

Holtswarth filed a petition to determine heirship, objected to probate of Cook's will, and requested a hearing under Indiana Code section 29-1-17-15.1. The Hendricks Superior Court had already probated Cook's will and denied the petition without setting a hearing; it subsequently denied Holtswarth's motion to reconsider. Holtswarth appealed.

## DISPOSITION

affirmed

## CASES CITED

- Mitchell v. 10th and The Bypass, LLC, 3 N.E.3d 967, 970 (Ind. 2014)
- In re Estate of Hammar, 847 N.E.2d 960, 962 (Ind. 2006)
- State v. Economic Freedom Fund, 959 N.E.2d 794, 800 (Ind. 2011)
- Mi.D. v. State, 57 N.E.3d 809, 811 (Ind. 2016)
- Nicoson v. State, 938 N.E.2d 660, 663 (Ind. 2010)
- State v. Oddi-Smith, 878 N.E.2d 1245, 1248 (Ind. 2008)
- Woods v. Harris, 600 N.E.2d 163, 164 (Ind. Ct. App. 1992)
- Regalado v. Estate of Regalado, 933 N.E.2d 512, 519 (Ind. Ct. App. 2010)
- B.Z. v. State, 943 N.E.2d 384, 394 (Ind. Ct. App. 2011)

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