

SUPREME COURT OF MINNESOTA

In re Estate of Wilson, 223 Minn. 409

27 N.W.2d 429 (1947) · Decided March 28, 1947

SUMMARY

The Minnesota Supreme Court affirmed an order sustaining the invalidity of Thomas Wilson’s will on the ground that it was procured through undue influence by John E. Hanzlik. The court held that a prior order denying a motion to dismiss could not be reconsidered absent vacation of that order, and that the executors could not assign error concerning the denial of a third party’s intervention. The evidence supported findings involving a confidential relationship, Hanzlik’s participation in preparing the will, the testator’s condition, and the disposition of the estate to an organization controlled by Hanzlik.

CASE DETAILS

COURT	Supreme Court of Minnesota
JURISDICTION	Minnesota
DECIDED	March 28, 1947
DISPOSITION	affirmed
PROCEDURAL POSTURE	The executors appealed from the district court's order denying their alternative motion for amended findings and conclusions of law or for a new trial after the district court invalidated the will on the ground of undue influence.
STANDARD OF REVIEW	The court reviewed the denial of a new trial and sustained the district court's finding of undue influence when supported by the evidence. Only the portion of the order denying a new trial was reviewable.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Minnesota
PARTIES	Executors named in the purported will of Thomas Wilson v. Mary Abigail Strangeway

TOPICS

- will contests
- undue influence
- probate procedure
- appellate procedure
- preservation of error

PRACTICE AREAS

- Probate
- Trusts and estates
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly refused to reconsider and dismiss the appeal from the probate court's order admitting the will because a prior order denying dismissal on the same grounds had not been vacated.
2. Whether the executors could assign as error the district court's refusal to authorize the Property Tax Reduction Club to intervene when the club itself did not appeal.
3. Whether the will was induced by undue influence exerted by John E. Hanzlik.

HOLDINGS

1. A motion previously denied should not be reconsidered unless the order denying it has been vacated; therefore, the district court properly refused to entertain the renewed motion to dismiss the probate appeal.
2. An appellant may assign only errors prejudicial to the appellant and may not assign errors affecting another party; thus, the executors could not challenge the refusal to allow the Property Tax Reduction Club to intervene.
3. Undue influence exists when influence exerted on a testator is of such degree that it destroys or overcomes the testator's free agency and substitutes the influencer's will for the testator's; the district court's finding that Hanzlik unduly influenced Wilson was supported by the evidence and was sustained.

KEY QUOTATIONS

"Where an order has been made denying a motion, the motion should not be reconsidered unless the order has been vacated. So long as the order remains in effect it operates as a bar to reconsideration of the question decided by it." (413)

"An appellant may not assign errors affecting other parties; he may assign only errors that were prejudicial to him." (413)

"Undue influence, as the term itself implies, is influence of such a degree exerted upon the testator by another that it destroys or overcomes the testator's free agency and substitutes the will of the person exercising the influence for that of the testator." (413)

FACTUAL BACKGROUND

Thomas Wilson executed his will while hospitalized before a serious operation, leaving his entire approximately \$2,000 net estate to the Property Tax Reduction Club and making no provision for his sister-in-law, Bertha Quade, or his nieces. John E. Hanzlik, the club's president and general manager, prepared and witnessed the will, controlled the inactive club's affairs, and had a confidential relationship with Wilson, who relied on Hanzlik's advice regarding his property and financial matters. Wilson was old, sick, weak, and mentally disturbed, and the evidence showed that Hanzlik and another club member had discussed the disposition of Wilson's property with him in the hospital.

PROCEDURAL HISTORY

The probate court admitted Thomas Wilson's will to probate without contest. Mary Abigail Strangeway, an heir, appealed that order to the district court. The executors moved to dismiss the appeal, renewed the motion at trial, and challenged the refusal to authorize the Property Tax Reduction Club to intervene. The district court denied dismissal and found the will invalid because of undue influence; the Supreme Court of Minnesota affirmed.

DISPOSITION

affirmed

CASES CITED

- Magee v. Odden, 220 Minn. 498, 20 N.W.2d 87
- Barrett v. Smith, 183 Minn. 431, 237 N.W. 15
- Perkins v. Hegg, 212 Minn. 377, 3 N.W.2d 671
- Clark v. Stanton, 24 Minn. 232
- In re Estate of Marsden, 217 Minn. 1, 13 N.W.2d 765
- In re Estate of Stephens, 207 Minn. 597, 293 N.W. 90
- In re Estate of Enyart, 180 Minn. 256, 230 N.W. 781
- In re Estate of Olson, 176 Minn. 360, 223 N.W. 677
- In re Estate of Keeley, 167 Minn. 120, 208 N.W. 535