TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Elizabeth Weston v. Nurses Case Management LLC d/b/a CareFor

No. 03-24-00209-CV · No. 03-24-00209-CV · Decided January 29, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed a probate court order authorizing and ratifying the sale of 35 shares of Whittington Investments, Ltd. held in a guardianship estate. The court held that the county court at law had subject matter jurisdiction, that it could ratify the sale after the fact, that the shares were not a specific legacy or trust property, and that Elizabeth Weston received constitutionally sufficient notice and an opportunity to be heard.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chari L. Kelly; Chief Justice Byrne; Justice Triana; Justice Kelly
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	January 29, 2026
DOCKET	03-24-00209-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Elizabeth Weston appealed a probate court order authorizing Nurses Case Management LLC d/b/a CareFor, guardian of Glenn Weston's estate, to sell 35 shares of Whittington Investments, Ltd., ratifying the completed sale, and ordering a report of the sale.
STANDARD OF REVIEW	Guardianship and probate applications are generally reviewed for abuse of discretion; pure questions of law are reviewed de novo. A court abuses its discretion when its action is unreasonable or arbitrary or is taken without reference to guiding principles.
PRECEDENTIAL VALUE	Published
PARTIES	Elizabeth Weston v. Nurses Case Management LLC d/b/a CareFor

TOPICS

guardianship procedure · probate procedure · guardianships · appellate procedure · standard of review

PRACTICE AREAS

guardianships · probate · appellate procedure · civil procedure

QUESTIONS PRESENTED

1. Whether the probate court had subject matter jurisdiction over CareFor's application to sell Glenn's personal property.
2. Whether the probate court had authority to approve and ratify the sale of the Whittington shares after the sale had been completed.
3. Whether the Whittington shares were a specific legacy excluded from sale under Texas Estates Code section 1158.051(b)(2).
4. Whether the sale proceeds should have been allocated to the principal of a trust rather than treated as guardianship-estate property.
5. Whether the probate court's hearing and notice procedures violated Elizabeth's due process rights.

HOLDINGS

1. The probate court had subject matter jurisdiction because the application concerned the disposition of personal property belonging to a guardianship estate, not a proceeding by or against a trustee or concerning a trust.
2. A probate court may authorize and ratify a guardian's sale of estate personal property after the sale has occurred when the guardian sought court permission, complied with the statutory process to the extent possible, and the court determines that ratification is in the ward's or estate's best interest.
3. The Whittington shares were not a specific legacy excluded from sale under Texas Estates Code section 1158.051(b)(2).
4. The probate court was not required to allocate the sale proceeds to the principal of a trust because the Whittington shares were personal property of the guardianship estate, not trust property.
5. Elizabeth's due process rights were not violated because she had actual notice of the hearing, filed objections, and appeared and presented those objections at the hearing.

KEY QUOTATIONS

> *"The court had subject matter jurisdiction to consider CareFor's Amended Application requesting authorization to sell Glenn's property."* (at 6)

> *"Nothing in the statute precludes a probate court from authorizing and approving a sale of the estate's personal property after the fact, so long as the guardian complied with the statute to the extent possible and, in the exercise of its discretion, the probate court concludes that the sale, was in the ward's best interest."* (at 9-10)

> *"The requirement of due process is met if the notice of hearing affords the party a fair opportunity to appear and defend her interests."* (at 12)

FACTUAL BACKGROUND

CareFor, guardian of Glenn Weston's estate, held 50 privately owned Whittington Investments shares valued at approximately $450,000. Glenn's care cost approximately $30,000 per month, while the estate had only $39,161.75 in cash and lacked distributions from trusts of which Glenn was a beneficiary. After receiving a rare opportunity to sell 35 shares for approximately $423,000 in cash, CareFor completed the sale before a hearing because of the short transaction window and difficulties serving Elizabeth, then sought court approval and ratification.

PROCEDURAL HISTORY

CareFor was appointed permanent guardian of Glenn Weston's person and estate in September 2022. It applied for authority to sell 35 Whittington shares, but completed the sale before a hearing because the offer had a short acceptance window, the estate needed liquidity for Glenn's care, and service difficulties delayed the hearing. CareFor later amended its application and sought ratification; after a hearing at which Elizabeth appeared and objected, the Comal County Court at Law No. 3 ratified the sale. The court of appeals overruled all five appellate issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Guardianship of Bayne, 171 S.W.3d 232, 235 (Tex. App.—Dallas 2005, pet. denied)
- Saldarriaga v. Saldarriaga, 121 S.W.3d 493, 497 (Tex. App.—Austin 2003, no pet.)
- Johnson v. McClintock, 202 S.W.3d 821, 822-23 (Tex. App.—Corpus Christi-Edinburg 2006, no pet.)
- Arizola v. Tutle & Tutle Trucking, No. 04-11-00067-CV, 2012 WL 2335995, at *3 (Tex. App.—San Antonio June 20, 2012, pet. denied) (mem. op.)
- In re Kaufmans Guardianship Est., 429 S.W.2d 612, 617 (Tex. App.—Dallas 1968, no writ)
- Pemberton v. Leatherwood, 218 S.W.2d 500, 505 (Tex. App.—Eastland 1949, writ ref'd n.r.e.)
- Green v. Masters, 79 S.W.2d 184, 185 (Tex. App.—Dallas 1935, no writ)
- Pierce v. Texas Racing Comm'n, 212 S.W.3d 745, 749 (Tex. App.—Austin 2006, pet. denied)