

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

No. 2022-P-1153

BRISTOL, ss

In the Matter of PATRICIA ANN SLAVIN,
KATHLEEN SLAVIN, Personal Representative,
Petitioner-Appellant

ON APPEAL FROM A JUDGMENT OF THE
BRISTOL PROBATE & FAMILY COURT

PETITIONER-APPELLANT'S APPLICATION FOR
DIRECT APPELLATE REVIEW

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REQUEST FOR DIRECT APPELLATE REVIEW

Kathleen Slavin, Personal Representative of the Estate of Patricia Slavin (“Kathleen”), the Appellant, hereby requests that this Honorable Court assume direct appellate review of the instant appeal, pursuant to G.L. c. 211A, §10 and Mass. R. App. P. 11.

STATEMENT OF PRIOR PROCEEDINGS AND FACTS RELEVANT TO APPEAL

On August 5, 2016, Kathleen was appointed Voluntary Personal Representative of the Estate of Patricia Slavin, her mother, pursuant to a Statement of Voluntary Administration. Kathleen filed her mother’s will in the Bristol Probate and Family Court at the time of her appointment.

Kathleen’s family, constituting all of the decedent’s beneficiaries, assented to Kathleen’s appointment. No one challenged her appointment. No one challenged her performance of her duties. No one sought formal appointment in Kathleen’s stead.

Patricia Slavin had been murdered on May 10, 2016, in circumstances supporting wrongful death claims. On September 25, 2020, suspecting that her authority was not sufficient to pursue all aspects of the claims she had filed on the Estate’s behalf, Kathleen sought enhanced authority by filing a Petition for Formal Probate, seeking formal appointment as Personal Representative. All of the Estate beneficiaries again assented to her appointment and waived their rights to notice.

To ensure continuity pending Probate Court review of her Petition, Kathleen also filed a Motion for Appointment as Special Personal Representative. Again, all beneficiaries assented and waived notice.

On October 20, 2020, the Probate Court, Field, J., held a Hearing on the Petition and Kathleen's Motion. Although no one contested the Petition, her appointment or the Motion, the Court questioned its authority to allow the Petition because it was filed more than three years after Patricia Slavin's death. With the Court's permission, Kathleen filed a memorandum of law on November 2, 2020, explaining the Court's authority.

Notwithstanding the lack of opposition, on March 23, 2021, the Court denied Kathleen's Motion and dismissed her Petition as untimely. In accordance with G.L. c. 215, §9, Kathleen timely filed a Notice of Appeal concerning both denials on March 29, 2021. She filed her Notice of Appeal again on April 2, 2021 because her March 29th appeal had not yet been entered on the docket, likely due to administrative delays caused by the COVID-19 emergency. Kathleen also timely ordered the Hearing transcript.

Due to the uncertainty created by the Court's denial of Kathleen's Petition and Motion, Kathleen also filed a Petition for Late and Limited Appointment as Personal Representative on August 16, 2021. Again, all Estate beneficiaries assented to her appointment and waived their rights to notice.

While her Petition for Late and Limited Appointment was pending, on November 30, 2021, the Probate Court issued a notice of intent to dismiss Kathleen's appeal because the Hearing transcript, which Kathleen had ordered but which had not yet been prepared by the court reporter, had not been filed. Kathleen filed a motion to extend the time to file the transcript on December 13, 2021, hired a new court reporter to transcribe it, and filed the transcript on January 19, 2022, before the motion to extend time was heard on January 27, and allowed on February 8, 2022.

After the January 27, 2022 Hearing, the Probate Court approved Kathleen's appointment as Late and Limited Personal Representative on February 7, 2022. However, that appointment did not afford her the same authority she sought in her Formal Probate Petition.

The Probate Court clerk assembled the record on appeal on November 17, 2022. Kathleen timely docketed her appeal in the Appeals Court on November 30, 2022. This Application for Direct Appellate Review is timely.

STATEMENT OF ISSUES OF LAW RAISED BY THE APPEAL

Whether the Probate Court erred by treating Kathleen's 2020 Petition for Formal Probate and reappointment as Personal Representative of her mother's Estate as an initial filing, rather than as an "amendment" of her previous 2016 appointment, misapplied the three- year limitation period of G.L. c. 190B, §3-108, and erroneously

denied her Petition as untimely? The issue was raised and preserved for appeal in the Probate Court.

ARGUMENT

A. NO SIMPLE MECHANISM EXISTS TO INCREASE THE AUTHORITY INITIALLY GRANTED TO A PERSONAL REPRESENTATIVE.

The Probate Court erred by treating Kathleen's 2020 Petition for Formal Probate and re-appointment as Personal Representative as an initial filing, rather than as an "amendment" of her 2016 appointment. The Court misinterpreted applicable provisions of the Massachusetts Uniform Probate Code ("MUPC") and misapplied the three-year limitation period by denying her Petition as untimely.

Neither the MUPC nor the Massachusetts Rules of Civil Procedure nor the Probate Court Rules, Supplemental Rules, and Standing Orders provide a procedural mechanism to enable an estate's informally appointed personal representative to apply to the Probate Court to increase her authority. Instead, the Probate Court increases a personal representative's authority by issuing a decree of formal appointment which supersedes the informal appointment. Michael H. Riley, *ESTATE ADMINISTRATION IN MASSACHUSETTS: A HANDBOOK WITH FORMS*, §2.06 (3d ed. 2020) ("ESTATE ADMINISTRATION"), *citing* G.L. c. 190B, §3-302 and §3-414. Jurisdictions adopting the UPC recognize that "formal and informal procedures may be combined in the administration of a given estate."

In the Matter of the Estates of Cahoon, 102 Idaho 542, 546, 633 P.2d 607, 611 (1981) (personal representatives are often appointed informally because “the powers and responsibilities of the personal representative do not vary depending upon the method of his appointment”).

B. VOLUNTARY ADMINISTRATION IS A TYPE OF INFORMAL PROBATE.

“Voluntary administration” is a category of informal administration which applies to small estates consisting entirely of personal property below a statutory dollar threshold. ESTATE ADMINISTRATION, §6.01[1], *citing* G.L. c. 190B, §3-1201. MUPC defines “[a]dministration” to include “both formal and informal testate and intestate proceedings under article III.” G.L. c. 190B, §1-201(1). The General Court and National Conference of Commissioners on Uniform State Laws placed voluntary administration in Article III.

The procedure used by G.L. c. 190B, §3-1201 for appointment of voluntary personal representatives satisfies MUPC’s definition of “informal proceedings.” G.L. c. 190B, §1-201(23). “‘Proceeding,’ *includes* action at law and suit in equity[,]” G.L. c. 190B, §1-201(39) (emphasis added), but is not defined to limit the term to only legal and equitable actions. *See In re: Custody of Victoria*, 473 Mass. 64, 73 (2015) (“statutory language should be given effect consistent with its plain meaning and in light of the aim of the legislature unless to do so would achieve an illogical result. All the words of a statute are to be given their ordinary and usual

meaning”). Were it otherwise, MUPC’s definition of “informal proceedings” would not make sense. “Informal proceedings” are defined as “those conducted without notice to interested persons by an officer of the court acting as a magistrate for probate of a will or appointment of a personal representative.” G.L. c. 190B, §1-201(23). Such “proceedings” constitute neither “action at law” nor “suit in equity.” “An ‘action’ is ‘an ordinary proceeding in a court of justice [through] which one party prosecutes another party for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense.’” *Commonwealth v. De’Amicis*, 450 Mass. 271, 276 (2007), *quoting* Black’s Law Dictionary 31 (8th ed. 2004) (modification in original). A “suit in equity” is a court proceeding formerly subject to a distinct procedure (now merged into Massachusetts Rules of Civil Procedure’s “civil action”) which seeks relief of a type granted by courts of chancery and equity. *Bank of America, N.A. v. Diamond Financial, LLC*, 88 Mass. App. Ct. 564, 566-68 (2015).

The procedure followed by Kathleen Slavin in 2016 to obtain appointment as Voluntary Personal Representative of her mother’s Estate was a type of “informal proceeding[.]” Upon proof of satisfaction of the statutory requirements, the Probate Register “issue[d] a certificate of appointment” to Kathleen, confirming her as Voluntary Personal Representative of the Estate, in accordance with G.L. c. 190B, §3-1201 (last paragraph).

The voluntary personal representative who is informally appointed to administer the estate has authority to administer and “conclusively bind” the estate. ESTATE ADMINISTRATION, §2.06; G.L. c. 190B, §3-302. “Informal probate is conclusive as to all persons until superseded by an order in a formal testacy proceeding. No defect in the petition or procedure relating thereto which leads to informal probate of a will renders the probate void.” G.L. c. 190B, §3-302.

However, the voluntary personal representative lacks some authority enjoyed by personal representatives formally appointed by the Probate Court. Most importantly for the instant case, a voluntary personal representative appears to lack authority to pursue claims common in a wrongful death action. *Marco v. Green*, 415 Mass. 732, 739 (1993) (decided under superseded statute).

C. THE MUPC ANTICIPATES AND ALLOWS A SERVING PERSONAL REPRESENTATIVE TO FILE A FORMAL PROBATE PETITION TO OBTAIN ADDITIONAL AUTHORITY.

To obtain additional authority, “a petition for appointment of a personal representative must be filed, typically by the same person who is serving as voluntary personal representative.” ESTATE ADMINISTRATION, §6.01[1]. Indeed, MUPC anticipates that an informally appointed personal representative will seek formal appointment by making explicit provision therefor in G.L. c. 190B, §3-414(a): “one who previously has been appointed personal representative in informal proceedings” may receive formal appointment in accordance with G.L. c. 190B, §3-

414 and thereby with G.L. c. 190B, §3-402, a provision governing all formal appointments. Until formal appointment is decreed, or until the Probate Court restrains an informally appointed personal representative from carrying out her duties because of formal appointment proceedings, the informally appointed personal representative continues to exercise her powers and carry out her duties of administering the estate “other than those relating to distribution.” G.L. c. 190B, §3-401 (last paragraph).

Additionally, after formal appointment a personal representative is given explicit statutory authority to “ratify and accept acts on behalf of the estate done by others if the acts would have been proper for a personal representative.” G.L. c. 190B, §3-701. “[O]thers” includes informally appointed personal representatives.

Further demonstrating the expectation that formal appointment would confirm preceding acts performed by informally appointed personal representatives, G.L. c. 190B, §3-701 provides: “The powers of a personal representative relate back in time to give acts by the person appointed which are beneficial to the estate occurring prior to appointment the same effect as those occurring thereafter.” Relation back is also ensured by G.L. c. 231, §51:

In all civil proceedings, the court may at any time, allow amendments adding a party, discontinuing as to a party or changing the form of the action, and may allow any other amendment in matter of form or substance in any process, pleading or proceeding, which may enable the plaintiff to sustain the action for the cause or for recovery for the injury for which the action was intended to be brought, or enable the

defendant to make a legal defense. Any amendment allowed pursuant to this section or pursuant to the Massachusetts Rules of Civil Procedure shall relate to the original pleading.

The three-year limitation period of G.L. c. 190B, §3-108 governs initial probate. Like G.L. c. 190, §§3-414(a) and 3-701, §3-108 recognizes that an informally appointed personal representative may seek formal appointment to enhance her statutory powers and explicitly allows such “amendment” of her authority without running afoul of the three-year limitation period.

No informal probate or appointment proceeding or formal testacy or appointment proceeding, *other than ... appointment proceedings relating to an estate in which there has been a prior appointment*, may be commenced more than 3 years after the decedent’s death, except

G.L. c. 190B, §3-108 (emphasis added). The phrase “other than” provides an exclusion to the three-year limitation period for two categories of prior proceedings, including “appointment proceedings relating to an estate in which there has been a prior appointment.” These exclusions are distinct and in addition to the five exceptions enumerated in G.L. c. 190B, §3-108. They cannot be ignored or read out of the statute. *In re: Custody of Victoria*, 473 Mass. at 73. *In the Matter of the Estate of Kendall*, 486 Mass. 522 (2020), which equated §3-108 to a statute of repose, did not involve a prior appointment and did not address the “other than” language.

Nor is the exclusion to the three-year limitation period for “appointment proceedings relating to an estate in which there has been a prior appointment” limited to any particular type of appointment. None is specified in the statute. Appointment

is not a term defined by G.L. c. 190B, §1-201. No restrictions are placed on its meaning in §3-108. “When a statute does not define its words, we give them their usual and accepted meanings, as long as these meanings are consistent with the statutory purpose.” *Estate of Gavin v. Tewksbury State Hospital*, 468 Mass. 123, 129 (2014) (internal quotations omitted). The Court cannot add limiting language by judicial fiat because it cannot “‘read into the statute a provision which the Legislature did not see fit to put there’”. *National Lumber Co. v. United Cas. & Surety Ins. Co.*, 440 Mass. 723, 727 (2004) (internal quotations omitted). Moreover, the absence of any such limiting language accords with the purpose of allowing formal proceedings to “amend” prior appointments and proceedings. *See Estate of Gavin*, 468 Mass. at 130 (internal citation omitted):

we think it significant that, in the act, the Legislature did not choose to define ‘claimant’ in the restricted manner suggested by the Commonwealth — despite including a section that contains very specific definitions of many of the act’s significant, frequently used terms. The absence of a statutory definition is relevant because interpreting ‘claimant’ in its ordinary sense still gives full effect to all provisions of the act.

Accordingly, the exclusion to the statute of limitations for “appointment proceedings relating to an estate in which there has been a prior appointment” should be read to apply to all prior appointments, including those of voluntary personal representatives.

An important fact at bar also favors allowance of formal probate to amend the authority of the voluntary personal representative. All of the Slavin beneficiaries received notice and assented to Kathleen's efforts to obtain additional authority to maximize Patricia's Estate assets. All share Kathleen's interest in maximizing those assets. The law requires all types of personal representatives to collect estate assets for proper distribution to beneficiaries and creditors. G.L. c. 190B, §§3-703, 3-709, 3-715, 3-1201. No "[i]nterested person," G.L. c. 190B, §1-201(24) can oppose that principle. "The scant case law on §[3-108] in [Massachusetts] and analogous Uniform Probate Code provisions in other states ... illustrates that efficient administration and finality are not ends in themselves, but rather are intended to protect the decedent's successors and creditors from disruptions to possession of the decedent's property." *In the Matter of the Estate of Mary Winn*, 214 Ariz. 149, 150 P.3d 236, 240 (2007). Depriving the decedent's successors of a civil claim, "a potentially valuable estate asset" "would contravene the policy of efficient administration of estates for the benefit of successors and creditors that underlies the probate code." *Id.*

By contrast, in denying the voluntary administratrix authority to pursue wrongful death claims, the *Marco* Court noted several times that that voluntary administratrix had not notified beneficiaries of the wrongful death claim and did not distribute settlement funds to them, in violation of her statutory duties. 415 Mass.

at 733 n.6, 734 n.8, 739 n.19. Formal probate would ensure proper notice to all beneficiaries, G.L. c. 190B, §§1-201(18), 3-403, enhancing proper distribution. The concerns the SJC voiced in *Marco* encourage using formal probate to “amend” a voluntary personal representative’s authority.

STATEMENT OF REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

Since the creation of the Appeals Court, it has been the policy of Massachusetts appellate courts to ensure that each appeal receives a single, complete review. D. Johnedis, Massachusetts Two Court Appellate System: A Decade of Development, 67 MASS. L. REV. 103, 110 (1982). In accordance with the policy reflected in G.L. c. 211A, §10(A) and Mass. R. App. P. 11(a), this Court has assumed review of most cases raising novel questions of law and matters of first impression. *Id.*; B. Finkelman, Further Appellate Review in Civil Cases: How the Court Decides What Cases to Take, 69 MASS. L. REV. 108, 116 n. 8 (September 1984). The case at bar satisfies the guidelines of G.L. c. 211A, §10(A)(1) and (3), and Mass. R. App. P. 11(a)(1) and (3), for which reasons this Court should assume direct appellate review.

A. THE INSTANT APPEAL RAISES ISSUES OF FIRST IMPRESSION AND NOVEL QUESTIONS OF LAW.

Kathleen has found no case in Massachusetts or any UPC jurisdiction interpreting the “*other than* ... appointment proceedings relating to an estate in

which there has been a prior appointment” language of G.L. c. 190B, §3-108. Case law interpreting §3-108 is “scant,” *In the Matter of the Estate of Mary Winn*, 150 P.3d at 240; that interpreting §3-1201 even more so. Nor has she found decisions in any UPC jurisdiction directly addressing the mechanism by which the UPC “amends” a personal representative’s authority. The instant appeal thus raises questions of first impression which should be determined by the Supreme Judicial Court. G.L. c. 211A, §10(A)(1); Mass. R. App. P. 11(a)(1).

Kathleen's appeal also presents "novel questions of law," G.L. c. 211A, §10(A)(1); Mass. R. App. P. 11(a)(1), concerning the interplay of formal and informal probate proceedings and appointments. Again, little case law in Massachusetts or elsewhere addresses the relationship. Nor does any directly explain how a personal representative with limited authority may obtain more. The SJC should address such novel legal questions.

B. THE QUESTIONS RAISED ON APPEAL ARE OF SUCH PUBLIC INTEREST THAT JUSTICE REQUIRES A FINAL DETERMINATION BY THE SUPREME JUDICIAL COURT.

MUPC is a relatively new statute which made dramatic changes to Massachusetts probate law. One of these was reducing the limitation period for commencing estate administration from fifty (50) years to three (3). *Compare* G.L. c. 193, §4 (repealed by St. 2008, c. 521, §13) *with* G.L. c. 190B, §3-108. How the statute is to be interpreted is a matter of interest to every Massachusetts resident.

Where there is “scant” guidance interpreting the statute and novel issues of law which have yet to be addressed, it is in the public interest that the SJC determine and explain the law.

CONCLUSION

For all of the above reasons, Kathleen Slavin, the petitioner-appellant, respectfully requests this Court to assume direct appellate review of the instant appeal.

Respectfully Submitted,
The Petitioner-Appellant,
By her Attorneys,

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Dated: December 21, 2022

CERTIFICATION OF COMPLIANCE

I hereby certify that the above Application for Direct Appellate Review complies with the rules of court that pertain to the filing of such applications, including, but not limited to: Mass. R. App. P. 11, 16(a)(13), 16(e), 18, 20, and 21. Compliance with Mass. R. App. P. 20 was determined by using the GoogleDocs program's "word count" feature, which counted 1954 words of non-excluded text. Proportional Times New Roman 14-point font was used.

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ADDENDUM

BR16P1802EA In the matter of: Slavin, Patricia Ann

- Case Type:
- Estates and Administration
- Case Status:
- Active
- File Date
- 08/05/2016
- DCM Track:
-
- Initiating Action:
- Voluntary Statement
- Status Date:
- 09/02/2021
- Case Judge:
- Field, Hon. Katherine A
- Next Event:
-
-

Property Information

02718

[All Information](#)
[Party](#)
[Subsequent Action/Subject](#)
[Event](#)
[Docket](#)
[Disposition](#)

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
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08/05/2016	Will dated 8/21/2006-6 pages	3	Image
08/05/2016	Suspicious Death Affidavit Applies To: Slavin, Kathleen M (Petitioner)	4	Image
08/05/2016	Filed with Registry		
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09/25/2020	Michael S Slavin Interested Person(s) , Filed Form MPC 455 to Assent/Waive Notice to Other Pleading, , for Special Personal Representative	21	Image
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COMMONWEALTH OF MASSACHUSETTS

BRISTOL COUNTY

PROBATE AND FAMILY
DEPARTMENT OF THE TRIAL COURT

DOCKET NO. BR16P1802EA

ESTATE OF PATRICIA A. SLAVIN

Filed

SEP 25 2020

Probate Court
Bristol

**MOTION FOR APPOINTMENT OF
SPECIAL PERSONAL REPRESENTATIVE**

NOW COMES, the Petitioner, Kathleen M. Slavin, and moves this Honorable Court to appoint her, or some other suitable person, as Special Personal Representative of the Estate of Patricia A. Slavin (the "Estate") pending her petition for formal appointment as Personal Representative for the following reasons:

1. The decedent, Patricia A. Slavin, died under circumstances that purportedly give rise to a chose in action, and a complaint in that regard has been filed with the Bristol Superior Court, Docket No. 1973CV00388, of which the Petitioner is the Plaintiff.
2. At this time, the Estate is attempting to engage in mediation for the purpose of negotiating a settlement with a defendant in the above-referenced Superior Court action;
3. The Petitioner is serving as Voluntary Personal Representative, and therefore does not necessarily have the requisite authority to enter into a settlement agreement on behalf of the Estate; and

 E18
27

4. Time is of the essence with respect to the above-referenced Superior Court litigation and the imminent possibility of settlement with a defendant thereof, whereas a continued delay could harm the Estate's chances at a satisfactory result.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court appoint her, or some other suitable person, as Special Personal Representative of the Estate of Patricia A. Slavin.

[Proposed] Decree and Order is attached hereto.

Dated: August 19, 2020

Respectfully Submitted
Kathleen M. Slavin, Petitioner

By her Attorney,

Lynn A. Buskey

Lynn A. Buskey, Esq.
500 Victory Road, Suite 400
Quincy, MA 02171
617-447-2330
Lynn@BuskeyLaw.com
BBO #: 631452

THE WITHIN MOTION IS
ALLOWED DENIED

*This Petition
Cannot
be filed
beyond
3 years.*

2/22/21
Date: *Read*
JUSTICE

*+ shall
be dismissed.*

CERTIFICATE OF SERVICE OF: Petition-Formal Probate and Appt. of SPR <small>(type of pleading)</small>	Docket No. BR161802EA	Commonwealth of Massachusetts The Trial Court Probate and Family Court
In the Interests of: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <u>Patricia</u> <small>First Name</small> </div> <div style="text-align: center;"> <u>A.</u> <small>Middle Name</small> </div> <div style="text-align: center;"> <u>Slavin</u> <small>Last Name</small> </div> </div> <div style="margin-top: 20px;"> RESPONDENT </div>	<div style="display: flex; justify-content: space-between; align-items: center;"> Bristol Division </div>	

[Fill in the blank lines, check the boxes that show how the above was served, and sign where indicated.]

☐ **On Respondent:**

I, _____, a disinterested person over the age of eighteen (18), hereby
(name)
certify under the penalties of perjury that on _____ I served in hand a copy of
(date)
_____ on _____ at
(Respondent's name)

(address)

Date: _____

Signature: _____

☒ **On Other Interested Persons:**

I, Lynn A. Buskey, hereby certify under the penalties of perjury that a copy of
(name)
Petition Formal Probate/ SPR and PR was served:

On: Kathleen M. Slavin, Trustee by ☐ certified/registered mail ☐ first-class mail ☒ hand delivery
(name)

at: 270 Myricks Street, East Taunton, MA 02718 Date 7/30/2020
(address)

On: Kathleen M. Slavin by ☐ certified/registered mail ☐ first-class mail ☒ hand delivery
(name)

at: 270 Myricks Street, East Taunton, MA 02718 Date 7/30/2020
(address)

On: Michael S. Slavin by ☐ certified/registered mail ☒ first-class mail ☐ hand delivery
(name)

at: 270 Myricks Street, East Taunton, MA 02718 Date 8/25/2020
(address)

☒ **The following interested persons' assents have been filed with the court:**

Kathleen M. Slavin, Individual and as Trustee

Michael S. Slavin, Fredrick A. Slavin

Date: 8/25/2020

Steven T. Slavin, Daniel S. Slavin

Stephanie A. Slavin

Signature: *Lynn A. Buskey*

Estate of Patricia A. Slavin

Docket: BR16P1802EA

Certificate of Service (continued)

To: Fredrick A. Slavin by first class mail on August 25, 2020
270 Myricks Street, East Taunton, MA 02718

To: Steven T. Slavin by first class mail on August 25, 2020
6 Glad Street, Assonet, MA 02702

To: Daniel S. Slavin by first class mail on August 25, 2020
59 Leisure Lane, East Taunton, MA 02718

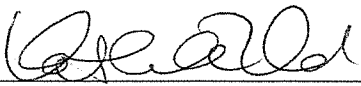
To: Stephanie A. Slavin by first class mail on August 25, 2020
4550 Narrows Lane, SW, Roanoke, VA 24014

8/25/2020

Lynn A. Buskey

JUDGMENT OF DISMISSAL	Docket No. BR16P1802EA	Commonwealth of Massachusetts The Trial Court Probate and Family Court
In the matter of: Patricia A Slavin	Bristol Probate and Family Court Office of Register Suite 240 40 Broadway Taunton, MA 02780 (508)977-6040	
<p>This action came on for</p> <p> <input type="checkbox"/> Trial <input checked="" type="checkbox"/> Hearing </p> <p>before the Court and</p> <p> <input checked="" type="checkbox"/> was argued by counsel <input type="checkbox"/> upon agreement of counsel/parties <input type="checkbox"/> parties failed to appear </p> <p>and thereupon, after consideration thereof, it is ordered and adjudged that the complaint for:</p> <p style="text-align: center;"> Petition for Formal filed September 25, 2020 </p> <p>be and hereby is dismissed</p> <p> <input type="checkbox"/> with prejudice <input checked="" type="checkbox"/> without prejudice </p>		

Date February 22, 2021


 Judge of the Probate and Family Court

CERTIFICATE OF SERVICE

I, Mark F. Itzkowitz, counsel for the plaintiffs, hereby certify that on December 21, 2022, I made service of the within document by emailing a copy of same to the following counsel of record:

Kenneth I. Kolpan, Esquire
Law Office of Kenneth I. Kolpan, PC
26 Lillian Way
Wayland, MA 01778
ken@kolpan.com

and Estate beneficiaries:

Michael S. Slavin
270 Myricks Street
East Taunton, MA 02718
michaelslavin270@gmail.com

Kathleen M. Slavin
270 Myricks Street
East Taunton, MA 02718
slavinkathleen@yahoo.com

Fredrick A. Slavin
14 Candlepaper Lane
West Wareham, MA.
fslavin01@gmail.com

Steven T. Slavin
6 Glad Street
Assonet, MA 02702
slavin9696@gmail.com

Stephanie A. Slavin
4550 Narrows Lane, SW
Roanoke, VA 24014
mnsracing@aol.com

Daniel S. Slavin
59 Leisure Lane
East Taunton, MA 02718
dslavin35@gmail.com

/s/Mark F. Itzkowitz

MARK F. ITZKOWITZ (BBO #248130)