

Orphan's Court for Harford County
Case No. 59163

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 990

September Term, 2023

IN RE: THE ESTATE OF JEAN
ELIZABETH DANFORTH

Nazarian,
Reed,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 5, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Debra Danforth, appellant, appeals from an order of the Circuit Court for Harford County, sitting as the Orphan’s Court, denying her exceptions to the inventory filed by the Personal Representative of the Estate of Jean Elizabeth Danforth (the Estate), and denying her request to be appointed as a co-representative of the Estate. On appeal, she contends that the court erred in not admitting into evidence certain written documents and photographs that she believes supported her claims. For the reasons that follow, we shall affirm.

In September 2022, Jean Elizabeth Danforth, died testate. She was survived by three children, one of which is appellant. In November 2022, the decedent’s Last Will and Testament was admitted to probate and appellant’s sister, Barbara Elroy, was appointed as Personal Representative. The Estate inventory was filed in February 2023, and appellant filed timely exceptions. Relevant to this appeal, appellant contended that certain property had been omitted from the inventory including various pieces of furniture and a 2005 Ford Escape vehicle. At the hearing, appellant also requested to be appointed as co-representative of the Estate, so that she could obtain the decedent’s medical records to “know more fully her diagnosis, treatment, and the cause of her death.” She also indicated that she wanted to conduct an investigation “into the source [and] amount of money used by members of the Elroy family for a Christmas vacation in 2022[.]” because she questioned whether “any of that money came from [her] mother’s estate.”

At the conclusion of the hearing, at which appellant and the Personal Representative both testified, the court denied appellant’s exceptions, finding that the vehicle and furniture had been co-owned by the decedent and her boyfriend, and therefore passed to the

boyfriend outside of the Estate. The court also denied appellant’s request to be appointed a co-representative. This appeal followed.

On appeal, appellant essentially claims that the trial court erred in “not request[ing] any written or photographic records from [her,]” despite the fact that she had informed the court at the outset of the hearing that she had documents to support her claims. She also asserts that “if the Court had admitted the actual written documents” it would have “arrived at different conclusions about the Exceptions and Executorship.” However, this contention is not preserved for appeal as appellant did not present these documents to the court at the hearing or request that they be admitted into evidence. *See* Maryland Rule 8-131(a) (stating that an appellate court will not ordinarily decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).

Moreover, the court was not required to request those documents from appellant.

Rather:

If [a litigant] represents himself [or herself], he [or she] must proceed, for the most part, unaided by the court. The court, in our adversarial system, cannot substantially help either party; to lend aid would subvert a necessary part of our adversarial system designed to guarantee just trials, which require the impartiality of the referee—the trial judge.

Tretick v. Layman, 95 Md. App. 62, 69 (1993). In short, because appellant did not request the court to admit any written or photographic records, the court did not err in not considering them. Moreover, we cannot consider that evidence for the first time on appeal. Because appellant has not otherwise demonstrated that the court erred in denying her

exceptions or her request to be appointed co-representative of the Estate, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE ORPHAN'S
COURT FOR HARFORD COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**