

Circuit Court for Montgomery County  
Case No. W86770

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1889

September Term, 2017

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BRENDA DURHAM

v.

JOSEPH LANSKY, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
LEWIS LANSKY

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Fader, C.J.,  
Leahy,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 28, 2018

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Lewis Lansky passed away on February 15, 2016. Joshua Lansky, appellee, is the son of the decedent and Brenda Durham, appellant, claims to have been married to the decedent.<sup>1</sup> The decedent’s Last Will and Testament (the will) named appellee as the Personal Representative for the Estate. After the decedent’s death, appellee filed a Petition for Administration of Decedent’s Estate, including probate of the will, in the Circuit Court for Montgomery County. Following a hearing in June 2016, which appellant did not attend, appellee was appointed as the Personal Representative and the will was admitted to judicial probate.

In 2017, appellant filed several petitions seeking to remove appellee as the Personal Representative for the Estate, claiming that appellee had: (1) engaged in criminal behavior by trying to sell the decedent’s house prior to his death; (2) committed fraud by not disclosing her marriage to the decedent in the Petition for Administration; (3) sent threatening letters to her attorney; (4) not included certain investment accounts as part of the Estate’s assets; and (5) not provided her with a spousal allowance. Following a hearing, the court denied appellant’s petitions for removal finding that appellee had “discharged his duties effectively, properly, and in accordance with applicable law” and that appellant had “failed to establish any facts that would support removal of [appellant as] the Personal

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<sup>1</sup> Appellant contends that she married the decedent on June 3, 2015. In his brief, appellee states that he believes the marriage to be of “questionable validity” but that he has elected “to not spend assets of the Estate challenging the purported marriage.” We express no opinion as to whether appellant and the decedent were, in fact, married as that issue was not decided in the circuit court and is not relevant to resolving the claims that have been raised on appeal.

Representative pursuant to Md. Code, Estates and Trusts, § 6-306.”<sup>2</sup> Appellant now appeals from the denial of her petitions for removal and presents six questions for our review:

- 1) Did the lower court err[] when it would not allow me to use my Rockville, Maryland marriage certificate as evidence of fraud?
- 2) Did my stepson act as a man of integrity and honesty during his Personal Representative Process?
- 3) What is one of the things that my stepson did that prove[s] he did not act as a just and honest man?
- 4) What is the beginning duty of the Personal Representative Application Process?
- 5) What are the duties of the Personal Representative?
- 6) Did my stepson pay the obligations and bills of my husband, the decedent, when he was Power of Attorney and as Personal Representative?

For the reasons that follow, we affirm.

Maryland Rule 8-504(a)(4)-(6) requires a party’s brief to contain a “clear concise statement of the facts material to a determination of the questions presented,” a “concise statement of the applicable standard of review for each issue,” and “[a]rgument in support of the party’s position on each issue.” Appellant’s brief contains none of these things. Although appellant makes several claims of error, those claims are devoid of factual

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<sup>2</sup> Appellant also filed a “Petition Against My Husband, Lewis Lansky’s Funds and Money Being Spent on the Following Things,” wherein she contested several expenditures listed in the Estate’s first interim account. The court considered appellant’s exceptions at the hearing on her petition for removal and found that the challenged expenses were both “reasonable and appropriate.” In her brief, appellant does not contend that the denial of her exceptions was error and, therefore, we do not consider that issue on appeal.

context and are not supported by citations to the record or relevant legal authority. Instead, appellant’s arguments consist solely of conclusory allegations of misconduct by appellant and the circuit court. For example, appellant asserts: (1) “my stepson did not behave as a man of integrity and honesty, because he filled out the application with lies and false information that is not on my marriage license”; (2) “the court of Maryland erred when it chose not to allow me to use some documents or information from the years of 2015 and 2016”; (3) “the fact that my stepson committed fraud in the Personal Representative Application, is enough to disqualify him and remove him as the Personal Representative of my husband”; and (4) “I never did receive a family (spousal) allowance from my stepson.” Although we are mindful that appellant is proceeding *pro se*, these bald assertions are insufficient to satisfy the requirement that arguments on appeal be supported by relevant facts and presented with particularity. Consequently, appellant’s claims are not properly before this Court. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).

Nevertheless, having reviewed the record, we perceive no error in the court’s denial of appellant’s petitions for removal. Although appellant’s brief contains six “questions presented,” she essentially raises three claims on appeal. First, she contends that appellee committed fraud because he did not list her as decedent’s wife on the Petition for Administration. However, in that petition, appellee listed appellant as an interested person, noted that she claimed to be the decedent’s wife, and indicated that the marriage was being contested. Although appellant is obviously unhappy that appellee has refused to

acknowledge her marriage to the decedent, the fact that he contested the marriage does not mean that he committed fraud or misrepresented material facts to the court. Appellant also asserts that appellee did not perform his duties as the personal representative because she was not given a spousal allowance. However, at the hearing on her petitions for removal, appellant acknowledged that she had never filed a claim against the Estate for a spousal allowance. Appellee, therefore, cannot be faulted for not giving appellant something that she had not requested. Finally, appellant asserts that the court erred by not allowing her to introduce her marriage certificate into evidence at the hearing on her petitions for removal. However, because the purported marriage was disclosed in the Petition for Administration and appellant had not filed a claim for a spousal allowance or a statutory spousal share of the Estate, the issue of whether she and the decedent were, in fact, married was not relevant to the issues before the court at the removal hearing.<sup>3</sup> Consequently, we are persuaded that, even if appellant had properly briefed her claims on appeal, she could not establish that the circuit court erred in denying her removal petitions.

**JUDGMENT OF THE CIRCUIT COURT  
FOR MONTGOMERY COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**

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<sup>3</sup> Notably, appellant is named as a beneficiary in the decedent's will.