

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 746

September Term, 2016

IN THE MATTER OF THE ESTATE OF
WESLEY ALAN HILL, SR.

Meredith,
Friedman,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Meredith, J.

Filed: May 23, 2017

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.

This appeal concerns a claim made by Wanda Hill (“Wanda”), appellant, against the estate of her late father, Wesley Allen Hill, Sr. (“Wesley Allen”), for one-half the value of certain residential property Wesley Allen had owned with his wife, Marlene Hill (“Marlene”), as tenants by the entirety. After the orphans’ court denied her claim against Wesley Allen’s estate, Wanda appealed to the Circuit Court for Caroline County. We addressed a related dispute in *Wanda Hill v. Marlene Hill*, Case No. 584, September Term, 2016. The circuit court granted summary judgment against Wanda in *Wanda Hill v. Marlene Hill*, and dismissed Wanda’s appeal from the orphans’ court as moot. For reasons discussed below, we will affirm the circuit court’s dismissal of Wanda’s appeal from the orphans’ court as moot in light of our holding in *Wanda Hill v. Marlene Hill*, Case No. 584, September Term, 2016, where we affirmed the circuit court’s grant of summary judgment in favor of Marlene.

QUESTION PRESENTED

Wanda presents one question for our review:

Does a pending declaratory judgment suit against the principal beneficiary preserve all contractual claims against the estate and beneficiaries, without regard to other Orphans’ Court proceedings or procedural requirements?

FACTUAL & PROCEDURAL BACKGROUND

Wesley Allen Hill, Sr., died on August 8, 2014. In his will, Wesley Allen named Wanda, his daughter, as personal representative of his estate, and bequeathed to Wanda his “right, title and interest” in residential property located at 8619 Mitchell Road, Denton, Maryland (the “Property”). Immediately prior to his death, Wesley Allen owned the

Property with his wife, Marlene, as tenants by the entireties. Wesley Allen and Marlene separated in July 2009, but did not obtain a divorce or retitle the Property. Consequently, upon Wesley Allen's death, Marlene became the sole owner of the Property by operation of law.

On December 23, 2014, Wanda filed a complaint for declaratory relief in the Circuit Court for Caroline County in a case captioned *Wanda Hill v. Marlene Hill*, seeking a declaration establishing that she was entitled to a one-half interest in the Property pursuant to Wesley Allen's will and a Voluntary Separation and Property Settlement Agreement that Wesley Allen and Marlene entered into in July 2009. On May 11, 2016, the circuit court granted summary judgment in favor of Marlene in the declaratory judgment action, holding that Wanda was not entitled to any interest in the Property pursuant to the terms of the Voluntary Separation and Property Settlement Agreement, and that Marlene was the sole owner of the Property. We affirmed the circuit court's grant of summary judgment in favor of Marlene in the declaratory judgment action in *Wanda Hill v. Marlene Hill*, Case No. 584, September Term, 2016.

On February 19, 2015, Ruth Withers filed a petition to open Wesley Allen's estate, and she was subsequently appointed personal representative. On May 5, 2015, Wanda filed a motion to strike the appointment of Ms. Withers as personal representative and substitute herself as personal representative. On June 1, 2015, Wanda withdrew her motion after she apparently reached an agreement with Ms. Withers establishing that, should Wanda prevail in her declaratory judgment action against Marlene, Ms. Withers would honor the decision

of the circuit court in her capacity as the personal representative of Wesley Allen's estate, and make any distributions to which Wanda was entitled pursuant to the circuit court's ruling.

On November 12, 2015, Wanda filed a claim against Wesley Allen's estate for \$100,000, which represented her estimate of the value of the one-half interest in the Property Wanda contended that she was entitled to in the declaratory judgment action. On December 2, 2015, Ms. Withers, as personal representative of Wesley Allen's estate, filed a notice of disallowance of Wanda's claim in the Orphans' Court for Caroline County. On January 19, 2016, the orphans' court held a hearing concerning Wanda's claim, and denied Wanda's objection to the personal representative's disallowance of her claim against Wesley Allen's estate.

On February 18, 2016, Wanda filed a notice of appeal to the Circuit Court for Caroline County of the orphans' court's ruling. On May 11, 2016, the circuit court conducted a hearing that combined a *de novo* appeal from the orphans' court and a hearing regarding cross-motions for summary judgment in Wanda's declaratory judgment action. On June 30, 2016, the circuit court granted summary judgment in favor of Marlene in the declaratory judgment action, and held that Wanda's appeal from the orphans' court was moot because of the court's ruling in the declaratory judgment action that Wanda was not entitled to any interest in the Property pursuant to the Voluntary Separation and Property Settlement Agreement.

On June 8, 2016, Wanda appealed the circuit court's holding that her appeal from the orphans' court was moot. (She also appealed from the judgment in the declaratory judgment action.)

DISCUSSION

Wanda concedes in her brief that, if we were to affirm the circuit court's grant of summary judgment in *Wanda Hill v. Marlene Hill*, Case No. 584, September Term, 2016, this appeal would be rendered "definitely moot."

In *Wanda Hill v. Marlene Hill*, Case No. 584, September Term, 2016, we affirmed the circuit court's grant of summary judgment. We agree with the parties that our affirmance of the circuit court's grant of summary judgment in the declaratory judgment action is dispositive of the outcome in this appeal. Because Wanda was unsuccessful in establishing any interest in the Property in the declaratory judgment action, she has no cognizable claim against Wesley Allen's estate for any interest in the Property. Therefore, we will affirm the circuit court's holding that Wanda's appeal from the orphans' court was moot once the declaratory judgment action was decided in Marlene's favor.

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