

Orphans' Court for Charles County
Estate No.: 24359

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2275

September Term, 2024

IN RE: THE ESTATE OF NATHANIEL
WASHINGTON

Nazarian,
Ripken,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: May 18, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Kim Bryant¹ and Gary Wilson (“Appellants”), co-personal representatives of the estate of Nathaniel Lee Washington, Sr. (“Decedent”), appeal from the December 17, 2024, decision of the Orphans’ Court for Charles County ordering them to reimburse \$228,465.08 to the estate. The Appellees are Patrice Washington and Nathaniel Lee Washington, II, two of Decedent’s adult children.² Appellants presented three questions for review, which we have distilled to the following: Did the Orphans’ Court abuse its discretion in ordering Appellants to reimburse the Estate?³ For the reasons discussed below, we will remand this matter to the Orphans’ Court for further proceedings consistent with this opinion.

BACKGROUND

Decedent died intestate on September 10, 2021, leaving his three adult children as

¹ At one point in the proceeding, Ms. Bryant also went by the name of Kim James.

² Naya Washington is an additional adult child of the Decedent and an interested party in the case, but she is not an appellee.

³ The three questions on appeal as originally presented by Appellants are:

- A. Whether the Orphans’ Court abused its discretion in ordering that the co-personal representatives reimburse the Estate after a status hearing when they were not provided prior notice of a hearing on th[e] merits?
- B. Whether the Orphans’ Court abused its discretion in ordering that the co-personal representatives reimburse the Estate without adequately explaining its reasons for doing so?
- C. Whether the Orphans’ Court abused its discretion and erred when it failed to identify errors in the accounting and inventory and den[i]ed the co-personal representatives the opportunity to amend the inventory and provide an accurate accounting of the estate’s assets?

his legal heirs.⁴ On September 30, 2021, Appellants submitted a Petition of Administration to open an estate in Decedent’s name with the Register of Wills for Charles County. With this petition, Appellants included a Consent to Appointment of Personal Representative, purportedly signed by Decedent’s three children, authorizing Appellants as representatives to inventory and distribute the estate. Appellants were appointed as co-personal representatives of the estate on the same day.

On December 23, 2021, Appellants filed an inventory, which valued the estate at \$154,725.89. On April 14, 2022, Appellants submitted a First and Final Account, stating that they had equally distributed the value of the estate to Decedent’s three children. The Orphans’ Court approved Appellant’s First and Final Account on May 24, 2022. On January 18, 2024, Patrice filed a request for hearing, arguing that she and her siblings’ signatures on the consent form were forged and that they had not received the distribution of the estate as reflected in the First and Final Account.

The Orphans’ Court held three hearings on this matter, which we will discuss below.

A. February 20, 2024 Hearing

At a hearing on February 20, 2024, Appellees asserted, through counsel, that their addresses were incorrect on the administration documents and, as such, they had not received notice of anything related to the estate prior to its closing. They further contended that Appellants forged Appellees’ signatures on the Consent to Appointment of Personal

⁴ We shall refer to the three adult children by their first names: Patrice, Nathaniel, and Naya. We do so for convenience and intend no disrespect.

Representative form. Finally, Appellees alleged that they never received the distribution of the estate as reflected on the First and Final Account.

Wilson, appearing without counsel, claimed that he was instructed by Decedent to act as a mediator between Bryant and Decedent's children.⁵ He believed his only task was to ensure that Naya and Patrice each received \$25,000 from the estate in accordance with Decedent's instruction. Regarding the signatures on the Consent to Appointment of Personal Representative form, Wilson stated that he had taken the form to Naya's mother for signature. Wilson insisted that Naya's mother had obtained the consent of the children and signed on their behalf. He specified that he was with Naya's mother while she called Patrice for permission.

Appellees vehemently contested Wilson's account, with Patrice insisting that she was in Las Vegas, NV at the time the form was allegedly signed, and Nathaniel stating that he had not spoken with anyone about Decedent's estate.

Regarding the accusation that the estate had not been distributed equally to Decedent's children as stated in the First and Final Account, Wilson claimed ignorance, reiterating that he was only charged with giving \$25,000 to Decedent's two daughters, and suggesting that co-personal representative Bryant may have engaged in some inappropriate dealings without his knowledge. After being confronted with the First and Final Account, he acknowledged that he had signed the form, but continued to claim that he did not know the specifics and did not fully understand his responsibilities as a personal representative.

⁵ Apparently Bryant and Decedent were romantically involved at some point.

Wilson disclosed that he and Bryant had, at Decedent’s instruction, distributed some of Decedent’s assets prior to his death. While discussing these distributions, he stated that Decedent had signed a power of attorney document designating Appellants as his agents.

The court instructed Wilson to submit bank statements and any other documentation of the accounting related to the distribution of the estate. Wilson further agreed to provide the court with Bryant’s contact information as she failed to appear at the hearing. On February 27, 2024, the court issued an order requiring Appellants to produce “any and all documentation regarding all assets of the decedent, including decedent’s bank account statements from September 10, 2021, through date of closure as well as the Estate bank statements from date of opening through date of closure.”

B. April 9, 2024 Hearing

At a status hearing on April 9, 2024, Wilson appeared with counsel and Bryant appeared without counsel. Appellees stated that they received some filings from Appellants, but that all of the requested documentation had not been provided. Appellees specifically noted the absence of bank statements from the time of Decedent’s death on September 10, 2021, until the month of October 2021 and any information related to retitling some of Decedent’s personal property.

Appellants further introduced a copy of the power of attorney purportedly signed by Decedent four days before his death. This power of attorney form included a sentence in handwriting that read “This Power of Attorney continues after my death,” and the form purported to authorize the designated agents to make gifts, change rights of survivorship,

and change beneficiary designations. Appellees raised concerns about Decedent's signature on this document and advised that they intended to challenge its validity. Appellees also asserted that Appellants made a number of distributions to individuals who are not heirs of the estate in contravention of the information provided on the First and Final Account.

Upon questioning by the court, Bryant alleged that the personal representatives hired an attorney, Steven Greenblat, to help them fill out the paperwork to open and close the estate, including the Consent to Appointment of Personal Representative and the First and Final Account.

Regarding the Consent to Appointment of Personal Representative form, Bryant asserted that Wilson was responsible for getting the children to sign the form. Wilson reiterated that he enlisted Naya's mother to have the children sign the form and that he was with Naya's mother when she called Patrice to get permission to sign the form on her behalf. He admitted that he did not actually see any of the children sign the form, but that Naya's mother brought the signed form back to him. Patrice insisted again that she was in Las Vegas, NV, when the consent form was signed. Both she and Nathaniel stated that they had not spoken to anyone about signing the forms. For her part, Naya acknowledged that she consented to her mother signing the form on her behalf.

Bryant acknowledged that she and Wilson did not distribute the assets to the children as reported in the First and Final Account. She asserted that they used the power of attorney to begin the process of distributing Decedent's assets before his death pursuant

to his instructions. It appears that many of those distributions were not processed by the bank before Decedent's death and the funds were therefore returned to the estate. Because Decedent died intestate, Appellants opened an estate in his name to access these funds and continue the distributions, allegedly to other members of Decedent's family. According to Bryant, she and Wilson were advised to complete the First and Final Account form to reflect that the children received all of the funds in order to close the estate.

Wilson noted that he gave \$25,000 to Naya and \$15,000 to Patrice in accordance with Decedent's instructions prior to his death, but apparently the checks did not clear. He stated that he used money out of his own account to supplement the payment to Patrice, and he was then paid back by the estate.

Bryant admitted that she used the power of attorney before and after Decedent's death to distribute some of his assets, including cars, motorcycles, and other property. Appellees also raised an issue concerning retitling of real property owned by Decedent. Bryant alleged that Decedent did not want his estate to be distributed to the children equally, but she was not able to explain why Decedent failed to make a will. Appellees disputed this recounting of events, arguing that Decedent was not in a condition to competently execute a power of attorney or authorize the pre-death distribution of his assets. At least one member of the court explicitly stated that they did not believe that Decedent's purported signature on the power of attorney constituted a valid signature.

Bryant indicated that she and Decedent owned a home in Bowie, Maryland, that was sold on June 15, 2021, prior to Decedent's death. Appellees noted that the original deed

for this property incorrectly listed Bryant and Decedent as owning the home as tenants by the entirety, while the deed of trust categorized them as tenants-in-common. In addition, a home that Decedent and Bryant jointly owned in Myrtle Beach, SC, was allegedly transferred to Bryant's sole name after Decedent passed.

In light of Appellants' concession that the First and Final Account was incorrect, the court instructed them to correct the accounting and provide additional supporting documentation as to the distributions from the account, including bank statements, checks written for the period 90 days before and after Decedent's death, copies of deeds and any transfers, and documentation of Decedent's life insurance, retirement accounts, and any changes thereto. The court gave Appellants thirty days to submit the documentation and issued the order concerning production of documents on April 16, 2024.

C. Production of Documents

After the April 9, 2024 hearing, Appellants generally complied with the court's production order, providing the requested documentation in two separate submissions on June 3, 2024 and August 26, 2024, respectively.

On September 5, 2024, Appellees submitted a "Request for Show Cause Order" in which they asked the court to find Appellants liable for "(1) breach of fiduciary duty, (2) civil conversion, (3) aiding and abetting breach of fiduciary duty, and (4) tortious interference with expected inheritance." They also requested that Appellants "pay compensatory damages of at least \$228,465.08 plus attorneys' fees, punitive damages, and any other relief the Court deems appropriate." This request included a detailed list of the

unlawful distributions Appellees allege that Appellants made after Decedent’s death. Appellants did not respond to this submission.

D. December 3, 2024 Hearing

On December 3, 2024, all parties appeared with counsel for the third and final hearing. We note that the court itself characterized the proceeding as a “status” hearing. Significantly, the court took no testimony; the entire hearing consisted of arguments by the parties’ attorneys. At the outset of the hearing, Appellants’ attorneys expressed confusion as to the exact nature of the hearing, asking the court to provide them with guidance as to how to proceed now that they had provided the requested documentation. Appellees reiterated the arguments in their Request for Show Cause Order.

Through counsel, Wilson questioned whether the Request for Show Cause Order was in the “proper forum” and stated that her understanding was that the case was still in the preliminary document production stage. Wilson further stated that he disagreed with the accounting numbers presented by the Appellees in the Request to Show Cause Order, particularly arguing that some of the assets were distributed prior to Decedent’s death and should not be included in the post-death value of the estate. While conceding that “some mistakes” were made, Wilson sought guidance as to the expenses and disbursements that the court would allow. Wilson further argued that he and Bryant received ineffective assistance from the attorney who initially helped them complete the estate forms.

The court expressed concern that proceeds from the sale of one of the homes were not properly dispersed to the estate and that none of the individuals who received the

distributions from Appellants paid taxes. Wilson insisted that the house in Bowie was sold well before Decedent's death, and the sales proceeds were included in the estate.

Wilson suggested that, before making any decision, the court should recalculate the accounting and make findings as to which gifts were made pre-death and which were impermissibly distributed after death. He submitted affidavits from the recipients of the property to support his contention that Decedent intended to disperse the property in the same manner Appellants had done after his death. The parties agreed that Patrice and Naya received some, but not all, of the money they were entitled to from the estate.

Appellees asserted that the gifts Appellants argued were made before death were not actually dispersed until after Decedent's death. Appellees reiterated their request that Appellants reimburse the estate \$153,465.08, the value of the distributions made prior to Decedent's death. They also requested an additional \$75,000 from Decedent's life insurance and retirement accounts as Appellants failed to provide the court with the requested information as to any change in beneficiary to those accounts.

Bryant vehemently disagreed with Appellees' assessment, stating that she and Wilson had provided all evidence to which they had access, but that the life insurance and retirement account information could not be obtained because those assets are not typically part of the estate. Although Bryant was a partial beneficiary of the life insurance policy, the insurance company would not divulge the identity of any other beneficiaries. Bryant suggested the issuance of a court order to require the life insurance company and retirement plan to release relevant information.

Appellants reiterated their understanding that the purpose of the December 3, 2024 status hearing was to ensure their compliance with the court’s production order and receive further instructions on how to proceed. They further noted that there had been no “discovery period” in the proceeding. At the end of the hearing, Appellees’ counsel advised the court that she had filed a complaint, presumably in the circuit court, for “breach of fiduciary duty, aiding and abetting breach of fiduciary duty, conversion as well as tortious interference with expected inheritance.”

After taking a brief recess to review the evidence, the court rendered its decision from the bench. We reprint the court’s decision in its entirety:

Thank you very much for giving the [c]ourt time needed to go through the paperwork and everything. The [c]ourt wanted to recognize that the request for show cause order was filed on September 5. It is the hope of this [c]ourt that all parties would get together, counsel would come together and create a relief that was needed for the heirs of this estate.

Not having that, the [c]ourt will move forward with granting a prayer for relief in finding the Defendants liable for the above counts, ordering the Defendants to pay compensatory damages of at least \$228,465.08, plus attorney’s fees, punitive damages and any other relief the [c]ourt deems appropriate. Thank you.

The court memorialized its decision in an order issued on December 17, 2024, which noted that the court “held a Status Hearing on December 3, 2024,” and then concluded that Appellants “were negligent in their duties as personal representatives and are responsible to the Estate for assets that were unlawfully distributed to people other than the heirs.” The court ordered that Appellants reimburse the estate \$228,465.08. Appellees filed a “Motion for Clarification of Court Order,” requesting the court to clarify whether the \$228,465.08

included both compensatory and punitive damages, and whether the court intended to separately order attorney’s fees. Appellees also expressed concern about whether the court could award punitive damages based on negligence alone. Appellees’ motion to clarify was denied on March 11, 2025.

STANDARD OF REVIEW

We will only reverse a decision of the Orphans’ Court if we are “satisfied that the court erred or abused its discretion.” *Peterson v. Orphans’ Court for Queen Anne’s Cty.*, 160 Md. App. 137, 178 (2004). On appeal, “the ‘findings of fact of an Orphans’ Court are entitled to a presumption of correctness.’” *Pfeufer v. Cyphers*, 397 Md. 643, 648 (2007) (quoting *New York State Library School Ass’n v. Atwater*, 227 Md. 155, 157 (1961)). Legal determinations, however, are “not entitled to the same presumption of correctness on review: the appellate court must apply the law as it understands it to be.” *Id.* at 648 (cleaned up).

DISCUSSION

The court issued an order requiring Appellants to reimburse the estate \$228,465.08,⁶ but provided no explanation for what it referred to as a compensatory damages award. For multiple reasons to be discussed below, we shall remand the case to the Orphans’ Court for Charles County for further proceedings consistent with this opinion.

Pursuant to Maryland Rule 8-604(d), we may issue a remand if we “conclude[] that

⁶ The court stated in its bench ruling that it was “ordering the [Appellants] to pay *at least* \$228,465.08.” (Emphasis added).

the substantial merits of a case will not be determined by affirming, reversing or modifying the judgment, or that justice will be served by permitting further proceedings.” We must “state the purpose for the remand,” and the court “shall conduct any further proceedings necessary to determine the action in accordance with the opinion and order of the appellate court.” Md. Rule 8-604(d)(1). Under the circumstances presented here, we shall remand this case, without affirming or reversing, pursuant to Rule 8-604(d)(1).

We begin with perhaps the most obvious problem on appeal—the lack of a final judgment. In its bench opinion, the court awarded Appellees “compensatory damages of at least \$228,465.08, plus attorney’s fees, punitive damages and any other relief the [c]ourt deems appropriate.” Although a future determination to award attorney’s fees may not violate the final judgment rule, the court’s expressed intent to award punitive damages and its reservation to award other “appropriate” relief means that the court did not adjudicate all claims against all parties. *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989). Indeed, the court’s determination to award attorney’s fees, punitive damages, and other appropriate relief suggests that the court itself did not intend its ruling to be an unqualified, final disposition of the controversy.⁷ *Id.*

⁷ The record indicates that Appellees filed a companion action against Appellants in the circuit court. We express no opinion as to the appropriate forum to adjudicate Appellees’ claims for compensatory and punitive damages against Appellants, although we agree with the statement in Appellees’ “Motion for Clarification of Court Order” that punitive damages may not be granted based on a finding of negligence. We note that the Orphans’ Court is a court of special, limited jurisdiction and that it may not “exercise any jurisdiction not expressly conferred.” Md. Code (2022 Repl. Vol.), § 2-102(a)(2) of the

(continued)

Although the lack of a final judgment itself requires a remand, we shall address other problems with the court’s ruling in an effort to provide guidance to the parties and the court on remand. In apparently accepting all of the allegations in Appellees’ Request for Show Cause Order, the court did so without receiving any testimony or formally admitted evidence. From the outset, Appellants’ counsel expressed their confusion about the nature and scope of the December 3, 2024 status hearing. A fair reading of the record demonstrates that Appellants’ counsel believed the purpose of the hearing was to consider the sufficiency of the documentation that Appellants were ordered to provide and, in that regard, counsel asked the court for guidance as to the “next step.” We find it odd that the court would render a substantial monetary award at a “status hearing.” In addition, although both Appellants agreed that “some mistakes” had been made in the handling of the estate, they did not agree with all of Appellees’ claims as set forth in the Request for Show Cause Order and pointed out that the court would need to determine whether the pre-death distributions should be included in the estate as well as ascertain the legitimate expenses and disbursements of the personal representatives. In light of these challenges to Appellees’ claims alleged in the Request for Show Cause Order, we conclude that the court was required to conduct an evidentiary hearing and make findings of fact based on the evidence presented by the parties. In short, the court’s acceptance of Appellees’ allegations in the Request for Show Cause Order based on the arguments of counsel alone was

Estates and Trusts Article. The issue of jurisdiction should be further developed on remand.

improper, particularly where counsel expressed confusion from the outset about the purpose of the status hearing.⁸

A corollary concern in this case is the court’s utter failure to explain how it calculated the compensatory damages award of \$228,465.08. We surmise that the court accepted Appellees’ allegation that the value of the estate was “at least \$199,465.09,” but the court failed to make specific findings of fact as to the existence and value of each asset. We presume that the court included \$75,000 related to life insurance proceeds and retirement benefits that Appellants allegedly confiscated (and which Appellants disputed), but the court made no specific findings *based on record evidence*.

Nor did the court make any findings about the legal validity of the power of attorney. To be sure, the court at times expressed doubt as to its validity, but the court never declared the document to be invalid. On remand, the court should make that determination after an evidentiary hearing and then ascertain the propriety of the pre-death transfers made pursuant to the power of attorney.⁹

In conclusion, the Orphans’ Court should hold an evidentiary hearing, after which the court should make specific findings as to the existence and value of property of the

⁸ Appellants correctly note that the court never even determined whether to grant or deny Appellees’ request for the issuance of a show cause order.

⁹ It is also unclear to us whether Appellees intend to pursue a claim related to the sale of the Bowie property, which was allegedly improperly titled as tenants by the entireties, or the Myrtle Beach property now titled in Bryant’s sole name.

Estate of Nathaniel Washington.¹⁰ The court should also make findings as to any reasonable and necessary expenses to administer the estate, such as publication costs, funeral expenses, and court costs. The court’s failure to articulate its basic reasoning in support of its liability determination and assessment of damages makes appellate review futile. Accordingly, pursuant to Maryland Rule 8-604(d), we remand the case for additional factfinding and further proceedings consistent with this opinion.

CASE REMANDED TO THE ORPHANS’ COURT FOR CHARLES COUNTY WITHOUT AFFIRMING, REVERSING OR MODIFYING THE JUDGMENT, PURSUANT TO MARYLAND RULE 8-604. ORPHANS’ COURT TO CONDUCT FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY THE ESTATE OF NATHANIEL WASHINGTON.

¹⁰ We note that, on remand, either party may petition the Orphans’ Court to “transmit contested issues of fact within its jurisdiction for trial to the circuit court of the county in which the orphans’ court is located.” Maryland Rule 6-434(a).