

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE
PROBATE DIVISION**

[REDACTED])	
Petitioner,)	
vs.)	Case No. [REDACTED]
)	Division [REDACTED]
[REDACTED])	
[REDACTED],)	
Respondents.)	
[REDACTED],)	
Petitioner,)	
vs.)	Case No. [REDACTED]
)	Division [REDACTED]
[REDACTED])	
[REDACTED])	
Respondents.)	
In the Matter of)	
[REDACTED])	Estate Nos. [REDACTED]
Deceased.)	[REDACTED]

JUDGMENT

NOW on this day, the Court takes up the Application for Letters of Administration filed by [REDACTED] on July 24, 2020, and the Application for Letters of Administration filed by [REDACTED] on August 17, 2020. The Court set these matters for trial via Webex videoconferencing on January 25, 2021. Applicant [REDACTED] appeared via videoconference and by counsel, [REDACTED]. Applicant [REDACTED] appeared via videoconference and by counsel, [REDACTED]. The Jackson County Public Administrator also appeared via videoconference and by counsel, [REDACTED], but did not participate in the proceedings. Following the proceedings, the Court took these matters under advisement and now makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On July 8, 2020, [REDACTED] (hereinafter “Decedent”) died as a resident of Jackson County, Missouri. He was survived by two children: [REDACTED]. Decedent’s spouse predeceased him.

2. On July 24, 2020, [REDACTED] (hereinafter [REDACTED]”), sister of Decedent, filed her Application for Letters of Administration seeking letters of supervised administration to be issued to herself. [REDACTED] Application was assigned adversary case number [REDACTED].

3. [REDACTED] (hereinafter “[REDACTED]”), Decedent’s daughter, renounced her right to administer the estate and requests that letters of administration be issued to [REDACTED]. Renunciation is attached to [REDACTED]’s Application for Letters of Administration as Appendix B.

4. On August 17, 2020, [REDACTED] (hereinafter [REDACTED]”) filed her Application for Letters of Administration seeking letters of supervised administration to be issued to herself. [REDACTED] Application was assigned adversary case number [REDACTED].

5. On October 6, 2020, [REDACTED] filed a Motion to Dismiss Application for Letters in [REDACTED], seeking to dismiss [REDACTED]’s Application for failure to state a claim upon which relief may be granted. The Court heard argument on this motion and took it under advisement along with the competing application.

6. At trial, [REDACTED] nominated [REDACTED] to serve as personal representative for Decedent’s estate.

7. [REDACTED] mother was married to Decedent. At the time of the marriage, [REDACTED] was 39 years old.

8. ██████ is not entitled to a distribution of the estate because she is not an heir, devisee, or creditor of the estate, nor does she intend to file a claim against Decedent's estate at this time.

9. Both Applicants are competent, suitable, and otherwise qualified to serve as Personal Representative for Decedent's estate.

CONCLUSIONS OF LAW

10. Section 473.110, RSMo.¹ provides a list of those persons entitled to letters. Specifically, § 473.110.2 states:

[l]etters shall be granted to the following persons if otherwise qualified: ... (4) A person entitled to letters of administration under subdivision (1) or (2) of this subsection, who would be entitled thereto but for section 473.117, may, if he has attained the age of eighteen years and has sufficient mental capacity for the purpose, **nominate a qualified person to act as personal representative.** Any such person may renounce his right to nominate or to be appointed by an appropriate writing filed with the court.

(emphasis added).

11. ██████ is entitled to distribution of the estate and has nominated ██████ to act as personal representative. Evidence adduced at trial showed that ██████ is qualified to serve as personal representative.

12. ██████ is not entitled to distribution of the estate and was not nominated by anyone who is entitled to letters.

13. While ██████ is competent, suitable, and otherwise qualified to serve as Personal Representative for Decedent's estate, ██████ is entitled to letters because she is nominated by an individual entitled to distribution.

¹ Unless otherwise indicated, statutory citations refer to the 2016 edition of the Revised Statutes of Missouri, updated through the 2019 Cumulative Supplement.

14. [REDACTED] did not present any evidence that [REDACTED] is not qualified to act as personal representative.

Therefore, it is **ORDERED, ADJUDGED, and DECREED** that

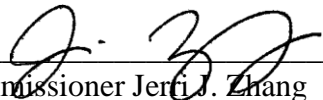
1. The Motion to Dismiss filed by [REDACTED] on October 6, 2020 in adversary case number [REDACTED] is hereby GRANTED on the basis that the Application for Letters of Administration of [REDACTED] has priority over the Application for Letters of Administration of [REDACTED]

2. The Application for Letters of Administration filed by [REDACTED] on August 17, 2020 in adversary case number [REDACTED] is hereby DISMISSED.

3. The Application for Letters of Administration filed by [REDACTED] on July 24, 2020 in adversary case number [REDACTED] is hereby GRANTED, and she shall serve with a bond of \$584,000.00. Letters of Administration on a supervised basis shall be issued upon satisfaction of bond requirements.

IT IS SO ORDERED.

DATE: February 11, 2021



Commissioner Jerri J. Zhang

NOTICE TO PARTIES

The foregoing order, judgment or decree entered by the commissioner or deputy commissioner is subject to confirmation by the judge of the probate division. Any party to this proceeding may file a motion for rehearing before the judge of the probate division within fifteen (15) days of the date of entry of the order, judgment of decree by the commissioner or deputy commissioner and pursuant to Jackson County Circuit Court Rule 72.4.