

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

SELENA E MOLINA
MAGISTRATE IN CHANCERY

LEONARD L. WILLIAMS JUSTICE CENTER
500 NORTH KING STREET, SUITE 11400
WILMINGTON, DE 19801-3734

February 15, 2022

M.R.E.
Wilmington, DE

Re: *IMO J.C.E.*, deceased
C.M. 16615-N-SEM

Dear M.R.E.:

I write in response to your December 29, 2021 filing. Therein you raise concerns about M.J.E.'s conduct as guardian both before and after your mother's death. You then ask that I issue an order (1) denying the request from M.J.E. to pay reception costs of \$1,000.00 from the guardianship account and (2) directing M.J.E. to show cause why he failed to comply with "Stipulation #3, as to the personal property" of your mother. You also request to be provided with specific items of personal property from your mother's residence.

I start with the latter. Claims related to your mother's estate and how her assets are to be distributed are outside the limited scope of this guardianship action. Your request for specific items of personal property is hereby DENIED without prejudice to renew in the appropriate forum.

Second, your request that I deny the request that the post-interment reception costs be charged to the guardianship account is GRANTED. Neither party may

expend for the post-interment reception in their capacity as guardian. This ruling does not preclude any party from filing a claim against your mother's estate for reimbursement, which will be reviewed during the probate process.

And, finally, your request for a rule to show cause and further inquiry in this action regarding M.J.E.'s service as guardian is DENIED. Your submission seems to argue M.J.E. has breached his duties as guardian, or otherwise acted inappropriately, by "self nominat[ing] as the personal representative" of your mother's estate. Once your mother died, the duties you and your brother owed to your mother, as her court-appointed fiduciaries, were terminated. Any concerns about M.J.E.'s conduct in connection with your mother's estate are outside the scope of this action. To be clear, the parties do still owe duties to the Court and this action remains administratively open until a final accounting is filed, approved, and the matter is officially closed. But estate-related challenges cannot be filed in this action and must be brought in the appropriate forum.

Further, you raise concerns about M.J.E. not responding to you or attempting to meet with you monthly while you served as co-guardians. I expect this is something we would have discussed at the hearing originally scheduled for December 13, 2021. At that hearing, I would have heard both parties' concerns and made a decision based on your mother's best interest, with my goal being to ensure she was receiving the appropriate medical care and treatment, that her needs were

being met, and that she was not put at risk, or being harmed, by co-guardian squabbles. Because the primary dispute was about actions taken as co-guardians of the person, the most severe remedy in my arsenal was removal of one or both of you as co-guardians. That remedy is now off the table. All claims relating to how the co-guardians discharged their duties to J.C.E. before her death are hereby **DISMISSED**.

As directed in the February 14, 2022 letter from Judicial Case Manager, C.W., the ninth and final accounting and a petition to terminate shall be filed by March 16, 2022. Under the 2012 stipulation, you have reserved the right to review and respond to the accounting and make any objections to the accounting within thirty (30) days of receipt of the accounting. You may use that avenue to raise concerns about expenditures made prior to your mother's death; the accounting will not cover expenditures after her death because, again, such is outside this Court's jurisdiction.

To the extent this takes an order to go into effect, **IT IS SO ORDERED**.

Respectfully,
/s/ Selena E. Molina
Magistrate in Chancery