

ESTATE OF ROBERT H. LEE

Submitted on Briefs November 19, 2015

Decided December 17, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Robert “Kevin” Lee appeals from a judgment of the Lincoln County Probate Court (*Berry, J.*) denying his petition for removal of the personal representatives of his father’s estate. *See* 18-A M.R.S. § 3-611 (2014). Lee primarily contends that the court erred in accepting an inventory and accounting filed by the personal representatives after the required statutory deadline, *see* 18-A M.R.S. § 3-706 (2014), and that the court was biased.

Contrary to Lee’s contentions, the court did not abuse its discretion in denying his petition for removal. *See Estate of Voignier*, 609 A.2d 704, 707-08 (Me. 1992) (“The Probate Court has broad discretion in removing or declining to remove a personal representative. . . . [the Probate Court is] in the best position to address the necessity for the removal and its impact on the estate.”). While Lee made no motion for recusal in the Probate Court and may not have preserved his claim of bias for appeal, *see Samsara Mem’l Trust v. Kelly, Rimmell & Zimmerman*, 2014 ME 107, ¶ 25, 102 A.3d 757, a judge’s rulings against a party or learning of information adverse to a party in the proper course of judicial proceedings is not a basis for recusal. *Dalton v. Dalton*, 2014 ME 108, ¶ 25, 99 A.3d 723.

The entry is:

Judgment affirmed.

On the briefs:

Robert “Kevin” Lee, appellant pro se

James W. Strong, Esq., Thomaston, for appellees Lori Cressler
and Wendell Wentworth

Darby C. Urey, Esq., Strout & Payson, P.A., Rockland, for
appellee Andrew K. Lee

Lincoln County Probate Court docket number 2013-0077
FOR CLERK REFERENCE ONLY