

ESTATE OF LUTHER C. HARPER

Submitted on Briefs July 18, 2019

Decided July 25, 2019

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

MEMORANDUM OF DECISION

Luther C. Harper died almost ten years ago in November 2009. After years of litigation over a modest estate, the Hancock County Probate Court (*Holmes, J.*) entered its final order on August 28, 2017, (1) denying the motion of Sandra Bowden, Harper's daughter, for reimbursement of money from Harper's Estate and (2) granting the motion of the Estate, filed through its personal representative, Donald Wheaton, to enforce an earlier entered judgment ordering Bowden to return certain assets to the Estate. Bowden filed a late appeal on September 27, 2017, with the approval of the court, *see* M.R. App. P. 2B(d)(1), and failed to prosecute that appeal for more than a year, *see* M.R. App. P. 4(c); *see generally Leonard v. Boardman*, 2004 ME 108, ¶ 19, 854 A.2d 869; *W. Point-Pepperell v. State Tax Assessor*, 1997 ME 58, ¶ 12, 691 A.2d 1211. The Estate has not filed a brief. Assuming, without addressing, the timeliness of the appeal, we affirm the decision of the Probate Court.

Contrary to Bowden's assertion, the court did not err in applying the statute of limitations provided in section 3-803 of the Probate Code, precluding her from keeping the money that she had already taken from the Estate, or in denying her claim against the Estate for additional reimbursement. *See* 18-A M.R.S. § 3-803 (2018); 14 M.R.S. §§ 7501-07 (2018); M.R. Prob. P. 80B; *In re George Parsons 1907 Tr.*, 2017 ME 188, ¶ 15, 170 A.3d 215; *Estate of Gray*,

2013 ME 29, ¶ 7, 61 A.3d 747.<sup>1</sup> Nor did the court err in determining that the money she expended and the additional money she requested was neither a legitimate expense nor a debt of the Estate. *See* 14 M.R.S. §§ 7501-07; 18-A M.R.S. § 3-803(c)(3) (2018).

The entry is:

Judgment affirmed.

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Arthur J. Greif, Esq., Gilbert & Greif, P.A., Bangor, for appellant Sandra Bowden

The Estate of Luther C. Harper did not file a brief

Hancock County Probate Court docket number 2009-406-1  
FOR CLERK REFERENCE ONLY

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<sup>1</sup> All citations herein are to title 18-A of the Maine Revised Statutes, the Probate Code in effect at the time the case was submitted for our review. The Code has since been replaced with a new Probate Code codified in title 18-C, which will become effective September 1, 2019. *See* P.L. 2019, ch. 417.