

IN RE PATRICIA S.

Submitted on Briefs September 10, 2019

Decided October 1, 2019

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

MEMORANDUM OF DECISION

Michael and Peter Zani (the Zanis) appeal from an order of the Lincoln County Probate Court granting the conservator's amended motion to sell the protected person's real estate. The Zanis are children of the protected person and are therefore "interested persons" under the Probate Code. See 18-A M.R.S. § 1-201(20) (2018). They demanded notice and were entitled to be notified regarding proceedings in the Probate Court. 18-A M.R.S. § 5-405 (2018).

Although the Zanis are interested persons under the Probate Code, they failed to show that they were aggrieved by the decision of the Probate Court. They do not have standing to appeal the Probate Court's order.

In all civil actions, "only a party aggrieved by a court order may appeal therefrom." *Estate of Anderson*, 468 A.2d 612, 614 (Me. 1983). Here, the Zanis are appealing from an order granting a conservator's motion to sell the property of an incapacitated person. The Zanis have no possessory or presently enforceable future interest in the protected person's real property; their mere expectancy in this property is not a cognizable property interest establishing them as aggrieved parties to the Probate Court's order. *Appeal of Thompson*, 114 Me. 338, 340, 96 A. 238 (1916).

The Court hereby dismisses this appeal for want of standing.

The entry is:

Appeal dismissed.

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Laura P. Shaw, Esq., Camden Law LLP, Camden, for appellants Michael and Peter Zani

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Philip S. Cohen, Esq., Law Offices of Cohen & Cohen, P.C., Waldoboro, for appellee Patricia S.

Lincoln County Probate Court docket number 2017-223  
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