

ESTATE OF GERTRUDE JOHNSTON

Submitted on Briefs November 26, 2002  
Decided January 21, 2003

Panel: SAUFLEY, C.J., CLIFFORD, RUDMAN, DANA, ALEXANDER,  
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Phyllis Johnston appeals from an order entered in the Cumberland County Probate Court (*Childs, J.*) denying her motion for a new trial and relief from the court's judgment appointing her brother, Wayne Johnston, personal representative of their mother's estate pursuant to his petition for appointment. We disagree with Phyllis' contention that the court should have granted relief from the appointment because it erred earlier in not holding a hearing on Wayne's petition. The court did not err in making the appointment following the parties' submission of the matter to the court at a pretrial conference; nor did the court abuse its discretion in determining that Wayne Johnston was a suitable person. *See* 18-A M.R.S.A. § 3-203(b)(2) (1998).

The entry is:

Judgment affirmed.

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