

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

Law Court Docket No. CUM-26-19

ESTATE OF GLORIA HALL

Jonathan Hall, Individually and as Co-Personal Representative of the Estate of
Harry Hall, Claimant-Appellant,

v.

Jeffrey Hall, Personal Representative, and Bonnie Hall, Appellees

APPEAL FROM THE CUMBERLAND COUNTY PROBATE COURT

JOINT BRIEF OF APPELLEES

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INTRODUCTION

This appeal concerns two independent probate proceedings conducted during the administration of the Estate of Gloria P. Hall. The first proceeding adjudicated Jonathan Hall's petitions for allowance of claims against the Estate pursuant to former 18-A MRS § 3-806, now 18-C MRS § 3-806. Throughout this brief, that proceeding is referred to as the Claims Litigation. The second proceeding commenced when Jeffrey Hall filed a Petition for Order of Complete Settlement pursuant to 18-C MRS § 3-1001 after the Claims Litigation had concluded. Throughout this brief, that proceeding is referred to as the Settlement Proceeding. Although both proceedings were maintained under the same estate file, Maine's Probate Code provides that “[e]ach proceeding before the court or registrar is independent of any other proceeding involving the same estate.” 18-C MRS § 3-107(1).

In its Order on Motion to Dismiss Appeal,¹ this Court observed that resolution of the timeliness and standing issues “may depend on which ‘subsidiary docket’ the order appealed from was entered in and when final judgment was entered in that subsidiary docket.” This Court further observed that the procedural history was not entirely clear and suggested that the parties include charts

¹Dated May 15, 2026, the Order on Motion to Dismiss Appeal in this docket number, Cum-26-19, should not be confused with the Order Dismissing Appeal in docket number Cum-25-507. The latter appears in the Appendix, but the former does not. Jonathan Hall did not consult with either appellee, Bonnie Hall or Jeffrey Hall, prior to compiling and filing the Appendix, as required by Me. R. App. P. 8(i). For ease of reference, the Order of May 15, 2026 is attached to this brief as Addendum A.

identifying the independent proceedings. Accordingly, in Addendum B at the end of this brief, the appellees submit a chart of the independent proceedings, the petition or petitions commencing them, and their final disposition. A chart showing the chronology of these proceedings appears in Addendum C.

STATEMENT OF FACTS

Gloria P. Hall died on November 27, 2008. (App. 6.) During the administration of her estate, the Probate Court conducted several independent proceedings involving different petitions, parties, and issues. (App. 6-21.) This appeal concerns only two of those proceedings: the Claims Litigation and the Settlement Proceeding.

The Probate Court admitted Gloria Hall's 2004 will to probate in 2013. (App. 11.) Jonathan Hall appealed that judgment, and this Court affirmed. *See Estate of Gloria P. Hall*, 2014 ME 10, 86 A.3d 596.

Jonathan Hall thereafter commenced the Claims Litigation by filing petitions for allowance of claims (DE-504) pursuant to former 18-A MRS § 3-806 after the personal representative disallowed those claims. (App. 12-13.)

Following extensive motion practice, the Probate Court entered its Summary Judgment Decision on April 29, 2021. (App. 16, 157-67.) The court resolved all but a limited portion of Jonathan Hall's claims and scheduled further proceedings regarding the unresolved issues. (App. 163.)

Jonathan Hall filed a Motion for Reconsideration on May 10, 2021. (App. 16, 168-74.) Eastern Bank subsequently filed a Motion for Clarification or Amendment. (App. 16, 175-79.) On June 28, 2021, the Probate Court entered its Clarification Order explaining that the Summary Judgment Decision remained interlocutory because unresolved claims required further proceedings. (App. 197.)

The unresolved claims proceeded to evidentiary hearings conducted over three days in 2022. (App. 17, 19.)² Following those hearings, the Probate Court entered a Decision and Order imposing sanctions on November 14, 2023, and a Decision and Order resolving Jonathan Hall's remaining claim on December 20, 2024. (App. 19, 20, 200-206.) The court determined that Jonathan was entitled to recover \$6,878.86 on his remaining claim but concluded that prior payments resulted in a net obligation owed by Jonathan Hall to the Estate. (App. 206.)

Jonathan Hall filed a post-judgment motion pursuant to Rules 52 and 59 in response to the November 14, 2023 sanctions order. (App. 20; Addendum D.)³ The Probate Court denied that motion, amended portions of its later Decision and Order on February 19, 2025, and the denial of Jonathan's post-judgment motion was docketed on March 12, 2025. (App. 20, 207, 209-211.)

²The evidentiary hearings took place on March 22, October 13, and December 6, 2022. There are three verbatim transcripts corresponding to each evidentiary hearing date. For some reason, the docket entries in the Appendix show the last two hearing dates but not the first, although they reflect a "transcript order for 3/22/22 hearing" on 6/21/22. (App. 19.) The docket entries on MaineProbate.net show all three hearing dates.

³Jonathan did not include his post-judgment motion (Addendum D) in the Appendix.

Approximately two months later, on May 22, 2025, Jeffrey Hall commenced the Settlement Proceeding by filing a Petition for Order of Complete Settlement (DE-601) pursuant to 18-C MRS § 3-1001. (App. 20, 212.) Jonathan Hall objected repeatedly, asserting principally that the Claims Litigation had not become final because his May 10, 2021 Motion for Reconsideration remained pending and that estate taxes should be apportioned pursuant to 18-C MRS § 3-916. (App. 20, 214-215, 228-230, 232-236, 237-238.) Jonathan’s post-judgment motion filed in the Claims Litigation (Addendum D) did not make this argument.

By Decision and Order dated October 15, 2025, the Probate Court rejected Jonathan Hall's objections. (App. 21, 256-57.) The court concluded that Jonathan Hall's claims had been finally adjudicated in the Claims Litigation, that Jonathan Hall had not timely appealed those determinations, and that Jonathan therefore lacked standing to object to the Settlement Proceeding. (App. 256.) In reaching that conclusion, the court expressly adopted the procedural history set forth in Bonnie Hall's Memorandum⁴ (“BH Mem.”) including its analysis concerning the implicit denial of Jonathan Hall's May 10, 2021 Motion for Reconsideration. (App. 256; BH Mem. at 2-3 (Addendum E)).

⁴Bonnie Hall's *Memorandum in Aid of Initial Return Date Conference on Petition for Order of Complete Settlement* (Aug. 12, 2025) was filed in the Probate Court and is part of the record on appeal. In its October 15, 2025 Decision and Order, the Probate Court expressly adopted the memorandum’s procedural history, “including the implicit denial of Jonathan's motions for reconsideration.” (App. 256.) Because Jonathan Hall did not include the memorandum in the Appendix, it is attached to this brief as Addendum E.

Following additional post-judgment proceedings, Jonathan Hall filed the present appeal on January 21, 2026, seeking review of the final judgment entered in the Settlement Proceeding while also challenging numerous rulings entered during the earlier Claims Litigation. (App. 21, 282-83.)

ISSUES PRESENTED

1. Whether Jonathan Hall's January 21, 2026 notice of appeal is untimely insofar as it seeks review of the final judgment entered on March 12, 2025, concluding the independent probate proceeding adjudicating his claims against the Estate.

2. Whether Jonathan Hall had standing to object to Jeffrey Hall's petition for complete settlement after the final adjudication of Jonathan's claims established that he had no remaining claim against or property interest in the Estate.

3. Whether, if the Court reaches the merits, the Probate Court correctly rejected Jonathan Hall's arguments concerning estate tax apportionment, reimbursement, and distribution.

ARGUMENT

I. JONATHAN HALL'S JANUARY 21, 2026 NOTICE OF APPEAL CANNOT OBTAIN REVIEW OF THE FINAL JUDGMENT ENTERED IN THE CLAIMS LITIGATION.

“Strict compliance with the time limits of [former] M.R. App. P. 2(b) [now Me. R. App. P. 2B]... is a prerequisite to the Law Court entertaining an appeal.”

Bourke v. City of S. Portland, 2002 ME 155, ¶ 4, 806 A.2d 1255. The Law Court

lacks jurisdiction to entertain an untimely appeal. *State v. Belony*, 2025 ME 26, ¶ 5, 334 A.3d 633. This results from the statute governing civil appeals to the Law Court generally, and from the Probate Code in particular. *See* 14 MRS § 1851 (“In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.”); 18-C MRS § 1-308 (“Appeals from all final judgments, orders and decrees of the court may be taken to the Supreme Judicial Court, sitting as the Law Court, as in other civil actions.”).

Similarly, even when an appeal is timely, the Law Court lacks jurisdiction to entertain an appeal if the appellant is not “aggrieved,” *i.e.*, if the appellant lacks a legally cognizable interest in the decision being appealed. “In this probate action, as in all other civil actions, only a party aggrieved by the order may appeal therefrom to the Law Court.” *Estate of Anderson*, 468 A.2d 612, 614 (Me. 1983) (citing 18-A MRS § 1-308 (1981)⁵ and 14 MRS § 1851 (1980)).

⁵Section 1-308 has not changed in substance since the probate code was recodified from Title 18-A to Title 18-C in 2019. Formerly, it read, “Appeals from all final judgments, orders and decrees of the court *shall lie* to the Supreme Judicial Court, sitting as the law court, as in other civil actions.” 18-A MRS § 1-308 (2018) (emphasis added). Now it reads, “Appeals from all final judgments, orders and decrees of the court *may be taken* to the Supreme Judicial Court, sitting as the Law Court, as in other civil actions.” 18-C MRS § 1-308 (emphasis added). The Probate Code was recodified on September 1, 2019. *See* 18-C MRS § 8-301(1).

- A. The threshold question is not whether Jonathan Hall has identified legal error, but which independent probate proceeding is before the Court.

This appeal does not arise from a single, continuous civil action. It arises from two separate probate proceedings conducted during the administration of Gloria P. Hall's estate.

In its Order on Motion to Dismiss Appeal, this Court recognized that the threshold questions presented are procedural rather than substantive. The Court observed that resolution of the timeliness and standing issues “may depend on which ‘subsidiary docket’ the order appealed from was entered in and when final judgment was entered in that subsidiary docket.” (Addendum A.) The Court further observed that the procedural history was not entirely clear and suggested that the parties include lists, tables, or charts identifying the independent proceedings involved. *Id.*

The appellees have responded to that request by identifying the two proceedings relevant to this appeal. The first proceeding—the Claims Litigation—began when Jonathan Hall filed petitions pursuant to former 18-A MRS § 3-806 seeking allowance of claims that had been disallowed by the personal representative. The second proceeding began more than two months after the Claims Litigation concluded, when Jeffrey Hall filed his Petition for Order of Complete Settlement pursuant to 18-C MRS § 3-1001. Although both proceedings were maintained under the same estate file, they remained legally independent proceedings under the Probate Code.

Jonathan Hall's brief repeatedly treats the Estate as though it constituted a single lawsuit that remained pending until entry of the Order of Complete Settlement. Maine law does not adopt that view.

B. Each probate proceeding is independent under Maine's Probate Code.

The Probate Code expressly provides, “Each proceeding before the court or registrar is independent of any other proceeding involving the same estate.” 18-C MRS § 3-107(1). The statute reflects one of the fundamental structural features of modern probate administration. Rather than treating estate administration as a single lawsuit that concludes only upon final distribution, the Probate Code contemplates numerous independent proceedings, each involving different petitions, different parties, different issues, and different final judgments.

This Court explained that statutory framework in *Estate of Sheltra*, 2020 ME 108, 238 A.3d 234. There, the Court recognized that proceedings within an estate are independent for purposes of finality and appeal, notwithstanding the continued administration of the estate itself. *Id.* ¶¶ 14-18.

Rule 79 implements that statutory framework administratively by providing for subsidiary dockets corresponding to independent probate proceedings. The statutory independence of those proceedings, however, derives from § 3-107 itself. Rule 79 does not create independent proceedings; it reflects and records them.

In this case, the probate register apparently maintained the Estate under a single master docket without assigning separate subsidiary docket numbers to the

various proceedings. The absence of separately numbered subsidiary dockets does not alter the statutory command that “[e]ach proceeding” remains independent. Were the rule otherwise, the availability of appellate review would depend upon local docket-management practices rather than the Probate Code enacted by the Legislature.

Indeed, the Law Court's Order on Motion to Dismiss implicitly recognizes this distinction. The Court did not ask the parties to identify subsidiary docket numbers. Rather, it asked the parties to identify which filings and proceedings related to the various subsidiary proceedings and to explain when final judgment entered in those proceedings. That inquiry reflects the statutory analysis required by § 3-107 and *Estate of Sheltra*.

C. Jonathan Hall's petitions under former 18-A MRS § 3-806 commenced an independent probate proceeding.

The Claims Litigation began when Jonathan Hall filed petitions seeking allowance of claims (DE-504) that the personal representative had disallowed pursuant to former 18-A MRS § 3-806. (App. 12-13, 23-24, 33, 158-162.) Those petitions presented discrete disputes between Jonathan Hall and the Estate concerning the validity and amount of Jonathan Hall’s asserted claims. They did not concern the subsequent distribution of estate assets following completion of estate administration.

For the next several years, the parties litigated those claims through summary judgment proceedings, evidentiary hearings, sanctions proceedings, post-judgment

motions, and amended decisions. The litigation culminated in a determination that Jonathan Hall was entitled to recover only \$6,878.86 on one remaining claim but that offsets and sanctions resulted in Jonathan Hall owing the Estate \$20,478.14. (App. 256.) Nothing remained for the Probate Court to determine concerning Jonathan Hall's claims except disposition of the timely post-judgment motions that followed.

Only after that litigation concluded did Jeffrey Hall commence an entirely different proceeding by filing the Petition for Order of Complete Settlement. (App. 20, 212.) The chronology itself demonstrates that these proceedings involved different statutory petitions, different issues, and different judgments.

Jonathan Hall nevertheless argues that the Claims Litigation remained pending throughout the Settlement Proceeding because his May 10, 2021 Motion for Reconsideration allegedly was never decided. That contention is inconsistent with both the record and the Probate Court's subsequent decisions.

The Probate Court expressly concluded that the June 28, 2021 Clarification Order implicitly denied Jonathan Hall's request for substantive reconsideration while granting the procedural relief requested concerning the interlocutory nature of the April 29, 2021 Summary Judgment Decision. (App. 256, 286-87.) In reaching that conclusion, the court expressly adopted the procedural analysis set forth in Bonnie Hall's Memorandum. BH Mem. at 2-3 (Addendum E).⁶

⁶See footnote 4 *supra* at page 10.

Accordingly, the question presented is not whether Jonathan Hall continued to disagree with the Probate Court's rulings. Rather, the question is whether the Claims Litigation reached a final judgment before the Settlement Proceeding commenced. As explained below, it did.

D. The Claims Litigation reached a final judgment before the Settlement Proceeding commenced.

Jonathan Hall's appellate theory depends upon the premise that the Claims Litigation remained pending throughout 2025 and did not become final until entry of the final order in the Settlement Proceeding. The record demonstrates otherwise.

The Claims Litigation proceeded in a conventional sequence. On April 29, 2021, the Probate Court entered its Summary Judgment Decision resolving all but a limited portion of Jonathan Hall's claims. (App. 163.) Because unresolved claims remained for trial, the decision was interlocutory.

Jonathan Hall thereafter filed a Motion for Reconsideration on May 10, 2021. (App. 168-74.) Eastern Bank subsequently filed a Motion for Clarification or Amendment seeking confirmation that the April 29, 2021 Summary Judgment Decision remained interlocutory pending resolution of the remaining claims. (App. 16, 175-79.)

On June 28, 2021, the Probate Court entered its Clarification Order. (App. 197.) That order granted the procedural relief requested by clarifying that the Summary Judgment Decision was not yet final because additional claims remained for adjudication. The order did not grant Jonathan Hall the substantive relief requested in his Motion for Reconsideration. (App. 286-87.)

The remaining claims thereafter proceeded to evidentiary hearings conducted during 2022. Following those hearings, the Probate Court entered its November 14, 2023 Order on Motion for Sanctions and its December 20, 2024 Decision and Order resolving Jonathan Hall's remaining claim. (App. 200-206.) After determining the amount of Jonathan Hall's remaining recovery, applying offsets, and imposing sanctions, the Probate Court concluded that Jonathan Hall owed the Estate \$20,478.14. (App. 256.)

Jonathan Hall filed a timely post-judgment motion in response to the November 14, 2023 sanctions order (App. 20; Addendum D)⁷ but no such motion in response to the December 20, 2024 adjudication of his unbarred claim. The Probate Court denied Jonathan's post-judgment motion, amended portions of its claim adjudication on February 19, 2025, and docketed the denial of Jonathan's post-judgment motion on March 12, 2025. (App. 20, 207, 209-211.) At that point, nothing remained pending in the Claims Litigation. Every claim asserted by Jonathan Hall had been adjudicated. Every countervailing offset had been determined. Every sanctions issue had been resolved. Every timely post-judgment motion had been decided. The Claims Litigation had therefore reached final judgment.

Only after completion of that proceeding did Jeffrey Hall commence the Settlement Proceeding by filing a Petition for Order of Complete Settlement on May 22, 2025. (App. 212.) The chronology is significant because it demonstrates

⁷See footnote 3 *supra* at page 9.

that the Settlement Proceeding did not continue the Claims Litigation. Rather, it followed it. The Settlement Proceeding sought authority to complete administration of the Estate after resolution of the litigation concerning Jonathan Hall's claims. Nothing in the Petition for Order of Complete Settlement reopened, vacated, or otherwise revived the judgments previously entered in the Claims Litigation.

Indeed, the Probate Court consistently treated the two proceedings separately. In its October 15, 2025 Decision and Order, and its February 17, 2026 Corrected Decision and Order, the Probate Court explained that Jonathan Hall's claims had already been finally adjudicated and that the Settlement Proceeding did not provide an opportunity to relitigate those determinations. (App. 256, 286-87.) The court expressly concluded that Jonathan Hall's May 10, 2021 Motion for Reconsideration had been implicitly denied by the June 28, 2021 Clarification Order because the court granted the procedural clarification requested while declining to alter the substance of its Summary Judgment Decision. (App. 286-87.) The court further adopted the procedural history set forth in the Bonnie Hall Memorandum, including its analysis of the procedural effect of the June 28, 2021 Clarification Order. BH Mem. at 2-5 (Appendix E).

Jonathan Hall's contrary position depends upon treating the absence of an express order denying his May 10, 2021 Motion for Reconsideration as though it prevented the Claims Litigation from ever becoming final. The Probate Court rejected that interpretation. The court correctly concluded that the June 28, 2021 Clarification Order afforded Jonathan Hall the procedural relief he sought by

confirming that the Summary Judgment Decision remained interlocutory while implicitly denying his request for substantive reconsideration. (App. 286-87.) That conclusion is fully consistent with the subsequent course of the litigation, including the fact that (1) Jonathan Hall's post-judgment motion (Addendum D) did not mention his earlier Motion to Reconsider filed on May 10, 2021, and (2) he never filed a motion mentioning his May 10, 2021 Motion for Reconsideration in response to the December 20, 2024 adjudication of his unbarred claim.

Following June 28, 2021, the parties conducted discovery, prepared for trial, completed three days of evidentiary hearings, litigated sanctions, filed post-hearing memoranda, obtained final adjudication of the remaining claims, filed post-judgment motions directed to those final decisions, and received rulings disposing of those motions. Neither the parties nor the Probate Court conducted the litigation as though Jonathan Hall's May 10, 2021 Motion for Reconsideration remained pending throughout those proceedings. Instead, the litigation proceeded exactly as one would expect after entry of an interlocutory summary judgment order followed by a clarification order identifying the issues remaining for adjudication. The record therefore demonstrates that the Claims Litigation concluded before commencement of the Settlement Proceeding.

Jonathan Hall's notice of appeal, filed on January 21, 2026, was timely with respect to the final judgment entered in the Settlement Proceeding. Whether it also permits review of the earlier final judgment entered in the Claims Litigation is

governed by Rule 2B of the Maine Rules of Appellate Procedure. That question is addressed below.

E. Jonathan Hall's January 21, 2026 Notice of Appeal Did Not Preserve Appellate Review of the Claims Litigation.

Having determined that the Claims Litigation reached a final judgment before commencement of the Settlement Proceeding, the remaining jurisdictional question is straightforward. Rule 2B of the Maine Rules of Appellate Procedure requires that a notice of appeal be filed within 21 days after entry of the final judgment or after disposition of a timely post-judgment motion. The purpose of the Rule is to establish a definite point at which litigation becomes final and appellate jurisdiction attaches.

The Claims Litigation reached that point no later than March 12, 2025, when the Probate Court's denial of Jonathan Hall's post-judgment motions was docketed. (App. 20, 207, 256.) Jonathan Hall did not file a notice of appeal within the period prescribed by Rule 2B.

Instead, more than two months later, Jeffrey Hall commenced the Settlement Proceeding by filing a Petition for Order of Complete Settlement. (App. 20, 212.) The filing of that petition did not extend the time to appeal the final judgment entered in the Claims Litigation. Nor did it reopen that proceeding. Nor did it merge the Claims Litigation into the Settlement Proceeding. The two proceedings remained independent under 18-C MRS § 3-107.

Consequently, Jonathan Hall's January 21, 2026 notice of appeal preserved appellate review only of those orders entered in the Settlement Proceeding that remained appealable at that time. It did not revive appellate review of the earlier final judgment entered in the Claims Litigation.

To hold otherwise would effectively eliminate the independent-proceeding framework established by § 3-107. Every final judgment entered during estate administration would remain subject to appellate review until the estate was ultimately closed, regardless of when the judgment became final or whether any timely appeal had been taken. That is precisely the approach rejected by *Estate of Sheltra*.

The Probate Code instead recognizes that independent proceedings frequently become final while estate administration continues. They may be adjudicated “in a single proceeding if the orders sought may be finally granted without delay.” 18-C MRS § 3-107(2). This reflects the purpose of the Probate Code to “[p]romote a speedy and efficient system for liquidating the estate of the decedent and making distribution to the decedent's successors.” 18-C MRS § 1-102(1)(C). Once the period prescribed by Rule 2B expires without a notice of appeal, the judgment entered in that proceeding becomes final for appellate purposes notwithstanding later proceedings involving the same estate.

Jonathan Hall nevertheless advances several reasons why, in his view, the January 21, 2026 notice of appeal should be deemed timely as to the Claims Litigation. None is persuasive.

1. Jonathan Hall's May 10, 2021 Motion for Reconsideration did not prevent final judgment from entering in the Claims Litigation.

Jonathan Hall principally contends that his Motion for Reconsideration remained pending because the Probate Court never entered a separate order expressly denying it. The Probate Court rejected that contention twice. First, in its October 15, 2025 Decision and Order, the court concluded that Jonathan Hall's claims had already been finally adjudicated and that the Claims Litigation was no longer subject to appellate review. (App. 256.) Second, after Jonathan Hall renewed the argument, the Probate Court expressly explained why the May 10, 2021 Motion for Reconsideration had been implicitly denied. (App. 286-87.)

The court concluded that the June 28, 2021 Clarification Order granted the procedural clarification requested by Jonathan Hall while denying the substantive reconsideration requested. *Id.* The court further adopted the procedural analysis contained in Bonnie Hall's Memorandum (Addendum E). (App. 256, 286; BH Mem. at 2-5.) The subsequent course of the litigation confirms that conclusion.

After June 28, 2021, neither the Probate Court nor the parties treated the Motion for Reconsideration as remaining pending. Instead, the litigation proceeded through trial of the remaining claims, entry of final decisions, post-judgment motions directed to those final decisions, and ultimate disposition of those motions. This is underscored by Jonathan Hall's post-judgment motion (Appendix D) which did not mention his earlier Motion to Reconsider and the fact that he never filed another motion raising this issue before the Claims Litigation became final.

Jonathan Hall's present interpretation would require the Court to conclude that every participant in the litigation – including the Probate Court and himself – proceeded for nearly four years under a mistaken understanding that an unresolved motion remained pending. The record does not support that conclusion.

2. The Settlement Proceeding did not revive the right to appeal the Claims Litigation.

Jonathan Hall also argues, in substance, that because issues concerning estate taxes and distribution arose again during the Settlement Proceeding, the earlier judgments entered in the Claims Litigation became reviewable once more. That argument overlooks the distinction between the subject matter of a later proceeding and the finality of an earlier one.

The Settlement Proceeding necessarily required the Probate Court to determine whether the Estate could be distributed in light of the judgments previously entered during administration. It did not authorize the Probate Court to reopen final judgments entered in the Claims Litigation. Nor did it enlarge the time for appealing those judgments.

Indeed, the Probate Court expressly recognized that distinction. The court concluded that Jonathan Hall's objections to the Petition for Order of Complete Settlement sought, in significant part, to relitigate matters already resolved in the Claims Litigation and therefore were outside the proper scope of the Settlement Proceeding. (App. 256, 287.) Jonathan Hall's disagreement with those earlier

rulings did not transform them into appealable orders once the Settlement Proceeding commenced.

3. The Court should confine its review to those issues properly preserved by the January 21, 2026 notice of appeal.

Because Jonathan Hall did not timely appeal the final judgment entered in the Claims Litigation, this Court should confine its review to issues arising from the Settlement Proceeding itself. Those issues include whether Jonathan Hall possessed standing to object to the Petition for Order of Complete Settlement and whether the Probate Court correctly approved complete settlement of the Estate. They do not include review of the Summary Judgment Decision, the sanctions order, the adjudication of Jonathan Hall's claims, or other rulings that became final before commencement of the Settlement Proceeding.

Jonathan Hall's arguments concerning those earlier rulings therefore furnish no basis for reversing the judgment presently before the Court.

II. JONATHAN HALL LACKED STANDING TO OBJECT TO THE PETITION FOR ORDER OF COMPLETE SETTLEMENT.

Standing in probate proceedings is governed by the Probate Code, not by the fact that an individual previously participated in earlier litigation involving the estate. The Probate Code limits participation in a particular proceeding to persons whose legally protected interests may be affected by the issues presented in that proceeding. See 18-C MRS § 1-201(26) (definition of “interested person”). The

determination of whether a person qualifies as an interested person depends upon the nature of the particular proceeding before the court. *Id.*

By the time Jeffrey Hall commenced the Settlement Proceeding on May 22, 2025, Jonathan Hall's status as a claimant against the Estate had already been adjudicated in the Claims Litigation. The Probate Court had determined the amount, if any, recoverable on Jonathan Hall's claims. It had determined the offsets applicable to those claims. It had imposed sanctions. It had ruled upon Jonathan Hall's post-judgment motion (Addendum D). And the period for appealing those determinations had expired.

Accordingly, when the Settlement Proceeding commenced, Jonathan Hall no longer possessed an unresolved claim against the Estate capable of conferring interested-person status based upon the Claims Litigation. The Probate Court therefore correctly concluded that Jonathan Hall lacked standing to object to the Petition for Order of Complete Settlement insofar as his objections merely sought to relitigate issues previously determined in the Claims Litigation. (App. 256, 287.)

Jonathan Hall's contrary position would produce an anomalous result. Under his theory, every unsuccessful claimant against an estate could preserve standing indefinitely simply by objecting to the later petition for complete settlement and thereby obtain appellate review of judgments that had long since become final. Neither the Probate Code nor the Maine Rules of Appellate Procedure permit that result.

Instead, the statutory framework distinguishes between the adjudication of claims against an estate and the subsequent proceeding authorizing complete settlement after those claims have been resolved. The Probate Court correctly applied that framework here.

III. EVEN IF THE COURT REACHES THE MERITS, THE PROBATE COURT CORRECTLY ENTERED SUMMARY JUDGMENT ON JONATHAN HALL'S CLAIMS, AND CORRECTLY RELIED UPON THAT JUDGMENT WHEN APPROVING COMPLETE SETTLEMENT OF THE ESTATE.

The Probate Court's October 15, 2025 Decision approving complete settlement did not decide Jonathan Hall's substantive claims for the first time. Rather, it recognized that those claims had already been adjudicated in the Claims Litigation and that Jonathan Hall's objections largely sought to relitigate issues previously decided by the April 29, 2021 Summary Judgment Order, the subsequent evidentiary proceedings, the December 20, 2024 Decision and Order, and the February 19, 2025 amended decision. Accordingly, even if this Court concludes that Jonathan Hall's present appeal permits review of the earlier Claims Litigation, the judgment should nevertheless be affirmed because the Probate Court correctly resolved each category of claims as a matter of law.

A. The Probate Court correctly concluded that Jonathan Hall's pre-death contract claims were barred by the Probate Code's nonclaim provisions.

Jonathan Hall's principal contract claims arose from the alleged breach of the 2007 Massachusetts Settlement Agreement between Gloria Hall, acting through her

guardian, and the Estate of Harry A. Hall III. The Probate Court separately analyzed each of those claims.

1. Jonathan Hall's reliance on the Massachusetts judgment does not excuse compliance with Maine's Probate Code.

Jonathan Hall argues that the Massachusetts Probate and Family Court judgment approving the 2007 Separation Agreement is entitled to Full Faith and Credit and therefore required the Probate Court to disregard the Probate Code's claims procedures. That argument has already been considered and rejected by both the Law Court and the Probate Court. *See Estate of Gloria P. Hall*, 2014 ME 10, ¶¶ 8, 11-14, 86 A.3d 596; App. 158.

As an initial matter, Jonathan Hall's argument rests upon a misunderstanding of the Massachusetts judgment itself. The Massachusetts court did not enter a money judgment against Gloria Hall. Rather, it approved and incorporated by reference the parties' Separation Agreement into the divorce judgment. The distinction is significant.

Jonathan Hall is not attempting to enforce a Massachusetts judgment directing Gloria Hall to pay a fixed sum of money. Instead, he contends that Gloria Hall subsequently breached obligations contained in the Separation Agreement and that damages allegedly resulting from that breach may now be recovered from her estate. The operative claim before the Probate Court was therefore a claim against Gloria Hall's estate for her alleged breach of contractual obligations before her death.

The Law Court addressed Jonathan Hall's Full Faith and Credit theory in the earlier appeal involving this estate. Jonathan argued that the Massachusetts judgment required Maine courts to give effect to the Separation Agreement by treating Gloria Hall's 1993 will as controlling notwithstanding her subsequently executed 2004 will. The Law Court rejected that contention. It explained that the Full Faith and Credit Clause did not “negate or supersede” the substantive law governing the issue before the Court and concluded that “whether or not the Massachusetts judgment is valid and enforceable,” neither the judgment nor the incorporated Separation Agreement produced the legal consequence Jonathan asserted. *Estate of Gloria P. Hall*, 2014 ME 10, ¶¶ 11, 14.

The Probate Court correctly applied the same analytical approach in the present litigation. It did not question the validity of the Massachusetts judgment. Nor did it refuse to recognize that judgment. Instead, the court concluded that Jonathan Hall's reliance upon the Massachusetts judgment did not relieve him of the obligation to comply with Maine's Probate Code: “The opponents have argued that the Judgment of the Massachusetts Court in the Settlement Agreement is entitled to Full Faith and Credit. However, this does not exempt a party from the requirements of the claim process.” (App. 158.) That conclusion faithfully follows the reasoning of this Court's earlier opinion.

The issue before the Probate Court was not whether the Massachusetts judgment existed or was entitled to recognition. The issue was whether Jonathan

Hall's claims for damages allegedly arising from Gloria Hall's breach of the Separation Agreement were governed by Maine's Probate Code after Gloria Hall's death.

Former 18-A [now 18-C] MRS § 3-803(b) applies broadly to claims against a decedent's estate “whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort or other legal basis.” Jonathan Hall's breach-of-contract claims fall comfortably within that language. Nothing in the Massachusetts judgment altered the character of those claims or exempted them from the Probate Code's claim-presentation requirements.

Accordingly, the Probate Court correctly concluded that recognition of the Massachusetts judgment did not excuse compliance with Maine's Probate Code.

2. The Probate Court correctly rejected Jonathan Hall's contention that the Personal Representative waived the statutory bar.

Jonathan Hall alternatively argues that the Estate waived the Probate Code's nonclaim defenses because the Personal Representative did not plead those defenses in a conventional answer. The Probate Court rejected that argument on two independent grounds, either of which supports the judgment.

First, the court concluded that the Personal Representative's written notices disallowing Jonathan Hall's claims performed the function contemplated by the Probate Code by joining issue on the claims asserted against the Estate. The Probate Code does not require the filing of a conventional civil answer before the statutory defenses established by §§ 3-803 and 3-806 may be invoked.

Second, and independently dispositive, the Probate Court held that the Personal Representative lacked authority to waive the applicable limitations defense in the absence of unanimous consent from all successors whose interests would be affected. Relying upon *Estate of Margaret Gray*, 2013 ME 29, ¶ 10, 61 A.3d 747, the court observed that former 18-A MRS § 3-802(a), now 18-C MRS § 3-802(1), expressly conditions any waiver upon such unanimous consent and that no evidence of unanimous consent appears in this record. (App. 159-160.)

Jonathan Hall's appellate brief addresses only the first of these grounds. It does not identify any evidence establishing the unanimous successor consent required by § 3-802(a). Consequently, even if Jonathan were correct that a responsive pleading was required – which the Probate Court correctly held it was not – the judgment would remain supported by the Probate Court's independent determination that the Personal Representative possessed no statutory authority to waive the defense. For that reason alone, Jonathan Hall has failed to demonstrate reversible error.

B. The Probate Court Correctly Concluded That Jonathan Hall's Post-Death Reimbursement Claims Were Subject to the Probate Code's Nonclaim Statutes.

Jonathan Hall next challenges the Probate Court's disposition of two post-death reimbursement claims arising from estate taxes allegedly paid by the Estate of Harry A. Hall III. The Probate Court correctly concluded that both claims were barred by the Probate Code.

1. *Jonathan Hall asserted claims for reimbursement, not claims by a taxing authority.*

Jonathan Hall's principal contention is that his reimbursement claims were exempt from the Probate Code because they concerned estate taxes. The Probate Court correctly rejected that characterization. The court distinguished between taxes owed to a governmental taxing authority and Jonathan Hall's private claims for reimbursement: “The [reimbursement] claim was not asserted by a taxing authority for taxes due. While it may have been beneficial to the estate for the estate taxes to be paid, it was incumbent on Claimant Hall to file a claim for reimbursement in a timely manner.” (App. 160-61.) That distinction is dispositive. *See Estate of Margaret Gray*, 2013 ME 29 (“*Gray I*”), 2014 ME 119 (“*Gray II*”) (rejecting reimbursement and unjust enrichment claims for mortgage payments and property taxes that would not have been barred if asserted by the mortgagee or municipality pursuant to 18-A MRS § 803(c)(1), now 18-C MRS § 803(4)(A)).

Neither the Internal Revenue Service nor the Commonwealth of Massachusetts sought payment from Gloria Hall's Estate. Jonathan Hall instead sought reimbursement on behalf of Harry Hall's Estate for taxes *allegedly* paid years earlier. Whatever label Jonathan assigns to those theories, they seek recovery of money from Gloria Hall's Estate based upon Gloria Hall's *alleged* legal obligations. They are therefore claims against the Estate governed by the Probate Code.

The summary judgment record confirms that this precise issue was litigated below. Jeffrey Hall argued that Jonathan was not a taxing authority and that his reimbursement theories therefore remained subject to former 18-A MRS §§ 3-803 and 3-806. Jonathan responded that tax reimbursement constituted a separate statutory process under § 3-916. The Probate Court adopted Jeffrey Hall's position and rejected Jonathan's.

Jonathan's appellate brief largely repeats the arguments rejected below. He identifies no statutory language exempting a private reimbursement action from the Probate Code's claims procedures merely because the underlying payments involved taxes. Just as claims for reimbursement or unjust enrichment based on mortgage and property tax payments must be presented within the time limits of the nonclaim statute, 18-C MRS § 3-803, *see Gray I & II, supra*, similar claims for other tax payments, including estate taxes allegedly due, must comply with those same time limits.

2. Section 3-916 did not preserve Jonathan Hall's reimbursement claims.

Jonathan Hall argues that 18-C MRS § 3-916 required the Probate Court to adjudicate tax apportionment during the Settlement Proceeding. That argument rests upon the same misunderstanding discussed above.

Section 3-916 establishes rules governing the apportionment of estate taxes where apportionment is properly at issue. It does not transform an otherwise untimely reimbursement claim into a timely one. Nor does it authorize a claimant

to avoid the Probate Code's nonclaim provisions by characterizing a reimbursement theory as tax apportionment.

More fundamentally, the record demonstrates that the Probate Court actually considered Jonathan Hall's statutory arguments. In its corrected Decision and Order entered during the Settlement Proceeding, the court explained: “The issue of apportionment of estate taxes was thoroughly argued and rejected in the summary judgment decision, consistent with the Law Court's decisions in the *Estate of Margaret Gray*, 2013 ME 29 (*Gray I*), and 2014 ME 119 (*Gray II*).” (App. 287.)

The Probate Court further observed that Jonathan Hall repeatedly argued that *Gray I* and *Gray II* were wrongly decided and invited the court to disregard them. The court declined that invitation. (App. 287.) Accordingly, Jonathan Hall's tax-apportionment arguments furnish no basis for disturbing the judgment.

3. The Probate Court correctly rejected Jonathan Hall's attempts to recharacterize his reimbursement claims.

Recognizing the difficulty posed by the Probate Code's claims procedures, Jonathan Hall alternatively argued that his reimbursement theories should be treated as title disputes or equitable claims rather than claims against the Estate. The Probate Court rejected those efforts.

With respect to the August 19, 2009 letter from Ropes & Gray, the court concluded that the letter merely indicated that reimbursement might later be sought. It did not itself constitute a claim against Gloria Hall's Estate. (App. 161.) Moreover, at the evidentiary hearing, even though Jonathan Hall cited the letter, he

offered no evidence showing that Gloria Hall's Estate owed estate taxes or that any had been paid on her behalf, even though he had every opportunity to do so.

(Transcript of December 6, 2022, pp. 146-154, 174-76, 184, 200-203.)

Likewise, the Probate Court rejected Jonathan Hall's attempt to characterize the reimbursement claims as disputes concerning title to property rather than claims governed by the Probate Code. (App. 160-61.) The court concluded that re-labeling or "re-characterizing" the claims did not alter their legal character or exempt them from the statutory requirements governing claims against a decedent's estate. (App. 161.) The court correctly focused upon the substance of Jonathan Hall's claims rather than the labels attached to them.

C. The Probate Court Carefully Determined Jonathan Hall's Remaining Personal Claim and Entered Judgment Based Upon the Evidence Presented at Trial.

The April 29, 2021 Summary Judgment Order did not dispose of every issue raised by Jonathan Hall. Rather, after resolving those claims that could be decided as a matter of law, the Probate Court determined that one limited personal reimbursement claim remained for evidentiary hearing, along with a competing claim that Jonathan Hall should be sanctioned.

The parties thereafter conducted three days of evidentiary hearings in March, October, and December 2022. The Probate Court received testimony, documentary evidence, and post-hearing memoranda before entering its Decision and Order on December 20, 2024. (App. 204-206.) Contrary to Jonathan Hall's characterization

of the proceedings, the Probate Court did not simply reject his remaining claim. Instead, the court carefully determined the amount supported by the evidence.

Jonathan Hall initially asserted his remaining personal claim was \$7,426.00. During the evidentiary hearing, however, he conceded through counsel that this calculation erroneously included expenses incurred before Gloria Hall's death. As the Probate Court explained:

Jonathan Hall's initial revised claim was for \$7,426.00. Jonathan Hall had erroneously added charges from April 12, 2012, prior to the date of death. Jonathan conceded through his attorney that the claim should be revised to \$6,878.86 (Tr. p. 79). ... For purposes of this Order, this Court finds that the amount in question is \$6,878.86.

(App. 205.) Accepting Jonathan Hall's own revised calculation, the Probate Court allowed his remaining personal claim in the amount of \$6,878.86. (App. 206.)

The court then completed the accounting necessary to determine the parties' respective financial obligations. The evidence established that Jonathan Hall had previously received \$21,357.00 from the proceeds of the sale of the Lexington, Massachusetts real estate. Because Jonathan Hall's allowable claim totaled only \$6,878.86, the Probate Court credited Jonathan Hall with that amount and determined that he had received \$14,478.14 more than he was entitled to receive from Estate assets. The Probate Court therefore ordered Jonathan Hall to repay \$14,478.14 to the Estate. (App. 206.) The court's earlier sanctions order separately required Jonathan Hall to pay \$6,000.00 to the Estate. (App. 203.) Adding the sanctions award to the repayment obligation resulted in the final balance of

\$20,478.14 that Jonathan Hall owed the Estate. The Probate Court reaffirmed that amount in its October 15, 2025 Decision and Order approving complete settlement. (App. 256.)

Thus, the final judgment entered in the Claims Litigation was not the product of arbitrary reductions or unexplained calculations. Rather, it reflected a careful accounting based upon the evidence presented at trial, Jonathan Hall's own concession regarding the amount of his remaining allowable claim, the funds previously distributed to him from Estate assets, and the sanctions previously imposed.

Jonathan Hall's appellate brief largely overlooks this procedural history. The Summary Judgment Order resolved those claims that could be decided as a matter of law. The Probate Court then conducted a full evidentiary hearing on the remaining factual issues, determined the precise amount of Jonathan Hall's allowable personal claim, credited him with that amount, and entered judgment only for the resulting net balance.

D. The Probate Court Correctly Relied Upon the Final Judgment in the Claims Litigation When Approving Complete Settlement of the Estate.

By the conclusion of the Claims Litigation, every claim asserted by Jonathan Hall had either been dismissed as a matter of law or adjudicated after a full evidentiary hearing. Nothing remained for the Probate Court to decide concerning Jonathan Hall's claims against the Estate. It was against this procedural backdrop

that Jeffrey Hall filed his Petition for Order of Complete Settlement on May 22, 2025.

The Settlement Proceeding did not reopen the Claims Litigation. Rather, it sought approval to complete administration of the Estate in light of the judgments that had already been entered.

Jonathan Hall nevertheless renewed many of the same arguments that the Probate Court had rejected during the Claims Litigation. He again argued that the June 28, 2021 Clarification Order left his Motion for Reconsideration unresolved, that estate-tax apportionment remained pending under 18-C MRS § 3-916, and that the Probate Court should revisit the legal conclusions reached in the April 29, 2021 Summary Judgment Order. The Probate Court correctly declined to do so.

In its October 15, 2025 Decision and Order, the Probate Court explained that Jonathan Hall's objections largely sought reconsideration of issues that had already been fully litigated and resolved. The court expressly adopted the procedural analysis set forth in Bonnie Hall's Memorandum, including its analysis of the procedural effect of the June 28, 2021 Clarification Order and the finality of the Claims Litigation. (App. 256-57; BH Mem. at 2-5.)

The Probate Court likewise rejected Jonathan Hall's renewed tax-apportionment arguments, explaining that those issues had been “thoroughly argued and rejected” in the Summary Judgment Order in accordance with this Court's decisions in *Gray I* and *Gray II*. (App. 287.) The Settlement Proceeding

therefore did not involve a reconsideration of Jonathan Hall's substantive claims. Those claims had already been resolved.

Instead, the Probate Court performed the function contemplated by 18-C MRS § 3-1001. Having determined that the Claims Litigation had concluded, that the parties' financial obligations had been established by final judgment, and that no unresolved claims remained against the Estate, the court properly entered an Order of Complete Settlement so that administration of the Estate could finally be concluded.

Jonathan Hall's appellate brief asks this Court to use the Settlement Proceeding as a vehicle to revisit years of prior litigation. The Probate Code does not contemplate that result. The Settlement Proceeding was not a second opportunity to litigate claims previously decided; it was the final administrative step in closing an estate after those claims had been fully adjudicated.

CONCLUSION

For the reasons stated, the Law Court should dismiss Jonathan's appeal. His appeal from the probate court's final judgment in the Claims Proceeding is untimely. He lacks standing to appeal from the probate court's final judgment in the Settlement Proceeding. For both reasons, the Law Court is without jurisdiction to entertain his appeal.

Even if this Court concludes that Jonathan Hall's January 21, 2026 Notice of Appeal permits review of the merits of the Claims Litigation, the Probate Court

correctly entered summary judgment on Jonathan Hall's claims, correctly adjudicated the factual issues for his one remaining claim after trial, and correctly relied upon those final judgments when approving complete settlement of the Estate. The judgment should therefore be affirmed in all respects.

Dated: July 16, 2026

/s/Greg McCullough

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Attorney for Bonnie Hall

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Addendum A

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Cum-26-19

Estate of Gloria P. Hall

**ORDER ON MOTION TO DISMISS
APPEAL**

The Estate of Gloria Hall and Bonnie Hall have moved to dismiss Jonathan Hall's appeal as untimely and because Jonathan¹ lacks standing to appeal from the order appealed from. Jonathan has filed an opposition to the motion.

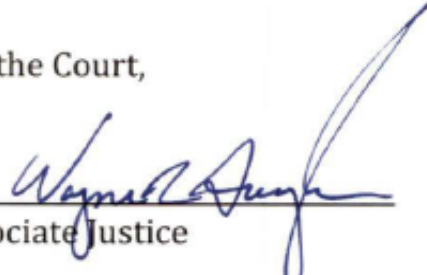
It is ORDERED that the motion will be considered with the merits of the appeal. The parties must fully address the issues in their briefs; the Court will not further review the motion or response.

Whether Jonathan's appeal is timely and whether Jonathan has standing to appeal may depend on which "subsidiary docket" the order appealed from was entered in and when final judgment was entered in that subsidiary docket.² *See Estate of Sheltra*, 2020 ME 108, ¶¶ 14-18, 238 A.3d 234. The recitations of the procedure that are contained in the motion and response are not entirely clear as to which filings and proceedings related to which petition or subsidiary docket. The Court suggests that the parties include in their briefs one or more lists, tables, or charts to make clear the parties' positions as to which filings and proceedings related to which subsidiary dockets.

Dated: May 15, 2026

RECEIVED
MAY 15 2026
Clerk's Office
Maine Supreme Judicial Court

For the Court,


Associate Justice

¹ Because the parties share a surname, this order will refer to them by their first names.

² If both (1) Jonathan's claims against the estate were a separate subsidiary docket, as the Estate and Bonnie argue, and (2) there remains pending a timely motion by Jonathan for reconsideration of a judgment or order as to his claims against the Estate, as Jonathan argues, then it may be that the time for Jonathan to appeal from the judgment on his claims has not yet passed. *See* M.R. App. P. 2(b)(c)(2). If that is the case, the question becomes whether Jonathan's notice of appeal here is an appeal from the judgment on his claims, which may proceed subject to the Probate Court's ruling on the motion for reconsideration, or only from the order of complete settlement of the Estate.

Addendum B

Independent proceeding under § 3-107	Initiating petition	Principal orders	Final judgment
Probate of 2004 will	Petition for formal probate	2013 probate judgment	2013 (affirmed 2014)
Claims litigation	Jonathan's petitions for allowance under § 3-806	2021 summary judgment; 2022 hearings; 2023 sanctions; 2024/2025 claim orders	March 12, 2025
Complete settlement	Jeffrey's petition under § 3-1001	October 15, 2025; December 31, 2025; February 2026 amendments	December 31, 2025 (as amended)

Addendum C

Date	Event	Proceeding
April 29, 2021	Summary Judgment Decision	Claims Litigation
June 28, 2021	Clarification Order	Claims Litigation
October-December 2022	Evidentiary hearings	Claims Litigation
November 14, 2023	Sanctions Order	Claims Litigation
December 20, 2024	Decision resolving remaining claims	Claims Litigation
February 19, 2025	Amended Decision	Claims Litigation
March 12, 2025	Rule 52/59 disposition docketed	Claims Litigation
May 22, 2025	Petition for Complete Settlement filed	Settlement Proceeding
October 15, 2025	Decision on Complete Settlement	Settlement Proceeding
December 31, 2025	Final Order of Distribution	Settlement Proceeding
January 21, 2026	Present appeal filed	Settlement Proceeding

Addendum D

CUMBERLAND County Register of Probate Court
Filing: 2023 Nov 28 06:07 PM
Case Number: 2009-0737

STATE OF MAINE
CUMBERLAND, ss.

PROBATE COURT
Docket No. 2009-0737

In Re: ESTATE OF GLORIA P. HALL

**MOTION TO AMEND FINDINGS OF FACT
AND MOTION TO AMEND JUDGMENT**

NOW COME Jonathan S. Hall and the Estate of Harry Hall by and through their duly authorized counsel, Douglas McDaniel & Campo LLC, and hereby submit, pursuant to M.R. P. Pro. 52 and 59, the following Motion to Amend Findings of Fact and Motion to Amend Judgment of this Court's Decision and Order for Sanctions entered November 14, 2023 (hereinafter the "Order").¹

Under Rule 52, a motion to amend its findings of fact may be made with a motion to amend the judgment. *M.R. Civ.P. 52(b)*. A motion pursuant to Rule 52 must provide the specific facts the movant requests to be amended or added. *See Dalton v. Dalton*, 99 A.3d 723, 728; 2014 ME 108 ¶21. When a party fails to request further findings of fact, the appellate court "will 'assume that the trial justice found all of the facts necessary to support the decision.'" *Harper v. Harper*, 169 A.3d 385, 388; 2017 ME 171 ¶12 (quoting *Murray v. Murray*, 529 A.2d 1366, 1368 n.1 (Me. 1987)). When a party requests findings of fact, the appellate court does not automatically "assume that the trial court made all the findings necessary to support its judgment." *Sargent v. Braun*, 902 A.2d 839, 840-841; 2006 ME 96 ¶5 (quoting *Jarvis v. Jarvis*, 2003 ME 53, ¶18, 832 A.2d 775, 779).

¹ Rule 52 of the Maine Rules of Probate Procedure is governed by Rule 52 of the Maine Rules of Civil Procedure.

I. The Court Omitted Facts That Would Have Changed the Order

Facts were elicited during the hearing that should have produced a different result. This section will produce specific facts with citation that demonstrate the necessity to amend the order.

1. Because Special Administrator Raftice was not licensed to practice law in Massachusetts, he was concerned that he would be “practicing law improperly in Massachusetts.” *T. Vol. I p. 20:11-13.*²

2. Special Administrator Raftice surmised that his appointment envisioned the hiring of Massachusetts counsel in order to carry out his duties as special administrator. *T. Vol. I p. 19:5-8.*

3. Special Administrator Raftice hired two Massachusetts attorneys, William McGrath and Richard Gallivan. Presumably, either would have been competent to testify, but neither did. *T. Vol. I p. 22:16.*

4. Special Administrator Raftice admitted to not knowing what he would need to do under Massachusetts law, whether it be probate, procedure, or real estate; to carry out his duties as special administrator. *T. Vol. I p. 106:12-14.*

5. The only licensed Massachusetts attorney to testify was John McElhinney. Attorney McElhinney was the only witness with 40 years of practicing real estate and probate law in Massachusetts. *T. Vol. II p. 114:24-12.*

6. Attorney McElhinney testified that the Massachusetts statute Chapter 202 Section 32 applied to Special Administrator Raftice’s administration of the sale of real estate in Lexington. *T. Vol. II p. 138:17-22.*

² Transcripts of the hearings held on October 13 and December 6, 2022 shall be cited as *T Vol. I* or *T Vol. II*.

7. The process utilized by Special Administrator Raftice to perform his duties was the same process cited by Attorney McElhinney and provided in Chapter 202 Section 32. *T. Vol. II p. 212:18-20.*

8. Attorney McElhinney testified that under Massachusetts law, the Order Appointing Special Administrator Raftice did not provide Special Administrator Raftice the authority to sell the real estate. This was consistent with Special Administrator Raftice's testimony. *T. Vol. II p. 138:12-24.*

9. The Special Administrator was required to open an ancillary administration in Massachusetts. *T. Vol. II p. 140:3-6.*

10. Massachusetts law provides that a foreign administrator, after such notice to the Commissioner of Revenue, all creditors and all other persons interested as the court may order, may be licensed to sell real estate. *T. Vol. II p. 141:1-12.*

11. No license to sell real estate in Massachusetts shall be issued without a certificate from the Massachusetts Department of Revenue showing either that the amount of the tax due and the payment there has been secured as provided or that no tax is due, and that no creditor or interested person will be prejudiced. *T. Vol. II, p. 141:13-24.*

12. Massachusetts law mandates that only after deducting the expenses and after the payment and satisfaction of all claims against the estate may a foreign administrator move the net sales proceeds out of Massachusetts. *T. Vol. II p. 141-142:25-11.*

13. An adjudication of creditor's claims serves as a satisfaction of claims, which evidences a resolution that enables the foreign administrator to move the net proceeds out of Massachusetts. *T. Vol. II p. 142-143:12-2.*

14. Pursuant to Chapter 202, Section 32, Eastern Bank, as a Fiduciary of the Estate of Harry Hall, filed a Declaratory Judgment action within the required time frame to preserve their claims. *T. Vol. II p. 165:8-20.*

15. Under Massachusetts law, before issuing a license to sell, the court must find that no creditor will be prejudiced by the sale. *T. Vol. II p. 165-166:24-2.*

16. Special Administrator Raftice was required to notify all potential creditors, and the creditors must bring a claim within 30 days or their claims are waived. *T. Vol. II p. 165:15-20.*

The aforementioned facts are supported by the record. This Court must amend its Order to include the aforementioned omitted facts.

II. The Court Must Amend the Order

In light of the aforementioned facts, the Court must amend the Order to reflect the facts in the record. Amending the findings of fact to include the proposed facts in this motion produces the conclusion that neither Jonathan S. Hall nor the Estate of Harry Hall engaged in sanctionable conduct. Therefore, the Order must be amended to find that Jonathan S. Hall and the Estate of Harry Hall did not engage in sanctionable conduct. In light of the finding of no sanctionable conduct this Court must deny the motion for sanctions.

Dated: November 28, 2023

/s/ Benjamin P. Campo, Jr.

Benjamin P. Campo, Jr.

Maine Bar No. 9334

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Addendum E

CUMBERLAND County Register of Probate Court
Filing: 2025 Aug 12 12:39 AM
Case Number: 2009-0737

STATE OF MAINE
CUMBERLAND, ss.

PROBATE COURT
Docket No. 2009-0737

In Re:
ESTATE OF GLORIA P. HALL
(Deceased 11/27/08)

**Bonnie Hall's Memorandum in Aid of
Initial Return Date Conference on
Petition for Order of Complete
Settlement**

This matter is scheduled for an "initial return date" on Jeffrey Hall's Petition for Order of Complete Settlement on Wednesday, August 13, 2025, at 2:00 p.m. Bonnie Hall submits this memorandum to facilitate and expedite a final resolution of this matter at the upcoming conference.

Procedural History of Current Petition

Jeffrey Hall as personal representative filed his petition for order of complete settlement on May 22, 2025. Jonathan Hall filed an objection on June 11, 2025. Bonnie Hall filed a response to Jonathan's objection on June 18, 2025. On the same date, she filed a conditional assent to the petition. On June 24, 2025, Jeff joined in Bonnie's response to Jonathan's objection. In surreply, Jonathan filed a response to Bonnie's response to his objection on July 2, 2025. The next day, he amended his surreply.

Prior Procedural History

Bonnie agrees with Jonathan's surreply (at p. 2) that, "The procedural history is fundamental ..." Following is a pertinent summary.

On April 29, 2021, the Court issued its Summary Judgment Order, barring all claims against the estate except for that portion of Jonathan's claim that arose

“on or after May 19, 2012.” The Order of April 29, 2021 required Jonathan to “prepare verification” of that portion of his claim that was not barred within 30 days.¹ It gave Jeff as personal representative 14 days thereafter to object or to consent. It concluded by saying, “The Court will determine whether or not the claims will be allowed based upon a review of the documentation and may require further proceedings.”

On May 10, 2021, Jonathan filed a Motion for Reconsideration.² The next day, Eastern Bank³ filed a motion to clarify that the Summary Judgment Order was not a final order. On June 28, 2021 this Court granted the motion to clarify saying that “the Order of April 29, 2021 is an interlocutory order and not a final judgment pending the submissions ordered by the Court on that date.” In short, the court implicitly denied Jonathan’s motion for reconsideration in this order.

This is confirmed by the fact that, on the same date, June 28, 2021, the court approved a previously filed motion to enlarge the time to respond to Jonathan’s motion for reconsideration to June 11, 2021, and gave Jonathan until June 25, 2021, to reply. Bonnie Hall, for herself and for Jeff as PR, filed a joint objection to Jonathan’s motion for reconsideration on June 10, 2021. Jonathan filed a reply

¹By subsequent affidavit, Jonathan claimed that the unbarred portion of his claim was \$7,426.

²Jonathan filed a supplement to his motion for reconsideration on June 1, 2021.

³Jonathan Hall and Eastern Bank are co-personal representatives of the Estate of Harry Hall. Together, they have kept this probate case alive since 2009.

memorandum on June 23, 2021. Five days later, the court issued its order quoted above implicitly denying Jonathan's motion for reconsideration.

On March 14, 2022, this Court denied Jonathan's motion to continue the upcoming hearing set for March 22, 2022, and issued a pretrial order based on the conference that took place on December 21, 2021. The first numbered paragraph of the pretrial order states, "1) A final judgment of the compensation for Jonathan Hall must be entered before this case is ripe for appeal, if any." The next two numbered paragraphs explain the unresolved compensation issues, and two more numbered paragraph address the issue of sanctions and attorney fees:

2) There is a demand by Jonathan Hall for \$7426 for work performed [on or after] May 19, 2021;

3) There is a demand that Jonathan Hall is owed nothing but owes the estate the sum of \$13,931;

...

8) The issue of costs associated with the obstruction of the sale of the residence is included in this proceeding;

9) On a related matter, each party is ordered to submit certificates of counsel with regard to attorney's fees incurred in the foregoing matter within 30 days;

The hearing commenced on March 22, 2022, but was not finished. At the outset, Jonathan Hall argued through his former counsel, David Turesky, "I have pending a motion for reconsideration that has not been considered up to today. If ... the ultimate ruling on the claims litigation ... by this Court is against my client, we will take an appeal." (Transcript p. 2.) The following day, March 23, 2022, the

Court issued another procedural order adhering to its previous rulings. On April 4, 2022, Attorney Turesky filed two motions for reconsideration with respect to the procedural order.⁴ The Court proceeded in a manner consistent with its procedural order, implicitly denying both motions, and held two additional hearing days on October 13, 2022 and December 6, 2022. In the meantime, on July 19, 2022, the Court issued a Pretrial and Scheduling Order reciting that it had held a pretrial conference on June 21, 2022, and stating,

The pretrial was scheduled to establish the parameters to complete the hearing on Jonathan Hall's claim that the estate of Gloria Hall owes him \$7,426 for work performed after May 19, 2012. Respondents Bonnie Hall and Jeffrey Hall have objected to payment of any amount and asserted a claim that Jonathan Hall owes the estate moneys incurred for delays and attorneys' fees.

Counsel for Jonathan Hall understood that the Court had denied his motions for reconsideration, as he never raised them again at either the hearing on October 13, 2022, or at the hearing on December 6, 2022.

The Court issued its first Decision and Order on November 14, 2023. This Decision and Order addressed the issue of sanctions only, finding that Jonathan Hall had engaged in sanctionable conduct, and ordered him to reimburse the estate \$6,000 within 30 days. Jonathan and Bonnie both filed motions to amend pursuant to Rule 59. Jonathan's motion did not assert that his prior motions for reconsideration were unresolved, or that any other issues needed to be resolved for

⁴In one of these motions, Attorney Turesky argued, "Jonathan Hall is very likely to appeal this Court's order on summary judgment; and should that order be reversed in any material part, the entire issue of attorney's fees will have to be re-litigated at the trial level."

a final, appealable order. Bonnie's motion alerted the Court to the need for a ruling on Jonathan's unresolved claim for compensation (\$7,426) and the estate's claim that he owed the estate for having previously received \$21,357 when the Lexington, Massachusetts, real estate was sold.

The Court issued its second Decision and Order on December 20, 2024. It allowed Jonathan's claim in its revised amount of \$6,878.86, and deducted this amount from the \$21,357 he had previously received, leaving an overpayment of \$14,478.14. Jonathan was ordered to repay this additional amount to the estate "forthwith." At the same time, the court ruled, "The other issues raised in Bonnie Hall's Motion to Amend dated November 28, 2023 are denied." (Decision and Order, p. 3.)

In a separate order on December 20, 2024, the Court denied Jonathan Hall's motion to amend, although the order was not docketed and transmitted to the parties until March 12, 2025, after Bonnie Hall alerted the Court in two separate letters of the need for a final appealable order. (See Order on Motion to Amend Findings of Fact and Motion to Amend Judgment.) Jonathan did not assert that any further action was needed by the court for a final, appealable order.

Bonnie Hall's Argument for Conference

In view of the foregoing procedural history, it is clear that the Court issued a final, appealable order on December 20, 2024, although the time for an appeal from that order did not start until March 12, 2025, when the order denying Jonathan's motion to amend findings and motion to amend the judgment was docketed. By ordering Jonathan to pay sanctions of \$6,000 to the estate, the Court

necessarily denied any claim for attorney fees that he had against the estate.⁵ The Court underscored this fact by ordering Jonathan to reimburse the estate an additional \$14,478.14. In short, the time for Jonathan to appeal has passed, and the Court can and should proceed to issue an Order for Complete Settlement consistent with Bonnie Hall's Conditional Assent to Jeffrey Hall's Petition for Order of Complete Settlement.

Dated: August 12, 2025

/s/Greg McCullough

Gregory O. McCullough, Bar No. 7243
Attorney for Bonnie Hall

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CERTIFICATE OF SERVICE

I am serving a copy of the foregoing on all parties through counsel, Benjamin Campo, bcampo@ddlax.com, Dana Prescott, dana@southernmainelaw.com, and Thomas Danylik, td@woodedlaw.com, by email pursuant to Rule 5(b) of the Maine Rules of Civil Procedure, in accordance with Rule 5(a) of the Maine Rules of Probate Procedure.

Dated: August 12, 2025

/s/Greg McCullough

Gregory O. McCullough, Bar No. 7243

⁵Attorney Tom Danylik filed a memorandum of law of this issue on July 28, 2022, "supporting the conclusion that under the Maine Probate Code, a creditor cannot be awarded attorney fees based on a claim brought against the estate" under 18-C MRS § 1-601. (See Memorandum of Law Re: Attorney's Fees, p. 1.)

CERTIFICATE OF SERVICE

We are serving a copy of the foregoing Brief of Appellee on the Appellant through counsel, Benjamin Campo, bcampo@douglasmcdaniel.com, by email pursuant to Rule 1D(c)(1), Rule 1E(d)(1), and Rule 7(c)(2) of the Maine Rules of Appellate Procedure. He will also receive one paper copy by postal mail when ten paper copies are filed with the Law Court pursuant to Rule 7(c)(4).

Dated: July 16, 2026

/s/Greg McCullough
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Attorney for Bonnie Hall

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