NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: ESTATE OF CHARLOTTE JANE CHONKO, DECEASED	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: ANN ELIZABETH MILLER	:	No. 114 WDA 2026

Appeal from the Order Entered December 17, 2025
In the Court of Common Pleas of Somerset County Orphans' Court at No(s): 115-E 2024

BEFORE: PANELLA, P.J.E., KING, J., and LANE, J.

MEMORANDUM BY KING, J.: **FILED: November 19, 2026**

Appellant, Ann Elizabeth Miller, appeals from the order entered in the Somerset County Court of Common Pleas, Orphans' Court, which denied Appellant's request for removal of Andrew Chonko as the Executor of the Estate of the Decedent, Charlotte Jane Chonko ("Decedent"), Appellant's mother. We affirm.

The relevant facts and procedural history of this case are as follows. Decedent executed a will on June 10, 2021, designating her son, Andrew Chonko, as Executor ("Executor"); bequeathing Executor real estate; and bequeathing the residue of her estate to Holy Trinity Lutheran Church in Berlin, Pennsylvania. Decedent died on February 25, 2024, and on March 12, 2024, Executor submitted the June 10, 2021 will to probate and petitioned for letters testamentary, which the court granted. On March 28, 2024, the Department of Human Services ("DHS") sent a letter to the Estate explaining

that the Estate was liable for a $218,891.16 debt to DHS for Decedent's care. The letter specifically provided that "[a]lthough the amount in the estate may be considerably less than that which is owed to [DHS], our claim is against the estate, no one else." (Petition for Omnibus Relief, at Exhibit A, DHS letter, dated 3/28/24).

On May 30, 2025,[1] Appellant filed a petition for omnibus relief,[2] alleging that Executor breached his fiduciary duty by selling Decedent's properties for below market value, and that he was engaged in self-dealing and withholding information and personal property of Decedent's other children. Appellant argued there was a chance that she and her other siblings may become liable for the $218,891.16 debt to DHS. Ultimately, Appellant requested that the Executor be removed as executor of the estate.

On June 23, 2025, the Estate filed an answer and counterclaim denying Appellant's allegations of breach of Executor's fiduciary duty and referencing the letter from DHS which made clear that its claim was solely against the Estate. On that same date, the Estate filed a motion to quash the petition for omnibus relief, and a motion for judgment on the pleadings, asserting that Appellant had no standing to file the omnibus petition because neither she nor

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[1] This petition was amended on June 3, 2025.

[2] The petition for omnibus relief states that it was filed by Appellant on behalf of herself and her brothers, William Lewis Chonko, David Andrew Chonko, and Timothy Gene Chonko; however, Appellant is the only listed party.

her siblings were beneficiaries under Decedent's will.

The court held a hearing on June 30, 2025, considering the Estate's motion for judgment on the pleadings and the standing issue raised therein. After hearing from the parties, the court requested further briefing on whether there was any challenge to Decedent's testamentary capacity, and whether Decedent's children faced any financial risk regarding the DHS claim. (***See*** N.T. Hearing, 6/30/25, at 10-11).

On July 21, 2025, the Estate submitted a statement to the court in lieu of a brief. Attached to the statement was a letter dated July 10, 2025, from DHS stating that DHS would accept payment of $40,037.19 from the Estate to satisfy the lien. The Estate stated that it had forwarded payment to DHS via check in that amount and requested that the litigation be dismissed as soon as possible.

Appellant filed a brief alleging that under 23 Pa.C.S.A. § 4603, governing relatives' liability, Decedent's children could be liable for the DHS debt and, therefore, she had standing to raise her claims. Appellant acknowledged that DHS had accepted payment from the Estate to satisfy the lien, but she suggested that if DHS later discovered that Executor had engaged in misconduct, DHS could move to strike the agreement. Appellant further claimed that Decedent lacked testamentary capacity at the time she executed the will based on a diagnosis of dementia-related illnesses, prescribed medication, and Appellant's personal observations of Decedent at that time.

On August 25, 2025, the court conducted a status conference during which Appellant requested to conduct discovery. Appellant argued that she was entitled to conduct discovery to uncover whether there were other assets undisclosed by the Estate because, if there were, Appellant argued that DHS could request additional money. The court issued an order allowing 90 days for discovery.

The court held an additional status conference on November 19, 2025, wherein Appellant sought an extension of the court's discovery deadline. At the conference, Appellant's counsel explained that counsel had taken ten depositions and was making headway concerning Decedent's competency to execute the will and the potential for undue influence. (***See*** N.T. Hearing, 11/19/25, at 4-5). The court granted Appellant's request for a 60-day extension of the discovery deadline, "subject to [its] continuation of the review of the underlying issue of the standing." (***Id.*** at 10).

On December 17, 2025, the court issued a memorandum opinion and order denying Appellant's petition for omnibus relief and dismissing Appellant's claim for lack of standing. The court concluded that the issue of whether Decedent had testamentary capacity to execute the will was not raised within one year of when the will was accepted for probate, and therefore, under the Probate, Estates, and Fiduciaries Code ("PEF Code"), Appellant's challenge to Decedent's testamentary capacity, initially raised on May 30, 2025, was untimely under 20 Pa.C.S.A. § 908(a) (governing

challenges to probate of will).

The court further concluded that Appellant lacked standing to remove Executor based on her potential liability for the DHS debt. Specifically, the court explained that DHS settled its outstanding claim for $40,037.19, the amount that was remaining in the Estate, noting that although the amount was less than that which was owed to DHS, its claim was solely against the Estate. (***See*** Orphans' Court Opinion, dated 12/17/25, at 4-5). The court rejected Appellant's claims that Decedent's children could still be liable under 23 Pa.C.S.A. § 4603, explaining that because DHS stated that it was satisfied with the amount paid by the Estate, it would be unlikely that DHS would pursue a case against Decedent's relatives. Thus, the court concluded that Appellant did not have standing to seek the relief requested and dismissed Appellant's petition for omnibus relief.

On January 12, 2026, Appellant filed a timely notice of appeal.[3] Pursuant to the court's order, Appellant filed a timely concise statement of errors complained of on appeal on February 9, 2026.

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[3] On the day that she filed the notice of appeal, Appellant also filed a motion for reconsideration. Attached to the motion for reconsideration, Appellant included an exhibit concerning a vehicle, which Appellant alleged that Executor had omitted from the Estate's assets. Appellant claimed the vehicle was worth at least $30,000. The Estate responded to the motion for reconsideration, suggesting that in its run-down condition, the vehicle was likely worth $800. The Orphans' Court took no action on Appellant's motion for reconsideration.

(Footnote Continued Next Page)

Appellant raises the following issues on appeal:

> 1. The Orphans' Court committed an error of law, equity, abuse of discretion and or violation of due process in ruling that Appellant, an omitted heir and or child of [D]ecedent, lacked standing when petitioning for omnibus relief seeking protection from personal liability under the Pennsylvania Filial Support Law, when alleging, among other wrongdoings, executor fraud on the estate, fraud on the Pennsylvania Department of Human Services, concealment of estate assets, and self-dealing.
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> 2. The Orphans' Court committed an error of law, equity, abuse of discretion and or violation of due process by denying standing to Appellant, an omitted heir and or child of [D]ecedent, after expressly authorizing court ordered discovery into executor wrongdoing, fraud, self-dealing, testamentary capacity and then reversing its prior discovery ruling stopping discovery without notice before the expiration of the court-ordered discovery deadline; and it is an error when the court was on notice that the authorized discovery was in progress and actively uncovering material evidence of executor fraud, asset concealment, self-dealing and or incapacity, and not affording findings of fact or allowing for an evidentiary hearing denying a meaningful opportunity to develop the evidentiary record and or present the case.
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> 3. The Orphans' Court committed an error of law, equity, abuse of discretion, and or violation of due process by resolving disputed issues related to executor fraud, self-dealing, asset concealment and testamentary capacity against Appellant by finding no standing, and without notice, while the court relied upon and or referenced and or

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We note that "the filing of an appeal generally divests the trial court of jurisdiction to proceed further in the matter[.]" ***U.S. Bank Tr. Nat'l Ass'n as Tr. for HOF Grantor Tr. 1 v. Puleo***, 355 A.3d 433, 438 n.7 (Pa.Super. 2026) (citing Pa.R.A.P. 1701(a)). Moreover, "a trial court may also properly refuse to consider new evidence presented for the first time in a motion for reconsideration." ***Bollard & Assocs., Inc. v. H & R Indus., Inc.***, 161 A.3d 254, 256 (Pa.Super. 2017). Thus, like the Orphans' Court, we give this claim no further attention.

incorrectly referenced the evidence of record and or incorrectly referenced government entities in the orders or decision that was presented by the executor against the Appellant all while the Appellant was not permitted by the court to complete discovery.

4. The Orphans' Court committed an error of law, equity, abuse of discretion, and or violation of due process by declining to exercise Appellant's standing to establish fiduciary misconduct and failure to protect the estate and or Appellant where the Appellant alleged concealment, fraudulent transfer of vehicles, self-dealing, fraud on the estate, fraud on the DHS and or whether the Orphans' Court failed to apply the applicable law by insulating fiduciary misconduct from judicial review through a premature standing determination and whether the cumulative effect of the Orphans' Court's rulings; in example, authorizing discovery, terminating it mid-stream, denying standing, dismissing the petition without a hearing, pointing to limited facts of record, denied Appellant a required full and fair adjudication.

5. The Orphans' Court committed an error of law, equity, abuse of discretion, and or violation of due process when pointing to and or relying on evidence of record that a government entity made a statement to the estate that their claim is against the estate and no one else, does said statement then legally preclude or bar the government or entities with authority through the government from pursuing claims against omitted heirs or children of [D]ecedent if it is, or could be, later learned of said fraud on behalf of the executor or estate; and how does that affect standing of parties, people or entities of or with interest in said matters.

6. The Orphans' Court committed an error of law, equity, abuse of discretion, and or violation of due process when put on notice of a discovery rule regarding capacity of a [D]ecedent, and not authorizing and or then stopping the completion of discovery prior to scheduled close date, and having limited facts of record of testator capacity, in example, the executor's attorney, met alone with a testator, and the test he or she used for lucidity and or capacity to create a will, was asking the testator twice "is this what you

> want", and it is an error to then prevent the omitted heirs or children of [D]ecedent from having standing to challenge capacity issues pursued within the statutory time from discovery or within the discovery rule.
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> 7. The Orphans' Court committed an error of law, equity, abuse of discretion, and or violation of due process for the [c]ourt to hold or reason that an executor has the ability to sell estate property or estate assets to whoever he wants, and even if conducting fraud in said sales, the only person to have standing would be the defrauded tax payers under the Medicaid lien.

(Appellant's Brief at 10-13).

For purposes of disposition, we address Appellant's first, fifth, and seventh issues together on appeal. In these issues, Appellant claims that the trial court erred when it determined that she did not have standing to proceed in this matter based on potential liability she might face for the DHS debt against the Estate. Appellant argues that she has standing because she has a direct and immediate interest based on potential liability for Decedent's DHS debt. Appellant claims that standing requires only that a party will be adversely affected and she insists that Executor's fraud, concealment of assets, and depletion of Estate assets increases the risk of DHS potentially seeking to recover the remainder of Decedent's debt from her children. Furthermore, Appellant alleges that DHS's statement that it would only seek to recover from the Estate was made before Appellant alleged that Executor concealed assets and engaged in self-dealing. Appellant concludes that she has standing in this matter and the Orphans' Court erred by concluding otherwise. We disagree.

When reviewing an order from the Orphans' Court:

> [O]ur standard is narrow: we will not reverse unless there is a clear error of law or an abuse of discretion. Our scope of review is also limited: we determine only whether the court's findings are based on competent and credible evidence of record.

In re Est. of Westin, 874 A.2d 139, 142 (Pa.Super. 2005) (internal citations omitted). "An abuse of discretion is not merely an error of judgment; if, in reaching a conclusion, the court overrides or misapplies the law, or the judgment exercised is shown by the record to be ... manifestly unreasonable or the product of partiality, prejudice, bias or ill will, discretion has been abused." ***Silver v. Pinskey***, 981 A.2d 284, 291 (Pa.Super. 2009) (*en banc*) (quoting ***Mencer v. Ruch***, 928 A.2d 294, 297 (Pa.Super. 2007)).

It is well settled that "a party must have standing to contest probate of a decedent's will." ***In re Est. of Morante***, 344 A.3d 383, 389 (Pa.Super. 2025) (citation omitted). "Threshold issues of standing are questions of law; thus, our standard of review is *de novo* and our scope of review is plenary." ***Id.*** (citation omitted).

Section 908 of the PEF Code governs a party's right to appeal from the probate of a will and states:

> **§ 908. Appeals**
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> **(a) When allowed.**--Any party in interest seeking to challenge the probate of a will or who is otherwise aggrieved by a decree of the register, or a fiduciary whose estate or trust is so aggrieved, may appeal therefrom to the court within one year of the decree: Provided, That the executor designated in an instrument shall not by virtue of such

> designation be deemed a party in interest who may appeal from a decree refusing probate of it. The court, upon petition of a party in interest, may limit the time for appeal to three months.

20 Pa.C.S.A. § 908(a).

In ***In re Est. of Briskman***, 808 A.2d 928, 931 (Pa.Super. 2002), *appeal denied*, 574 Pa. 769, 833 A.2d 140 (2003), this Court considered whether an appellee had standing to challenge a will where that appellee was not named as a beneficiary in the decedent's will, but would have been an heir at law had the decedent died intestate. The court reasoned that based on Section 908, even though the appellee's interest was substantial, it was neither direct nor immediate, but was a contingent interest that would arise only under certain circumstances—in that case either as a successor trustee or an intestate heir if both wills were deemed invalid. Thus, this Court concluded that the appellee's interest was too remote to confer standing to challenge the probate of the decedent's will. ***Id.*** at 933.

Additionally, the statutory authority under which DHS is entitled to seek reimbursement from Decedent's Estate arises from 62 P.S. § 1412, which states:

> **§ 1412. Repayment from probate estates**
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> (a) Notwithstanding any other provision of this act or any other law, the department shall establish and implement an estate recovery program to recover medical assistance paid with respect to individuals who were fifty-five years of age or older at the time that assistance was received. Under this program, **the department shall recover from the probate estate of an individual** the amount of medical

> assistance paid for all nursing facility services, home- and community-based services and related hospital and prescription drug services. With the approval of the Governor, the department may expand the estate recovery program by regulation to include medical assistance for services other than those listed in this section and to recover against other real and personal property in which an individual had any legal title or interest at the time of death. The department's claim shall have the priority of a debt due the Commonwealth.
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> (a.1) Liability for debt shall be as follows:
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> (1) If property subject to the department's claim is transferred without the department's claim being satisfied, then the executor or administrator transferring such property, if there is one, shall become liable to pay the department's claim.
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> (2) If property subject to the department's claim is transferred to the extent that the transfer is made without valuable and adequate consideration in money or something worth money at the time of the transfer and without the department's claim being satisfied, then the executor or administrator transferring such property, if there is one, and the person receiving such property shall become liable to pay the department's claim.
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> (b) The executor or administrator of the estate of a decedent who attained fifty-five years of age shall ascertain whether the decedent received medical assistance during the five years preceding death and, if so, shall give notice to the department to secure from the department a statement of the department's claim for medical assistance consistent with 20 Pa.C.S. § 3392(3) and (6) (relating to classification and order of payment). The department must submit its claim to the executor or administrator within forty-five days of receipt of notice or the claim shall be forfeited.
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> (c) This section shall apply notwithstanding the provisions of section 447.

62 P.S. § 1412 (emphasis added).

Pennsylvania's Filial Support Law is set forth at 23 Pa.C.S.A. § 4603, and provides in relevant part:

> **(a) Liability.**—
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> (1) Except as set forth in paragraph (2), all of the following individuals have the responsibility to care for and maintain or financially assist an indigent person, regardless of whether the indigent person is a public charge:
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> (i) The spouse of the indigent person.
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> (ii) A child of the indigent person.
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> (iii) A parent of the indigent person.
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> (2) Paragraph (1) does not apply in any of the following cases:
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> (i) If an individual does not have sufficient financial ability to support the indigent person.
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> (ii) A child shall not be liable for the support of a parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.

23 Pa.C.S.A. § 4603(a).

Instantly, the Orphans' Court explained that Appellant's claim of standing was based on potential liability for a large debt, $218,891.16, owed to DHS for Decedent's care, which amount would not be covered by the Estate. The court noted, however, that DHS had agreed to recover considerably less than that which was owed, and that its claim was against only the Estate. The Orphans' Court explained that the Estate sent a check to DHS for the negotiated amount of $40,037.19, which was the amount remaining in the

Estate, and that DHS was merely waiting for final approval of the account from the court to consider the debt satisfied. The court found that Appellant's insistence that she could be liable for the remaining debt based on the potential for DHS seeking further recovery under the Filial Support law was merely speculative. Ultimately, the court concluded that because Appellant was not named in the will and faced no identifiable financial risk regarding the debt to DHS, she lacked standing to seek the relief requested. (***See*** Orphans' Court Opinion at 6).

Upon review, we agree that Appellant lacks standing to proceed in the instant action. Appellant's claim of standing based on potential liability—if DHS withdraws acceptance of payment from the Estate and instead seeks payment for Decedent's care under Pennsylvania's Filial Support Law—is not substantial, direct, or immediate enough to confer standing. ***See Est. of Briskman, supra***. Although DHS originally had a large claim against the Estate, the record makes clear that DHS's claim was against **only** the Estate. (***See*** DHS Letter, dated 3/28/24). ***See also*** 62 P.S. § 1412. Furthermore, as the court noted, DHS agreed to accept a smaller amount from the Estate in satisfaction of the claim. Appellant's assertion that she may be able to uncover some hidden assets of the Estate, which if presented to DHS may result in DHS attempting to seek more funds, and then if DHS unable to recoup those funds from the Estate it chooses to attempt to recover the additional funds from Decedent's children, is too attenuated to confer standing and

speculative at best. ***See Est. of Briskman, supra***. Therefore, the Orphans' Court properly dismissed Appellant's petition for omnibus relief for lack of standing, and Appellant's first, fifth and seventh issues are meritless.

We next turn to Appellant's sixth issue, wherein she argues that the Orphans' Court erred by *sua sponte* considering whether Appellant's challenge to Decedent's testamentary capacity was timely presented. Appellant contends that the Orphans' Court was aware that discovery was ongoing concerning testamentary capacity, and that discovery may have revealed whether equitable tolling of the one-year time frame in which to challenge the probate of a will should apply. Appellant concludes that the court erred in deciding that her challenge to Decedent's probated will was untimely, and this Court must grant relief. We disagree.

Initially, as previously stated, standing is a jurisdictional prerequisite to a will contest. ***See Morante, supra***; 20 Pa.C.S.A. § 908(a). Therefore, because Appellant did not establish that she had standing, she is not permitted to challenge Decedent's testamentary capacity. Moreover, even if Appellant did have standing, her challenge was barred by the statute of limitations.

"[W]hether the statute of limitations has run on a claim is generally a question of law for the trial judge…. Additionally, the interpretation and application of a statute is a question of law that compels plenary review to determine whether the court committed an error of law." ***Wilson v. Transp.***

Ins. Co., 889 A.2d 563, 570 (Pa.Super. 2005) (internal quotation marks and citations omitted).

Under Section 908, an interested party who is challenging probate has only one year to challenge a will after the date upon which the will was probated. ***See*** 23 Pa.C.S.A. § 908(a). As this Court has explained, if a will is not challenged within this statutory time limit, the presumption that it is valid becomes conclusive: "Only an appeal [within the statutory time period] from the decree of probate can properly bring the validity of the will within the jurisdiction of the Orphans' Court." ***In re Est. of Whitley***, 50 A.3d 203, 208 (Pa.Super. 2012), *appeal denied*, 620 Pa. 724, 69 A.3d 603 (2012) (citing ***In re Miller's Est.***, 166 Pa. 97, 31 A. 58 (1895); ***Bunce v. Galbrath***, 268 Pa. 389, 392, 112 A. 143, 144 (1920)).

Furthermore, the Orphans' Court may not set aside the one-year time limit for an appeal from the probate of a will absent "a fraud on the court or the Register of Wills." ***Dempsey v. Figura***, 542 A.2d 1388, 1390-91 (Pa.Super. 1988) (citing ***In re Kirkander's Est.***, 490 Pa. 49, 415 A.2d 26 (1980)). ***In re Kirkander's Est.*** involved a challenge to a will that had been probated but was alleged to be a forgery. ***See Kirkander's Est., supra*** at 51, 415 A.2d at 27. There, our Supreme Court held that "where fraud had been practiced upon the register of wills, an appeal could be taken attacking probate after the time fixed by the statute for an appeal had passed." ***Id.*** at 52, 415 A.2d at 27. The Court "recognized that the jurisdiction of the register

is limited to a determination of the validity of the paper presented as the will of the deceased, 'and, if his action has been induced by fraud, the order following is void and may be set aside.'" ***Id.*** at 52, 415 A.2d at 28 (quoting ***In re Culbertson's Est.***, 301 Pa. 438, 446, 152 A. 540, 543 (1930)).

Instantly, the Orphans' Court concluded that because Decedent's will was accepted for probate on March 12, 2024, the one-year statutory period in which to challenge the validity of the will expired before Appellant filed her petition for omnibus relief on May 30, 2025. Hence, any claims regarding the validity of the will were barred by the statute of limitations. (***See*** Orphans' Court Opinion, dated 12/17/25, at 3).

Our review of the record supports the court's analysis. Appellant does not assert that Executor committed a fraud upon the register of wills, that the document purporting to be the will of the Decedent was fraudulent, or that Appellant did not have notice that the will had been admitted to probate. ***Compare Kirkander's Est., supra***. Thus, even if she did have standing to challenge Decedent's will, Appellant's claim that the court should have tolled the one-year statute of limitations while she continued discovery is meritless.

Finally, in Appellant's second, third and fourth issues presented, she claims that the Orphans' Court erred when it dismissed her petition for omnibus relief prior to the completion of discovery. Appellant insists that the court's termination of discovery without notice prevented her from developing evidence of fraud, concealment, and Decedent's incapacity, which resulted in

the court resolving the matter on an incomplete record.[4] Appellant maintains that she was actively developing the record, and the court's ruling was premature. We disagree.

Here, in August 2025, the Orphans' Court gave Appellant 90 days to conduct discovery in support of her claims. Appellant requested an extension of the discovery deadline on November 19, 2025, which the trial court granted, but with the express caveat that it would still revisit the issue of standing. At the time, Appellant's counsel explained that the ongoing discovery concerned Decedent's testamentary capacity and potential undue influence. (***See*** N.T. Hearing, 11/19/25, at 4-5). Despite having granted an extension of the discovery deadline, the Orphans' Court issued its ruling dismissing Appellant's petition based on lack of standing on December 17, 2025.

Although the Orphans' Court issued its ruling prior to the conclusion of the extended discovery period, any error in curtailing the period for extended discovery was harmless. As Appellant's counsel noted, the ongoing discovery concerned the validity of the will. The Orphans' Court concluded that Appellant's challenge to the validity of the will was not raised within the one-year period following probate. ***See Est. of Whitley, supra***. Thus, nothing that Appellant would have discovered concerning Decedent's testamentary

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[4] Within these issues, Appellant again claims that she has standing under Pennsylvania's Filial Support Law. As we have already addressed and rejected Appellant's standing claims, we do not readdress them here.

capacity or undue influence tainting execution of the will would alter the fact that her challenge to the validity of the will was untimely. Therefore, to the extent that the court committed any error in issuing its ruling while the extended discovery period was ongoing, such error was harmless. Accordingly, Appellant's final issues merit no relief, and we affirm.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/19/2026