

ESTATE OF TREVER GLEN STATEN	:	IN THE SUPERIOR COURT OF
SR., A/K/A TREVER STATEN,	:	PENNSYLVANIA
DECEASED	:	
	:	
	:	
APPEAL OF: MARIE STATEN	:	
	:	
	:	
	:	No. 1455 MDA 2025

Appeal from the Order Entered October 20, 2025
In the Court of Common Pleas of Dauphin County Orphans' Court at
No(s): 2225-0539

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and BENDER, P.J.E.

OPINION BY KUNSELMAN, J.:

FILED: OCTOBER 8, 2026

Marie Staten appeals from the order appointing Vicky Ann Trimmer, Esquire to administer the Estate of Trever Glen Staten Sr., a/k/a Trever Staten, and directing the register to issue letters of administration to Attorney Trimmer. She claims that the orphans' court should have appointed her because she is a relative and Attorney Trimmer is a stranger to Decedent and his heirs. Upon review, we affirm.

On May 2, 2025, Trever Staten ("Decedent") died in a tragic workplace accident. He died intestate, leaving no spouse, but was survived by his two minor sons, J.J.S. and T.J.S., 9 and 15 years old respectively at the time of the hearing in this matter. They are his sole intestate heirs. Decedent was also survived by his mother, Marie Staten ("Grandmother"), his brother, Travis Staten ("Travis"), and his sister, Danielle Staten ("Danielle").

Alicia Shriner ("Shriner") is the mother of Decedent's youngest son, J.J.S. Shriner and her mother were appointed as guardian of the estate of J.J.S. Kellyanne Barton ("Barton") is the mother of Decedent's oldest minor son, T.J.S.

On May 20, 2025, Shriner petitioned the register of wills for letters of administration for Decedent's Estate. The register issued a citation to Grandmother to show cause why she should not be appointed.

On June 25, 2025, Grandmother and Decedent's brother, through Attorney Kristen Behrens, answered the citation indicating that they would renounce their standing to serve as administrator in favor of Decedent's sister. Grandmother's renunciation had been executed by Decedent's sister, who had power of attorney for Grandmother.

Thereafter, on June 26, 2025, Shriner filed an amended petition to remove herself as a candidate to serve as administrator, and instead, asked the register to appoint Attorney Trimmer. An attorney who was representing Shriner and Barton in relation to the personal injury litigation contacted Attorney Trimmer to see if she could assist with the Estate and possibly serve as administrator.

On June 26, 2025, the register transferred the matter to the orphans' court. The court then issued a citation upon Grandmother to show cause why Attorney Trimmer should not be appointed administrator.

On August 12, 2025, Grandmother, Shriner, and Barton agreed that Shriner would withdraw her amended petition, and they would present a joint

petition to appoint Attorney Trimmer and Attorney Behrens as co-administrators. On August 19, 2025, Shriner withdrew her petition to appoint Attorney Trimmer as the sole administrator.

However, on September 15, 2025, Grandmother revoked the POA she had given to Decedent's sister. Counsel for Grandmother informed Shriner, through Shriner's counsel, that Grandmother's power of attorney, used to renounce her standing to serve as administrator and execute the stipulation, was obtained under duress.

Consequently, on September 22, 2025, Grandmother filed a petition for a citation to show cause why she should not be appointed administrator. Therein, Grandmother explained that she did not knowingly renounce her right to serve as administrator as prior counsel did not talk to her but only Danielle. Grandmother further sought to withdraw her previously executed renunciation. The orphans' court entered an order of noncompliance and directed that Grandmother file an amended petition.

On September 29, 2025, Grandmother filed an amended petition.

On September 30, 2025, the orphans' court granted Grandmother's amended petition, and issued an order without citation or hearing, withdrawing Grandmother's previously executed renunciation and naming her as the sole administrator of Decedent's Estate.

On October 7, 2025, Shriner filed a motion asking the orphans' court to reconsider its appointment of Grandmother as administrator because neither she nor her attorney received notice of the order of noncompliance or

Grandmother's amended petition. That same day, the court issued an order staying Grandmother's appointment and scheduling a hearing on Shriner's motion.

On October 17, 2025, the orphans' court conducted the hearing. Shriner, Barton, Attorney Trimmer, and Grandmother testified. Thereafter, the orphans' court granted Shriner's motion and directed the register to issue letters of administration to Attorney Trimmer as the sole administrator of Decedent's Estate. Grandmother filed a motion for stay pending appeal, which the court denied. The court then directed the register to proceed with issuing the letters of administration to Attorney Trimmer.

Grandmother filed this appeal timely on October 21, 2025. She and the orphans' court complied with Appellate Rule 1925.

Grandmother raises the following three issues on appeal:

I. Whether the [orphans'] court erred in reversing its September 30, 2025 order, which had appointed [Grandmother] as [administrator] of the Estate of Trever Glen Staten, Sr., when the subsequent motion for reconsideration failed to establish manifest error of law or fact, or present newly discovered evidence?

II. Whether the [orphans'] court erred in appointing Vicky Ann Trimmer, Esquire, as [administrator] of the Estate when Attorney Trimmer simultaneously serves as counsel for [] Shriner, the mother of one of Decedent's minor children and a party whose interests may diverge from those of the Estate, thereby creating an inherent conflict of interest?

III. Whether the [orphans'] court abused its discretion in finding [Attorney Trimmer], a stranger to the Decedent and the family, to be a more "fit person" under 20 Pa.C.S.A § 3155(b)(5) than [Grandmother], the Decedent's own mother and next of kin, when the statute's purpose is to protect the interests of the Estate and

its beneficiaries, and when family members have historically been preferred in the administration of estates?

Grandmother's Brief at 16.

Preliminarily, we note that this matter is properly before us.¹ Generally, a final order is one that disposes of all claims and all parties. Pa.R.A.P. 341(b)(1). In a decedent's estate, confirmation of the final account of the personal representative represents the final order. ***Matter of Estate of Meininger***, 532 A.2d 475, 477 (Pa. Super. 1986). The order here does not confirm the final account; instead, it determined the status of individuals in an orphans' court matter, specifically, a fiduciary, which is immediately appealable by Rule of Appellate Procedure. **See** Pa.R.A.P. 342(a)(5). An order removing a personal representative and appointing another is immediately appealable. **See *In re Estate of Andrews***, 92 A.3d 1226, 1228 n.1 (Pa. Super. 2014).

We now turn to the merits of Grandmother's appeal.

In her first issue, Grandmother claims that the orphans' court erred when it reconsidered its September 30, 2025 order, without a proper showing by Shriner. Specifically, Grandmother argues that reconsideration is not an opportunity for a disappointed litigant to relitigate issues already decided; instead, it is appropriate only where there is a showing of manifest error of

¹ Because the order at issue was not a final order contemplated by Rule 341, this Court issued a rule to show cause why the appeal should not be quashed.

law or fact or newly discovered evidence. According to Grandmother, Shriner presented no new evidence or identified any manifest error but, rather, the orphans' court merely changed its mind on the same facts and law. Therefore, Grandmother argues the court improperly granted reconsideration. Grandmother's Brief at 25, 28-29. We disagree.

Orphans' Court Rule 8.2, motions for reconsideration, provides:

a) By motion, a party may request the court to reconsider any order that is final under Pa.R.A.P. 341(b) or 342, or interlocutory orders subject to immediate appeal under Pa.R.A.P. 311, so long as the order granting reconsideration is consistent with Pa.R.A.P. 1701(b)(3).

Pa. O.C. Rule 8.2. This is the sole means to challenge a final decision of the orphans' court.²

Notably, the Rule only requires compliance with Appellate Rule 1701(b)(3), *i.e.*, that reconsideration be expressly granted within the time for filing an appeal. Furthermore,

[A] trial court always has the authority to reconsider its own judgment. The question of whether or not to exercise that authority is left to the sound discretion of the trial court. Rule 1701(b) of the Pa.R.A.P. codified this well-established principle regarding the inherent authority of the trial court, and clarified the fact that a motion for reconsideration does not act as a stay of the appeal period. ***See Corabi v. Curtis Publishing Co.***, 437 Pa. 143, 262 A.2d 665 (1970).

² Per Orphans' Court Rule 8.1, exceptions or a post-trial motion cannot be filed.

Moore v. Moore, 634 A.2d 163, 167 (Pa. 1993) (footnote omitted). Allowing a lower court to exercise its discretion in such circumstances gives the court the opportunity to review its own decision within thirty days after issuance of an order if it so chooses. **Vietri ex rel. Vietri v. Delaware Valley High School**, 63 A.3d 1281, 1286 n. 3 (Pa. Super. 2013). Thus, contrary to Grandmother's claims, there are no prerequisites to be satisfied before a court may reconsider its order.

Notwithstanding this, there was a critical procedural error in this case which warranted the orphans' court to reconsider its original order appointing Grandmother as administrator. The court had granted Grandmother's amended petition to appoint her without notice to the mothers of Decedent's sons, and/or their representatives, and without issuance of a citation.

Orphans' Court Rule. 3.5(a) provides that a petition must include a preliminary decree for the issuance of a citation to interested parties to show cause why the relief requested should not be granted. Additionally, the petitioner must provide a copy of such petition to interested parties in accordance with Rule 3.5(b). Thereafter, an interested party has the opportunity to respond. Pa. O.C. Rule 3.6. None of this occurred here.

As alleged in Shriner's motion for reconsideration, the appointment process was procedurally defective and denied Shriner due process. Grandmother did not give notice to Shriner of her amended petition in which Grandmother sought to withdraw her previous renunciation and to name herself as the sole administrator of Decedent's Estate. Further, the orphans'

court did not issue a citation to give Shriner the opportunity to respond. Rather, the court just granted Grandmother's amended petition outright, without anything more. Given the multiple petitions for the appointment in this case, which caused the register to transfer the matter to the orphans' court for a decision in the first instance, the lack of procedural compliance was problematic. Thus, under these circumstances, it was particularly appropriate for the orphans' court to reconsider its order appointing Grandmother, and it was within its discretion to do so. Grandmother's first issue fails.

In her second and third issues, which we address together for ease of disposition, Grandmother claims that the orphans' court erred and/or abused its discretion when it appointed Attorney Trimmer as administrator of the Estate. Specifically, Grandmother argues that because she was a family member and Attorney Trimmer was a stranger, Grandmother had priority to be appointed as administrator of her son's Estate. Grandmother maintains that, as a relative, she has "a natural and compelling interest in ensuring that her son's [E]state is properly administered for the benefit of her grandchildren[;]" Attorney Trimmer, on the other hand, was recruited by counsel for one of the parties. Grandmother's Brief at 26, 30, 35.

Grandmother further argues that Attorney Trimmer had a conflict of interest. According to Grandmother, Attorney Trimmer simultaneously serves as counsel for Shriner, which disqualifies her. Grandmother maintains that the orphans' court did not consider this in rendering its decision. Grandmother's Brief at 25-26, 31-32.

Thus, Grandmother believes this Court should reinstate the September 30, 2025 order appointing her as administrator. ***Id.*** at 36. We disagree.

The sole issue before the orphans' court in this case was who should administer Decedent's Estate. The Decedents, Estates and Fiduciaries Code ("Code") provides that letters of administration are to be granted in accordance with the following priority:

§ 3155. Persons entitled

(a) Letters testamentary.--Letters testamentary shall be granted by the register to the executor designated in the will, whether or not he has declined a trust under the will.

(b) Letters of administration.--Letters of administration shall be granted by the register, in such form as the case shall require, to one or more of those hereinafter mentioned and, except for good cause, in the following order:

(1) Those entitled to the residuary estate under the will.

(2) The surviving spouse.

(3) Those entitled under the intestate law as the register, in his discretion, shall judge will best administer the estate, giving preference, however, according to the sizes of the shares of those in this class.

(4) The principal creditors of the decedent at the time of his death.

(5) Other fit persons.

(6) If anyone of the foregoing shall renounce his right to letters of administration, the register, in his discretion, may appoint a nominee of the person so renouncing in preference to the persons set forth in any succeeding paragraph.

20 Pa.C.S.A. § 3155. The Code further provides:

§ Persons not Qualified

No person shall be qualified to serve as a personal representative who is:

- (1) Under 18 years of age.
- (2) A corporation not authorized to act as fiduciary in the Commonwealth.
- (3) A person, other than an executor designated by name or description in the will, found by the register to be unfit to be entrusted with the administration of the estate.

20 Pa.C.S.A. § 3156.

The Code establishes distinct categories of persons eligible to be appointed as administrator of an estate and granted letters of administration. Within these categories, discretion may be exercised but the order of appointment cannot be disturbed, except for “good cause.” **See *In re Friese's Estate***, 176 A. 225 (Pa. 1934); 20 Pa.C.S.A. § 3155(b). Furthermore, all categories are subject to the limitation that the appointee must be fit. **See *id.*** A person within any of these categories may be disqualified by being “unfit to administer.” **Id.** Among these disqualifications are insolvency, non-residence, conviction of crime, claim of interest hostile to the estate, unfriendly feeling between the parties, and dissatisfaction and antagonisms between the widow and the children. **Id.** Appointees for administrator must not possess any of the disqualifying characteristics. **Id.**

Normally, the appointment of a personal representative of an estate and the grant of letters thereto is vested in the register of wills. **See** 20 Pa.C.S.A. § 901. However, where a caveat is filed or a dispute arises before the register concerning the grant of letters, the register may certify, or upon a party’s

petition the court may direct the register to certify the matter to the court. **See** 20 Pa.C.S.A. § 907.

On appeal to the orphans' court from a decision of the register, the court determines whether there was an error of law in applying the order of persons entitled and/or an abuse of discretion in appointing an administrator with the class of person eligible for appointment. **See *Estate of Fritz v. Fritz***, 798 A.2d 243 (Pa. Super. 2002); ***In re Estate of Tighe***, 926 A.2d 453 (Pa. Super. 2007); ***In re Estate of Simmons-Carton***, 644 A.2d 791, 795 (Pa. Super. 1994);

Similarly, on appeal, this Court reviews a decision of the orphans' court, after a hearing and applying the order of appointment of eligible persons for an error of law. **See *In re Estate of Dilbon***, 690 A.2d 1216, 1219-20 (Pa. Super. 1997). As with all questions of law, the appellate standard of review is *de novo* and the appellate scope of review is plenary. ***Tedesco Excavating & Paving, Inc. v. FWH Dev., LLC***, 356 A.3d 219, 224 (Pa. Super. 2026) (*en banc*).

Regarding a decision of the orphans' court to appoint a particular person within the class of eligible persons under Section 3155, however, we review the decision for an abuse of discretion. **See *In re Estate of Klink***, 743 A.2d 482, 485 (Pa. Super. 1999).

Here, in considering Section 3155 of the Code, the orphans' court explained its rationale for appointing Attorney Trimmer to serve as administrator:

[T]here is no will or surviving spouse. Decedent leaves only two minor children who will inherit in equal shares. Those heirs are not qualified to serve as administrator as they are both minors. No principal creditors have come forward at this point. The next category is "other fit person." Vicky Ann Trimmer, JD, CPA, qualifies as a fit person who has a legal degree, is a CPA and confines her law practice to estate work. Grandmother is not an intestate heir. While she is Decedent's mother and next of kin, she meets **none** of the criteria set forth in [Section 3155(b)].

Trial Court Opinion, 11/3/25, at 3-4 (emphasis in original).

Based upon this explanation, it is evident that, although Grandmother and Attorney Trimmer both potentially fell into the category of "other fit persons", the orphans' court did not find Grandmother fit to serve as administrator of Decedent's Estate. On the other hand, the court found Attorney Trimmer to be an "other fit person," who was qualified to serve as administrator of Decedent's Estate.

First, we observe that the record supports the orphans' court's conclusion. At the hearing, the testimony indicated that Grandmother does not have a relationship with Decedent's sons. T.J.S. had had no contact with Grandmother. He did not know Grandmother and did not feel comfortable with her. Additionally, although Grandmother watched J.J.S. until he was about one, there was not much of a relationship in the past five years. In fact, Grandmother did not even acknowledge her grandsons at their father's funeral. She had no contact with Decedent's sons after the funeral either. N.T., 10/17/25, at 31-32, 42-44.

The evidence further showed that there was contention between Grandmother and the mothers of Decedent's sons. At the funeral,

Grandmother yelled at Shriner, physically threatened her, and threw things at her. Grandmother was removed from the funeral home twice. **Id.** at 32.

The mothers of Decedent's sons do not agree with Grandmother's actions. Barton testified that there was a history of drug activity and of Grandmother not being able to manage her finances. Barton further testified that she did not trust Grandmother to have control over the estate and protect her son and his brother. **Id.** at 43-44.

Grandmother recently was at a rehabilitation facility due to health issues. Although she returned home, she still required someone to help care for her. **Id.** at 39. Grandmother's health issues and the stress of her son dying and managing the estate could compromise her even more. **Id.** at 21.

Grandmother testified that, even though she wanted to administer the Estate because she was Decedent's mother, she admitted she wanted to collect the five percent commission. This would be in addition to any attorney's and/or accountant fees. **Id.** at 51-52.

Attorney Trimmer, on the other hand, is an attorney and CPA. She was contacted by an attorney representing the mothers in the personal injury litigation to assist with the Estate and possibly serve as administrator. Notably, she does not charge an administrator's commission. Instead, she only charges an hourly rate for what she actually does. **Id.** at 13, 19. Because of her background, she will be able to manage the complex personal injury litigation to maximize recovery for the children and protect their interests. **Id.** at 17-18.

Based on the evidence, we conclude that the orphans' court properly found both Grandmother and Attorney Trimmer potentially fell into the same category of "other fit persons." Moreover, the orphans' court did not abuse its discretion in determining that Grandmother was not fit to serve and in appointing Attorney Trimmer as administrator of Decedent's Estate. This is so, even though Grandmother is related to Decedent and his heirs and Attorney Trimmer is a stranger to them.

Contrary to Grandmother's claim, the law does not give preference or priority over certain persons, like kin or those with blood relationship to a decedent, within the "other fit persons" category. We acknowledge that this Court has noted that "[o]nly in the absolute absence of kin or creditors may any fit person be appointed," to administer the estate. **Brokans v. Melnick**, 569 A.2d 1373, 1377 n.9 (Pa. Super. 1989) (citing **Frick's Estate**, 6 A. 363 (Pa. 1886)).

In **Frick**, our Supreme Court held that "[i]n case of the refusal or incompetency of all the kindred of the decedent, and no creditor applying, by the letter and spirit of the statute, the Register may grant letters to any fit person at his discretion.'" **Frick**, 6 A. at 364. This suggests that an unrelated person can only be appointed when kin cannot serve. However, the applicable law in **Frick**, section 6, Act March 15, 1832, provided in relevant part:

"wherever letters of administration are by law necessary, the register having jurisdiction, shall grant them in such form as the case shall require, to the widow, if any, of the decedent, or **to such of his relations or kindred as by law may be entitled to the residue of his personal estate**, or to a share or shares

therein, after payment of his debts; ***or he may join with the widow in the administration, such a relation or kindred, or such one or more of them, as he shall judge will best administer the estate; preferring always of those entitled, such as are of the nearest degree of consanguinity with the decedent***; and also, preferring males to females; and in case of the refusal or incompetency of any such person, to one or more of the principal creditors of the decedent applying therefor, or to any fit person at his discretion; provided, that if such decedent were a married woman, her husband shall be entitled to the administration, in preference to all other persons; and provided further, that in all cases of an administration with a will annexed, where there is a general residue of the estate bequeathed, the right to administer shall belong to those having the right to such residue; and the administration, in such case, shall be granted by the register to such one or more of them as he shall judge will best administer the estate."

In re Ellmaker's Est., 1835 WL 2673, at *4 (Pa. 1835). Notably, this prior version of the law refers to "relations," "kindred," and "consanguinity." But, despite the use of these terms, the general principle was the same as the current Code now provides--those entitled to take under the estate are given preference to administer it. This is based on the well-established principle that administration should be granted to the person(s) most interested in increasing the estate. ***See Friese's Estate***, 176 A. at 227. And, even though the prior version gave preference to the nearest relative if there were multiple persons entitled to take under the estate, the current Code does not.

Here, as the court noted, although Grandmother is related to Decedent, she is not entitled to inherit. Because she has no interest in the Estate, she does not have priority to be appointed as administrator over another person, not even within the category of "other fit persons."

Furthermore, in certain circumstances, it is appropriate to appoint a third-party, who is a stranger to the decedent and family, to administer an estate. For example, in ***Estate of Osborne***, 525 A.2d 788 (Pa. Super. 1987), the decedent was divorced from her husband. She died intestate. Her two minor children and mother survived her. Upon her death, her ex-husband applied to the register for letters of administration, which were granted. The decedent's mother petitioned the orphans' court to revoke them, which the court granted. The court then ordered the register to issue letters of administration to a bank as a neutral third party. The decedents' mother appealed to this Court claiming, *inter alia*, that the orphans' court erred in directing the register to issue letters to the bank; instead, the court should have appointed her. We affirmed. ***Id.*** at 796.

Upon review, we noted that the entire estate would pass in equal parts to decedents' two minor children. Thus, because the decedent's mother was not entitled to inherit any portion of the estate, she fell in the category of "other fit persons" under Section 3155 as did the bank. In determining whether the court erred when it chose the bank over decedent's mother, we observed that "antagonism and unfriendly feelings between the applicant for letters and other members of the class may be sufficient to constitute a disqualification." ***Id.*** at 795 (quoting ***Schulz Estate***, 139 A.2d 560, 562-63 (Pa. 1958)). Because there was antagonism between the decedent's ex-husband, the father of her children, and the decedent's mother, due to custody issues and the distribution of certain life insurance proceeds, the decedent's

mother was disqualified from acting as administrator. We therefore concluded that the orphans' court properly chose the bank, a competent and disinterested party, to act as administrator of the decedent's estate. ***Id.*** at 796.

The facts in the instant case are virtually identical to ***Osborne***. As discussed above, there was significant tension between Grandmother and the mothers of Decedents' sons. Decedents' sons do not have a relationship with their Grandmother; T.J.S. was not comfortable with her. This, in part, supported the orphans' court's decision that Grandmother was not fit to serve. Therefore, under these circumstances, it was appropriate for the orphans' court to appoint a third-party.

Moreover, as Attorney Trimmer explained, she is not some random attorney who arbitrarily decided to look in the newspaper to see who died and then petitioned for letters. N.T., 10/17/25, at 25. Indeed, we have criticized such conduct. ***See Brokans***, 569 A.2d at 1376 (holding that register abused its discretion by granting letters of administration to an attorney, a complete stranger, for a deceased baby girl just a day before the statute of limitations was to run for a wrongful death action). Instead, both mothers, the guardians of Decedent's minor heirs, sought to have Attorney Trimmer serve as administrator to help secure the best recovery for their sons and protect their sons' interests.

Lastly, Grandmother's claim that Attorney Trimmer has a concurrent conflict of interest, based on Rule of Professional Conduct 1.7(a)(a), is waived.

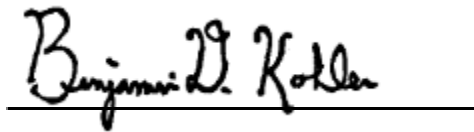
Upon review, we observe that Grandmother did not raise the issue concerning Attorney Trimmer's concurrent representation of Shriner with the orphans' court. Rather, Grandmother raised it for the first time on appeal. It is well-established that "[i]ssues not raised in the lower court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a). This is likely why the orphans' court did not consider it.

Additionally, Grandmother did not raise the issue she argues on appeal in her Rule 1925(b) statement. Although Grandmother indicated in that statement that there was an inherent conflict of interest, she claimed that Shriner did not have standing to act as administrator of the Estate, and therefore, the court erred when it appointed Attorney Trimmer. Now, on appeal, however, Grandmother argues that the alleged conflict of interest, the particulars of which she does not set forth, disqualifies Attorney Trimmer from serving as administrator. Issues not raised in a 1925(b) statement are also waived. Pa.R.A.P.1925(b)(4)(vii). Accordingly, because Grandmother waived this issue, we do not consider its merits.

In sum, we conclude that the orphans' court did not err or abuse its discretion. We, therefore, affirm its order appointing Attorney Trimmer as administrator of Decedent's Estate and directing the register to issue letters of administration in accordance therewith.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/8/2026