

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

IN RE: ESTATE OF MAKAYLA N.  
BELTON, DECEASED

: IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

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APPEAL OF: ANTWYNE WHALEY

: No. 2786 EDA 2025

Appeal from the Order Entered August 8, 2025  
In the Court of Common Pleas of Montgomery County Orphans' Court at  
No(s): 2024-X4649

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

MEMORANDUM BY LANE, J.:

**FILED SEPTEMBER 21, 2026**

Antwyne Whaley ("Father") appeals *pro se* from the order denying his petition for citation *sur* appeal from probate, and thus affirming the Register of Wills' award of Letters Testamentary to Talia Belton-Smith ("Mother") for the estate ("Estate") of their deceased adult daughter, Makayla Belton ("Daughter"). We affirm. Additionally, we deny Father's "Application for Status of Submitted Brief and Prompt Decision."

Father and Mother are the natural parents of Daughter. Mother has been married to Brian Smith ("Step-Father") since 2010, and Daughter lived with them. In 2024, Daughter, then eighteen years old, died intestate in a motor vehicle accident.<sup>1</sup> Mother filed a counseled petition to be the sole administrator of Daughter's estate. Father filed a counseled answer, seeking the appointment of both him and Mother to be joint administrators.

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<sup>1</sup> Daughter was not married and did not have children.

In April 2025, the Register of Wills conducted an evidentiary hearing. Mother appeared with counsel. Father appeared *pro se* and has since proceeded *pro se* in this matter.

First, Mother called Father as if on cross-examination. Father testified to the following. He had mental health history diagnoses including “stress, depression [and] anxiety, and” has experienced paranoia, and receives mental health treatment. N.T., 4/17/25, at 23. He has been “on disability for mental health issues” and has not had “gainful employment” since 2019. ***Id.*** at 25-26. Father has several criminal convictions, including: involuntary deviate sexual intercourse; providing false identification to law enforcement; and possession of drugs. He disagreed that his mental health status or his criminal convictions would affect his ability to administer the Estate.

Father testified that Daughter never lived with him and that he had “visitation rights.” ***Id.*** at 30. Father did not contribute to Daughter’s college tuition, but he suffered financial struggles and he gave her money for shopping. He noted that he “always commended [Mother] for what she did for [their] daughter.” ***Id.*** at 33. Father’s relationship with Daughter was “rocky” and “shady,” and she had a “nasty disposition” and an “attitude where no one wanted her around.” ***Id.*** at 8-10.

Father also testified that Mother forged his signature to cremate Daughter and that Mother offered to “let [him] co-administrate” if he agreed “to not accept any money from . . . a variety of . . . policies.” ***Id.*** at 13-14.

Father repeatedly characterized Mother's actions as a "money grab." **Id.** at 9, 13, 14, 85. Finally, when asked whether Mother should administer the Estate solely, Father replied, "I just want to participate." **Id.** at 34.

Mother testified to all of the following. She has no criminal record, no mental health impairments, and no financial issues that impair her ability to administer the Estate. She believed she was "in a stronger position" to perform the duties of an administrator because she was better suited "mentally, financially, [and] spiritually." N.T., 4/17/25, at 45. Mother and her husband were the sole providers and caretakers for Daughter during her life. Daughter never lived with Father. Daughter and Father "did not have a good relationship" because of Father, and he was not a consistent presence in her life. **Id.** at 45. Mother also testified that she owned a "home-care business" and Daughter was chief executive officer. **Id.** at 42. Father has a criminal record and was previously incarcerated in state prison. He also has several mental health diagnoses.

Additionally, in response to Father's cross examination, Mother, testified he was not a consistent presence in Daughter's life. Daughter loved Father but Daughter did not understand why "her [Father] didn't love her." **Id.** at 46. Mother also denied forging Father's signature on the cremation paperwork for Daughter, but explained that Father told her to sign it on his behalf.

Step-Father testified to the following. He was in Daughter's life since she was two or three years old, and she called him "Dad." N.T., 4/17/25, at

50. He did not “see [Father] a lot,” Daughter never lived with Father, and Daughter and Father “had an on-and-off relationship.” *Id.* at 50-51. Step-Father testified that he believed Mother was the best suited to administer the Estate, not Father.

Additionally, Mother called her sister, and a former colleague to testify as to her fitness to administer the Estate. Father called his friend, cousin, and the mother of his other child to testify regarding his relationship with Daughter and his fitness to administer the Estate.

On June 3, 2025, the Register of Wills issued letters of administration to Mother solely. Father filed an appeal from probate to the Orphans’ Court, alleging that the Register abused its discretion in appointing Mother as sole administrator. Father filed an emergency motion to stay the proceedings in June 2025 as well.<sup>2</sup>

On August 8, 2025, the Orphans’ Court heard argument only from the parties. Father presented all of the following arguments. Mother made false allegations against him and he was entitled to coadminister the Estate with her. The Register of Wills and Mother’s attorney discriminated against him regarding his mental health issues and criminal record, and they instead should have focused on his relationship with Daughter. Neither Mother nor

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<sup>2</sup> Father also filed an emergency motion to stay the Estate proceedings and to suspend all transactions pertaining to the Estate, due to his Mother and her counsel’s alleged fraudulent conduct. The Orphans’ Court denied this motion.

her counsel could be trusted and that this matter was a “money grab.” N.T., 8/8/25, at 15. Conversely, Mother argued that there was no abuse of discretion in the Register of Will’s determination, as the Register conducted a full evidentiary hearing to determine who should administer the Estate.

On the same day, the Orphans’ Court denied Father’s appeal from probate, thus affirming the Register’s appointment of Mother solely as the administrator of the Estate.

At this juncture, we note that approximately four weeks after the Orphans’ Court ruling, Mother filed a “Petition to Settle Wrongful Death and Survival Action.” Mother explained that: (1) at the time of the accident, Daughter occupied a car insured by GEICO Insurance; (2) Mother had “agreed to evenly divide with [Father] any funds recovered from [the at-fault party’s] liability policy . . . and/or the host vehicle’s”<sup>[3]</sup> underinsured motorist insurance policy;” (3) those claims were pending; and (4) the petition’s “sole purpose [was] to resolve the personal underinsured motorist coverage purchased” through Mother’s and Step-Father’s own automobile insurance policies — for \$15,000 and \$215,000, respectively. Mother’s Petition to Settle Wrongful Death and Survival Action, 9/4/25, at unnumbered 3-5. The petition averred that pursuant to the contract language of both policies, the insurers

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<sup>3</sup> Mother referred to the vehicle in which Daughter was a passenger as the “host vehicle.” Mother’s Petition to Settle Wrongful Death and Survival Action, 9/4/25, at unnumbered 3.

would pay damages to “an insured,” defined as the insured or a “family member” who resided in their household. ***Id.*** at 3-4 (unnecessary capitalization omitted). The petition asserted that Father could not meet these contractual definitions of “an insured” or “family member,” and thus was not entitled to any recovery under these insurance policies. ***Id.*** at 4, 5.

Next, Father filed a timely notice of appeal, and subsequently, an objection to Mother’s petition to settle the wrongful death action. According to the docket in the certified record before this Court, the Orphans’ Court has not taken any action on Mother’s petition to settle or Father’s objection.

In response to the Orphans’ Court’s Pa.R.A.P. 1925(b) order, Father timely filed a concise statement raising thirteen issues, concerning both the appointment of Mother as sole administrator and Mother’s petition to settle the wrongful death action. The Orphans’ Court issued an opinion suggesting that Father’s Rule 1925(b) statement was impermissibly vague, and thus he has waived all issues raised on appeal. The court also addressed in the alternative, however, the merits of five of Father’s claims.

Father raises the following issues on appeal:

1. Did the Orphans’ Court err in finding [Father’s] issues waived under Pa.R.A.P. 1925, where [Father], appearing *pro se*, filed a detailed 13 point concise statement of errors complained of on appeal that specifically identified each legal error and abuse of discretion, thus providing the [Orphans’ Court] with more than sufficient notice to draft its responsive opinion?
2. Did the Orphans’ Court abuse its discretion and commit an error of law by denying [Father] his statutory right to serve as co-administrator under 20 Pa.C.S.A. § 3155(b)(3), where the court

ignored overwhelming and undisputed evidence of [Mother's] unsuitability, including her commission of forgery, perjury, and acts demonstrating a disqualifying conflict of interest?

3. Did the Orphans' Court abuse its discretion by deliberately ignoring and failing to address multiple, well-documented instances of fraud—including the forgery of [Father's] signature on a cremation authorization, the concealment of pre-petition [E]state assets, and providing perjured testimony to the court—thereby ratifying a pattern of misconduct and denying [Father] a fair proceeding?
4. Did the Orphans' court abuse its discretion by disqualifying [Father] based on legally irrelevant and prejudicial factors, including improper and prohibited inquiries into [Father's] mental health status, while simultaneously ignoring the proven criminal and fraudulent conduct of [Mother]?
5. Did the Orphans' Court commit an error of law by endorsing a bad-faith settlement proposal that allocates 100% of underinsured motorist proceeds to the Wrongful Death action and 0% to the Survival Action, thereby waiving the [E]state's most valuable asset and effectuating a scheme designed solely to disinherit [Father], a co-equal intestate heir?

Father's Brief at 2-3 (issues reordered).

Preliminarily, we determine that Father's appeal is properly before this Court. Generally, "[a]n appeal may be taken only from a final order unless otherwise permitted by statute or rule." **Perelman v. Perelman**, 259 A.3d 1000, 1005 (Pa. Super. 2021); **see also** Pa.R.A.P. 341(b)(1) (defining a "final order" as one that "disposes of all claims and of all parties"). However, Pennsylvania Rule of Appellate Procedure 342(a)(5) provides: "An appeal may be taken as of right from" an order of the Orphans' Court Division "determining the status of fiduciaries, beneficiaries, or creditors in an estate." Pa.R.A.P. 342(a)(5).

Next, we consider Father's first issue, that the Orphans' Court erred when it suggested he has waived all his issues for failure to submit an adequate Rule 1925(b) statement. It is well settled that:

A Rule 1925(b) statement must be specific enough for the trial court to identify and address the issue an appellant wishes to raise on appeal. When a court has to guess what issues an appellant is appealing, that is not enough for meaningful review. Further, when a Rule 1925(b) statement is so vague that it prevents a trial court from identifying and addressing the issue to be raised on appeal, appellate review is hampered. . . .

***Interest of M.G.***, 331 A.3d 703, 714-15 (Pa. Super. 2025) (citations and quotation marks omitted).

This Court has further cautioned:

While this court is willing to liberally construe materials filed by a *pro se* litigant, [an] appellant is not entitled to any particular advantage because [he] lacks legal training. As our [S]upreme [C]ourt has explained, any layperson choosing to represent [himself] in a legal proceeding must, to some reasonable extent, assume the risk that [his] lack of expertise and legal training will prove [his] undoing. . . .

***Elliot-Greenleaf, P.C. v. Rothstein***, 255 A.3d 539, 542 (Pa. Super. 2021) (citations and quotation marks omitted).

In his first issue, Father argues that the Orphans' Court erred when it "attempt[ed] to evade appellate review by erroneously finding that [he] waived all issues for failure to file a sufficient concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b)." Father's Brief at 11 (citation and unnecessary capitalization omitted). He argues he "filed a timely, detailed, 13-point concise statement that methodically enumerated each

error,” and therefore his statement was “the antithesis of ‘vague’ or ‘conclusory.’” **Id.** at 12-13 (unnecessary capitalization omitted).

The Orphans’ Court suggested Father has waived all his issues for appeal due to the vagueness of his concise statement. The Orphans’ Court surmised: “While not entirely clear, and rife with inappropriate if not defamatory accusations against the Register of making ‘multiple false averments’ and ‘fraudulent’ statements in her decree, [Father] essentially complains that this Court erred in accepting the Register’s appointment decision.” Orphans’ Court Opinion, 12/2/25, at 4 (unnecessary capitalization and punctuation omitted). The Orphans’ Court further opined: “In addition to his repeated reference to matters outside of the record before [this] court, [Father’s] 1925(b) statement contains numerous wholly inappropriate allegations against both the Register and this court. **Id.** at 4-5 (unnecessary capitalization omitted). Therefore, the Orphans’ Court suggests that “in light of his failure to abide by the Rules of Appellate Procedure, [Father’s] 1925(b) statement should be deemed a waiver of all issues on appeal.” **Id.** at 5 (unnecessary capitalization omitted).

After careful review, we determine that we may discern Father’s issues from his Rule 1925(b) statement. We also note the Orphans’ Court evaluated Father’s claims on the merits. Accordingly, we decline to find waiver on the basis of a deficient Rule 1925(b) statement, and will proceed to address Father’s four remaining issues.

We address Father's second, third, and fourth issues together, as they all challenge the appointment of Mother as sole administrator.

When an appellant challenges a decree entered by the [O]rphans' [C]ourt, our standard of review requires that we be deferential to the findings of the [O]rphans' [C]ourt.

[We] must determine whether the record is free from legal error and the court's factual findings are supported by the evidence. Because the [O]rphans' [C]ourt sits as the fact-finder, it determines the credibility of the witnesses and, on review, we will not reverse its credibility determinations absent an abuse of that discretion. However, we are not constrained to give the same deference to any resulting legal conclusions. Where the rules of law on which the court relied are palpably wrong or clearly inapplicable, we will reverse the court's decree.

***In re Staico***, 143 A.3d 983, 987 (Pa. Super. 2016) (citations omitted).

This Court has held:

As [20 Pa.C.S.A. §3155] makes clear, it is the [R]egister who has the authority and duty to issue letters. When doing so, the [R]egister has some degree of discretion in selecting the appointee. However, that discretion must be exercised within the strictures of 20 Pa.C.S.A. § 3155. More specifically, the [R]egister can exercise discretion only within the class of entitled persons and cannot, without good cause, deviate from the order of appointment set forth in the statute.

The [R]egister's decision to issue letters is a judicial act. A party contesting that act may appeal to the [O]rphans' [C]ourt. In turn, a party challenging a ruling of the [O]rphans' [C]ourt may, of course, appeal to this Court. If the [O]rphans' [C]ourt has held an evidentiary hearing, we will then afford the court's findings the same weight as a jury verdict, and we will disturb the court's decree only if it is unsupported by the evidence or if it includes an error of law. However, if the [O]rphans' [C]ourt did not take evidence, then our appellate review is limited to determining if the [R]egister abused its discretion. An abuse of discretion is not

merely an error in judgment. Rather, it involves bias, partiality, prejudice, ill-will, or misapplication of law.

***In re Estate of Tigie***, 926 A.2d 453, 456 (Pa. Super. 2007) (citations omitted). Section 3155 of the Probate, Estates and Fiduciaries Code<sup>4</sup> provides that the Register of Wills shall grant letters of administration as follows:

**(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. . . .

20 Pa.C.S.A. § 3155(b)(1)-(5). When two people are members of the same classification, “neither has any automatic priority or preference over the other as the proper person to administer the estate. . . . [Usually] the Register of Wills has the discretion to appoint an administrator from within the class of persons eligible for that appointment[,]” per the statute. ***In re Estate of Klink***, 743 A.2d 482, 484 (Pa. Super. 1999) (citation omitted). “Thus, neither

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<sup>4</sup> **See** 20 Pa.C.S. §§ 101-8816.

[person] has any automatic priority or preference over the other as the proper person to administer the estate.” **Id.**

Additionally, Section 2103 provides the order of succession when there is no surviving spouse:

**(a) Order of succession.**--The share of the estate, if any, to which the surviving spouse is not entitled, and the entire estate if there is no surviving spouse, shall pass in the following order:

**(1) Issue.**--To the issue of the decedent;

**(2) Parents.**--If no issue survives the decedent, then to the parents or parent of the decedent. . . .

20 Pa.C.S.A. § 2103(a)(1)-(2).

In his second issue on appeal, Father argues that the Orphans’ Court abused its discretion by denying his statutory right to administer Daughter’s estate. He argues that he and Mother are both “intestate heirs’ who stand in the same class of persons eligible to receive letters of administration.” Father’s Brief at 14 (*citing* 20 Pa.C.S.A. § 3155(b)(3)). Father contends that where “two individuals share the same priority,” such as in this case, the “appointment of a co-administrator is generally favored.” **Id.** at 15 (*citing Estate of Tigue*, 926 A.2d at 458). He further argues that “a register or a court may only deviate from the statutory scheme and disqualify an heir who is otherwise entitled to administration upon a finding of unsuitability.” **Id.** (unnecessary capitalization omitted).

In his third issue, Father argues that the Orphans’ Court abused its discretion when it “ignored overwhelming evidence of [Mother’s]

unsuitability—including criminal conduct and a blatant conflict of interest.” ***Id.*** at 15. Father argues “the most compelling evidence [of Mother’s] unsuitability is her undisputed forgery of [his] signature on [Daughter’s] cremation authorization form,” as it constituted a crime. ***Id.*** at 16 (unnecessary capitalization omitted). Father surmises that “forgery is the hallmark of unfitness,” and “a person who commits fraud to gain control over a decedent’s body cannot be trusted to administer that decedent’s assets.” ***Id.*** at 16-17 (unnecessary capitalization omitted).

Father further argues that the Orphans’ Court ignored that Mother “repeatedly gave false and misleading testimony[, and that] she and her counsel actively concealed the fact that they had excluded [him] from the funeral planning process.” ***Id.*** at 17 (unnecessary capitalization omitted). He argues that Mother perjured herself “by holding herself out to the court as a grieving mother acting in good faith while having committed these acts.” ***Id.*** at 17.

In his fourth issue, Father alleges that the Orphans’ Court erred in disqualifying him “based on legally irrelevant and highly prejudicial factors,” including his relationship with Daughter. ***Id.*** at 2-3. Father argues the court “embraced the self-serving narrative that [he] was a ‘distant father.’” ***Id.*** at 20 (citation omitted). Father argues that both the Register of Wills and the Orphans’ Court improperly found that he “‘made surprisingly disparaging remarks about Daughter’s attitude and disposition,’ which did not convince

the Register he would act in the [E]state's best interest." **Id.** Father argues this was a legally impermissible basis for disqualification as "an heir does not forfeit his statutory rights because a Register or judge subjectively disapproves of his description of the decedent." **Id.** (unnecessary capitalization omitted).

Father also argues the Orphans' Court improperly "considered evidence regarding [his] mental health." Father's Brief at 21. He contends that "an individual's mental health diagnosis is not a basis for disqualification from serving as an administrator unless it can be proven that the condition renders the person incapable of performing the duties of the office. There was no such evidence here." **Id.** (unnecessary capitalization omitted). Father asserts that his ability to litigate this case *pro se* "capably and intelligently" thus far demonstrates his capacity to administer the Estate. **Id.** at 21-22.

Finally, we note that despite Father's repeated allegations of Mother's and her counsel's fraud and wrongdoing, he requests the appointment of him and Mother to be co-administrators together.<sup>5</sup>

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<sup>5</sup> In the alternative, Father seeks the appointment of "a neutral third-party administrator." Father's Brief at 26. However, Father did not request such relief before the Orphans' Court, and thus has waived this claim for appellate review. **See** Pa.R.A.P. 302(a) (providing that "[i]ssues not raised in the trial court are waived and cannot be raised for the first time on appeal"); **see also Shelhamer v. Crane**, 58 A.3d 767, 770 (Pa. Super. 2012) (holding that in an Orphans' Court matter, "[u]nder prevailing Pennsylvania law, a timely objection is required to preserve an issue for appeal.")

The Register of Wills first concluded that coadministering the Estate would not be possible, as the parties themselves “testified that co[-]administering would not be an option.” Register of Wills Decree, 5/15/25, at unnumbered 2. The Register next determined that Mother was better suited to administer the Estate. The Register cited Mother’s testimony that: she owned a business; she was familiar with the duties of administering an estate; she was an “influential and integral part of [D]aughter’s life for eighteen years;” “she has a vested interest in making sure that [D]aughter’s legacy is properly cared for, and that the administration of the [E]state is done properly.” ***Id.*** at unnumbered 1 (unnecessary capitalization omitted). The Register also considered that Father “submitted documentation from his therapist and testified that he suffers from several mental health disorders.” ***Id.*** at unnumbered 2. The Register noted that Father “made surprisingly disparaging remarks about [Daughter’s] attitude and disposition,” which Father’s witnesses “echoed and elaborated on.” ***Id.*** The Register concluded that “based upon the totality of the testimony of both parties, their witnesses and submitted documentation,” Mother was best fit to serve as the administrator of the Estate. ***Id.***

As noted above, the Orphans’ Court heard argument on Father’s appeal from probate, but did not take evidence. The Orphans’ Court concluded that “the Register of Wills had a basis for exercising her discretion to appoint [Mother] as administrat[or].” Orphans’ Court Opinion, 12/2/25, at 10. The

Orphans' Court concluded that the Register properly determined that the parties would be unable to cooperate in coadministering the Estate, as the record demonstrated that their communication had deteriorated to the point that they could not cooperate in arranging Daughter's funeral. **See id.** The Orphans' Court further concluded that Father's continued contentious behavior "belied his insistence that he and [Mother] would be able to administer the estate together." **Id.**

The Orphans' Court found that given Father's attestation that Mother was an excellent mother to Daughter, the Register's decision to appoint Mother as sole administrator was appropriate. Mother presented evidence that she was familiar with the duties of administering the Estate and her only interest was in preserving her daughter's legacy. The court found that "[u]ltimately, the record above clearly demonstrated that [Mother] had devoted her life to raising and providing for her daughter, and that [Mother] was prepared to administer this [E]state fairly and for the benefit of both of the beneficiaries, and with the advice of counsel." **Id.** at 12 (unnecessary capitalization omitted).

The Orphan's Court found that Father failed to provide a reasonable basis that he was fit to be the sole administrator given his self-acknowledged criminal record, mental health issues resulting in his "entitlement to disability benefits", and turbulent relationship with Daughter, including his characterizing her as having a "nasty disposition" and an attitude. **Id.** at 11.

The court also noted that Father admitted that his daughter never lived with him throughout her life.

After review of the record, including Mother's and Father's testimony before the Register of Wills, the Register's findings, the parties' arguments before the Orphans' Court, and the court's well-reasoned opinion, we conclude that the Register of Wills did not abuse its discretion in appointing Mother to be the sole administrator of Daughter's estate. ***See In re Staico***, 143 A.3d at 987.

On appeal, Father essentially rehashes allegations of Mother's and her counsel's fraudulent conduct – which the Register of Wills and the Orphans' Court have rejected. The Orphans' Court pointed out that Father offered no evidence of Mother's wrongdoing, aside from his own testimony. Notably, Father does not seek the removal of Mother; rather, he wishes for her to continue administering the Estate, with him acting as a co-administrator working jointly with her.<sup>6</sup> The Orphans' Court pointed out that Mother has engaged counsel to assist and advise her, and she has experience with finances as she owns a business. ***See*** Orphans' Court Opinion, 12/1/25, at 11. Meanwhile, we determine the Register and Orphans' Court properly considered that Father's mental health and criminal history, inability to work

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<sup>6</sup> As noted above, on appeal Father also requests, in the alternative, the appointment of a "neutral" administrator. Father's Brief at 26. However, we have deemed this issue waived for failure to raise it before the Orphans' Court.

since 2019, contentious behavior, “open hostility to” Mother’s counsel, and “open disparagement of his deceased daughter” impair his ability to administer the estate. ***Id.*** at 11-12. Additionally, Father does not dispute the Orphans’ Court rationale that his repeated allegations of a “money grab” reveal “a fundamental misunderstanding of the role of a personal representative” — “to administer the [E]state as a fiduciary with responsibilities to fairly distribute the assets to all of the beneficiaries, . . . in accord with the law.” ***Id.*** at 12. In light of the foregoing, we determine no relief is due on Father’s second, third, and fourth issues.

In his final issue, Father avers that the Orphans’ Court erred when it “endors[ed]” a bad faith settlement offer. ***Id.*** at 3. While Father’s argument is not entirely clear, as he vaguely raises several points without explaining or developing them, we glean the following claims. Father asserts that Mother’s counsel received a \$15,000 Underinsured motorist claim payment from the NGIC insurance company in March 2025, but failed to disclose this receipt in the September 2025 petition to settle wrongful death action. Instead, Father contends, Mother fraudulently drafted the petition to “give the court the impression that the \$15,000 NGIC claim was still pending and that court approval was needed to secure the funds.” ***Id.*** at 23. He further argues that Mother’s offer to permit him to co-administer the Estate on the condition, that he agreed to her receiving all of the insurance funds, created a conflict of interest because as administrator, she had a fiduciary duty to act for the

benefit of the Estate and all its beneficiaries, including him. ***See id.*** at 18. Father argues Mother improperly used her position to secure a personal financial benefit while excluding him, thereby engaging in self-dealing. Further, Father asserts that because Daughter had substantial future earning potential, the Estate possessed a significant survival-action claim. He therefore maintains that Mother's decision to allocate all of the settlement proceeds to herself effectively diverted a valuable Estate asset for the purpose of disinheriting him.

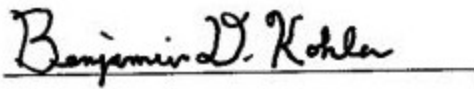
As noted above, the instant appeals lies from the August 8, 2025, order denying Father's petition for appeal and thus affirming the appointment of Mother as sole administrator of the Estate. Mother filed the petition to settle the wrongful death action after Father's filing of the notice of appeal, and the Orphans' Court has taken no action on it. Accordingly, Mother's petition to settle was not a consideration before the Orphans' Court when it entered the underlying order, and Father's arguments thereto are not properly before this Court. ***See also*** Pa.R.A.P. 342(a)(5) (providing that "[a]n appeal may be taken as of right from" an order determining the status of fiduciaries in an estate). We thus decline to grant any relief on Father's final issue.

Finally, we review the latest motion by Father, an "Application for Status of Submitted Brief and Prompt Decision." Father requests this Court: (1) confirm the status of his brief; (2) advise whether the matter has been submitted for decision and provide a timetable; and (3) take action this Court

deems appropriate before the statute of limitations has run.<sup>7</sup> In light of our disposition above, we deny the petition.

Order affirmed. Father's "Application for Status of Submitted Brief and Prompt Decision" denied.

Judgment Entered.

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

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 9/21/2026

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<sup>7</sup> Father previously also filed an "Application for Relief," arguing his reply brief failed "to meet the requirements of this Court and [was] substantively incomplete due to a malicious cyberattack." Father's Application for Relief, 5/20/26, at unnumbered 1. This Court issued a *per curiam* order denying relief, specifically noting there was "no evidence that [Father's] brief has been comprised through a cyber attack or hacking." Order, 5/26/26.