

**STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

DOCKET NO. KNO-25-378

ESTATE OF DOMINIK LOBKOWICZ

ON APPEAL FROM THE KNOX COUNTY PROBATE COURT

BRIEF OF APPELLANT CHRISTOPHER STEFANONI

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INTRODUCTION

The Appellee, Nicholas Lobkowicz (“Lobkowicz”), was appointed the Personal Representative of the Estate of Dominik Lobkowicz more than five years after Mr. Lobkowicz’s death. The Appellant, Christopher Stefanoni (“Stefanoni”), filed a petition seeking to remove Lobkowicz as the Personal Representative on the basis that Lobkowicz’s application for appointment was untimely and should have been rejected by the Register of Probate. The Probate Court rejected Stefanoni’s contention and dismissed his petition.

FACTS

On February 22, 2023, Stefanoni filed an Application for Informal Probate of Will (“Will Application”) regarding the will of Dominik Lobkowicz. **App. at 22.** The date of Dominik Lobkowicz’s death was February 24, 2020. **App. at 22, Paragraph 5.**

On March 6, 2025, Lobkowicz filed an Application for Appointment dated February 27, 2025 (the “PR Application”). **App. at 27.** The Deputy Register then issued Letters of Authority dated March 24, 2025 (“Letters”). **App. at 32.**

To combat the Register’s approval, Stefanoni filed a Petition for Removal dated March 26, 2025 (“Removal Petition”) seeking removal of Lobkowicz as personal representative based on the applicable statute of limitations. **App. at 10.** Lobkowicz responded by filing a motion to dismiss the Removal Petition. **App. at 12.** The Probate Court granted the motion to dismiss the Petition on the basis that the statute of limitations did not preclude the PR Application. **App. at 6.**

STATEMENT OF ISSUES

Did the Probate Court err in concluding that 18-C M.R.S. § 3-108 did not preclude Lobkowicz’s appointment as personal representative?

ARGUMENT

The issue on appeal is tightly circumscribed, namely, how the statute of limitations should be construed. The governing statute at issue in this matter states in pertinent part:

1. Limitations period; exceptions. An informal . . . appointment proceeding or formal . . . appointment proceeding, *other than . . . appointment proceedings relating to an estate in which there has been a prior appointment*, may not be commenced more than 3 years after the decedent's death, except . . .

D. [A]n informal . . . appointment proceeding or a formal . . . appointment proceeding may be commenced more than 3 years after the decedent's death *if no proceeding concerning the succession or estate administration has occurred within the 3-year period after the decedent's death*, but the personal representative has no right to possess estate assets as provided in section 3-709 beyond that necessary to confirm title in the successors to the estate, and claims other

than expenses of administration may not be presented against the estate;

18-C M.R.S. § 3-108(1)(D) (emphasis added).

Subsection 1 of the above statute provides that an “informal . . . appointment proceeding¹ . . . ***other than appointment proceedings relating to an estate in which there has been a prior appointment*** . . . may not be commenced more than 3 years after the decedent’s death” 18-C M.R.S. § 3-108(1)(emphasis added). Thus, the general rule is that if an appointment proceeding has not been commenced within three years of the decedent’s death, no such proceeding may be filed. *See, e.g., In re Est. of Collopy*, 2014 ME 40, ¶ 6, 88 A.3d 153, 154.

The Law Court has definitively explained that “section 3–108(a) ***unambiguously bars the commencement of all appointment proceedings—when there has been no prior appointment***—three years after the decedent's death” *Id.* (emphasis added). The PR Application was filed *five years* after the decedent’s death *with no prior appointment*. **App. at 4-5.**

¹ The statute also addresses formal appointment proceedings as well as informal and formal probate proceedings. In this case, the appointment is an informal proceeding.

The statute, however, provides six delimited exceptions to the general rule. See 18-C M.R.S. § 3-108(1)(A)-(F). The PR Application relied on the exception contained in subsection D, which allows for appointment after the three-year filing limitation even with no prior appointment; however, it constrains the PR to possession of estate assets only for so long as necessary “to confirm title in the successors to the estate.”²

Most important, however, is that this exception delimits its efficacy only to instances where “*if no proceeding concerning the succession or estate administration* has occurred within the 3-year period after the decedent's death.” *Id.* § 3-108(1)(D)(emphasis added).

As one court explained:

This subsection permits any appointment or formal testacy proceeding to be initiated more than three years after the decedent's death with three limitations. ***First, the subsection's exception is not applicable if there has been any other proceeding regarding succession or estate administration during the three-year period.*** Second, in proceedings brought under this exception, no claims other than for the expenses of administration may be

² The PR Application was conspicuously devoid of what estate assets needed “confirmation of title.”

asserted against the estate. Third, the personal representative's right to possess estate assets is limited to the possession necessary to confirm title to the assets in the estate's successors.

In re Est. of Yogiji., 311 P.3d 1224, 1227-28 (emphasis added)(construing same Uniform Probate Code provision under New Mexico law). *See also In re Est. of Harris*, 2015 MT 182, ¶ 13, 379 Mont. 474, 477–78, 352 P.3d 20, 24 (“As to the first requirement, the record establishes that there was ***no proceeding regarding succession or estate administration*** during the three-year period following Dorothea's death. Harris's action therefore does not overstep the first limitation.”)(construing same provision under Montana law)(emphasis added).

The Probate Code defines “proceeding” to “include[] any civil action in any court of competent jurisdiction,” 18-C M.R.S. § 1-201(43); “formal proceedings” to mean “proceedings within the exclusive jurisdiction of the court conducted before a judge with notice to interested persons,” *Id.* § 1-201(19); and “informal proceeding” to mean “proceedings conducted without notice to interested persons by an

officer of the Court acting as a register for probate of a will or appointment of a personal representative,” *Id.* § 1-201(25).

Rule 2 of the Rules of Probate Procedure is titled, “Form of ***Proceedings***.” M.R. Prob. P. 2 (emphasis added). That rule provides that “informal probate proceedings” are “***proceedings*** for the informal probate of a will ***or*** the informal appointment of a personal representative” *Id.* (emphasis added). Clearly, a request for probate of a will is distinct from a request for appointment of a personal representative.

In addition, Rule 3 titled “Commencement of ***Proceedings***” states, “An informal probate ***proceeding*** is commenced ***by filing*** with the court an ***application*** directed to the register. Except as otherwise provided by statute or these rules, a formal probate proceeding is commenced by filing with the court a petition directed to the judge.” M.R. Prob. P. 3(a)(emphasis added).

The Probate Code directs that each “proceeding before the court or the register ***is independent of any other proceeding*** involving the same estate” 18-C M.R.S. § 3-107(1)(emphasis added). It provides for one exception to that general rule: “Proceedings for probate of wills

. . . may be combined with proceedings for appointment of personal representatives” *Id.* § 3-107(3).

These actions are clearly “independent,” although they may be combined.³ The Will Application was limited to a request for probate of the will and did not also seek appointment of a personal representative. **App. at 24 (paragraph 18)** *See Chadwick v. Stilphen*, 105 Me. 242, 74 A. 50 (1909)(“The probate of the will does not determine the person to whom, or the time when, letters testamentary shall issue.”); *see also In re Gurdy*, 101 Me. 73, 63 A. 322, 323 (1905)(“***the allowance or probate of the will and the granting of letters testamentary are two distinct things*** The probate of the will does not determine the person to whom, or the time when, letters testamentary shall issue.”).

Clearly, the Will Application constituted an informal proceeding for the probate of the Last Will and Testament dated April 5, 2000, and that was “a proceeding regarding succession.” Given that the Will Application was filed within the three-year period, any proceeding for

³ Compare Form DE-101(I)(“Application for Informal Appointment of Personal Representative (Intestate)) with DE-201(I)(“Application for Informal Probate of Will or Appointment of Personal Representative Under Will or Both”).

application for appointment must also have been filed within that period. The exception fails to legitimize the PR Application.

CONCLUSION

The governing statute is clear and unambiguous and leads to but one conclusion; namely, that the Probate Court erred in granting the Motion to Dismiss the Removal Petition. Accordingly, Stefanoni requests this Court to grant his appeal and overturn the Probate Court's order dated July 30, 2025, and for such other and further relief this Court deems equitable.

Dated: December 11, 2025

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CERTIFICATE OF SERVICE

The undersigned counsel for Appellant Christopher Stefanoni hereby certifies that he has caused service of the Appellant’s Brief upon counsel of record for Appellee Nicholas Lobkowicz, by causing an electronic copy to be emailed and two copies of the same to be mailed by United States first class mail, postage prepaid, addressed as follows:

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