**CAPTION: IN RE: ESTATE OF ANN KATHLEEN JORDAN**

**01-03-24**

APPEAL NO.: C-220500

TRIAL NO.: 2019001308

KEY WORDS: WILL – PROBATE COURT – ESTATE ASSETS – SANCTIONS – DEFAULT JUDGMENT – ATTORNEY’S FEES – BANK RECORDS – DISCOVERY – FINAL ACCOUNT – EXECUTOR - EVIDENCE

SUMMARY:

The probate court did not abuse its discretion in granting a default judgment as a sanction against the appellant, the former executor of the estate, for failure to comply with discovery requests, after the probate court had granted appellee’s motion to compel and had given appellant multiple opportunities to comply.

The probate court did not improperly consider the bank records that were subpoenaed and obtained from a third party during the discovery process; however, unredacted documents containing personally identifying information remain in the probate court record, and therefore, the cause is remanded for the limited purpose of striking the unredacted records.

The probate court did not abuse its discretion in finding that the appellant’s use of estate funds to pay attorney’s fees was improper, nor did the trial court err in allowing the case to proceed to a final accounting after the appellant was removed as executor of the estate.

JUDGMENT: AFFIRMED AND CAUSE REMANDED

JUDGES: OPINION by KINSLEY, J.; ZAYAS, P.J., and BERGERON, J., CONCUR.