

In The Circuit Court for Baltimore City
CIVIL

In the Matter of

EDWARD S. FELDMANN

VS

SUSAN COLEMAN ET AL

CC

HERMAN

JAMES E. CRAWFORD SR.

Attorney at Law
2201A Hammonds Ferry Rd.
Baltimore, MD 21227
242-0600

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

1994 JUL 13 A 9:30

CIVIL DIVISION

Fax:
242-6511

Long Distance
1-800-420-0600

JAMES CRAWFORD SR.

JAMES CRAWFORD JR.

Res: 747-4269

July 10, 1994

The Clerk of The
Circuit Court Baltimore City
Civil Division
111 N. Calvert Street
Baltimore, Maryland 21202

RE:Case No.:93203022 &

CL167652

Heinermann vs. Feldman

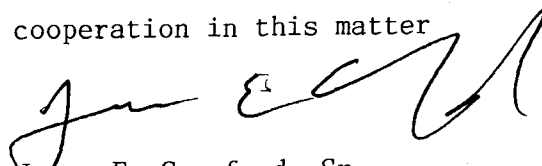
Dear Mr.Clerk

The Defendant was served the above captioned law suit and motion for Summary Judgement under affidavit on June 6, 1994.

No answer or response has been made to the law suit and no answer to the Summary Judgement has been filed.

Please take this file to the appropriate judge for entry of Summary Judgement as prayed in the law suit.

Thank you for your
cooperation in this matter



James E. Crawford, Sr.

ADW

EDWARD FELDMANN

* IN THE

Appellant

* CIRCUIT COURT

v.

* FOR

SUSAN COLEMAN AND STEPHEN HEINERMANN

* BALTIMORE CITY

Appellees

* CASE NO. 93203022/CL167652

* * * * *

ORDER

On June 6 and 7, 1994, this court heard the appeal of Edward Feldmann ("Feldmann"), the former Successor Personal Representative of the Estate of Mary Theresa Heinermann, Estate No. A-21866. The appeal was taken from an order of the Orphans' Court issued on June 16, 1993 (the "1993 Order"). Based upon this court's review of the Orphan's Court file, and the proffers of both parties, this court has gleaned the following background facts, pertinent to Feldmann's appeal.

Mary T. Heinerman died on April 20, 1983, and her estate entered probate on July 28, 1983. Later, Feldmann sought an award of attorney's fees and commissions, which the heirs contested. Accordingly, the Orphan's Court conducted a hearing, and then, on December 3, 1987, the Orphans' Court issued an Order (the "1987 Order") awarding attorney's fees and commissions to Feldmann. No party filed an appeal from the 1987 Order. Consequently, under the provisions of Md. Estates & Trusts Code Ann., § 7-502(b), as it existed both in 1987 and presently, the 1987 Order is a "final order" and may only be rescinded by the Orphans' Court if it has found that "there was fraud, material mistake, or substantial irregularity in the proceeding."

On June 16, 1993, the Orphans' Court issued the 1993 Order which, inter alia, rescinded the 1987 Order. Presumably, that court was frustrated by the tortured history of

8, c

the case, including that no distribution has yet been made to two of the heirs, and Feldman never reimbursed one of the heirs for the funeral expenses, notwithstanding that court's orders to do so. See, e.g., Orders of the Probate Court dated March 28, 1989, December 15, 1989, February 3, 1992, and June 16, 1993. The 1993 Order, however, did not include any findings, rulings, or determinations as to whether there had been any fraud, mistake, or irregularity by Feldman, as required by § 7-502(b).

Feldmann timely noted an appeal of the 1993 Order, and arguments were presented to this court. For the reasons stated in open court on June 6 and 7, 1994, this court finds that the 1987 Order was a "final order" under 7-502(b), and was not appealed. Also, the 1993 Order is an appealable and "final order" under § 7-502(b), and Feldmann was entitled to file an appeal. Further, because the Orphans' Court made no finding of "fraud, material mistake, or substantial irregularity in the proceeding," the Orphans' Court improperly rescinded the award of fees and commissions set forth in the 1987 Order.

Accordingly, it is, this 23rd day of June, 1994, by the Circuit Court for Baltimore City, ORDERED that paragraph 4 of the 1993 Order be, and the same hereby is, VACATED. It is further ORDERED that the case be REMANDED to the Orphan's Court for proceedings consistent with this Order including, but not limited to, a hearing to determine whether there was fraud, material mistake, or substantial irregularity within the meaning of § 7-502(b) to support rescission of the 1989 Order.



Judge Ellen L. Hollander

cc: Mr. Edward Feldmann
James E. Crawford, Sr., Esq.

JUN 28 1994

610

CIVIL POSTPONEMENT FORM

DATE: 6/2/94

Plaintiff(s)

Feldman

v.

CL167652

Defendant(s)

Coleman

IN THE
CIRCUIT COURT
FOR

BALTIMORE CITY

Case No. *932 0302 2*

Computer #: _____

File #: _____

Jury CT. _____ CTF. _____ MOT. GEN 2-507

DOMESTIC JUDGE: _____ DOMESTIC MASTER: _____

PLEASE PRINT

To be postponed from: DATE: *6/3/94* PRIOR POSTPONEMENTS: Y N

Postponement requested by: *Plaintiff.*

Postponement reason: (please specify):

To obtain counsel - Charles Warner Esq. of Fisher & Winnie has agreed to represent Plaintiff if case postponed with sufficient time to prepare - will enter his appearance

Plaintiff(s) Attorneys:
[Signature]

Defendant(s) Attorneys:
[Signature]

New Trial Date: _____

Approved: _____ Denied: *X* : *[Signature]* (JUDGE'S SIGNATURE)

PRESIDING JUDGE *Ellen L. Hollander*

COURTROOM CLERK *Louise C. Baylor*

STENOGRAPHER *John Crowbridge*

ASSIGNMENT FOR FRIDAY JUNE 03, 1994

CASE NUMBER - 93203022
CASE TITLE - FELDMANN VS COLEMAN CL167652
CATEGORY - OTHER LAW
PROCEEDING - JURY TRIAL - GENERAL

CL

CRAWFORD, JAMES
FELDMANN, EDWARD

DEFENSE ATTORNEY
PLAINTIFF

744-2400

Case submitted before the court without the aid of a jury. The decision of the Orphans Court is hereby "Reversed and Remanded". Cost Awarded.

TYPE OF PROCEEDING: (___ JURY) (NON-JURY) (___ OTHER)

DISPOSITION (CHECK ONE)

(___ SETTLED) (___ CANNOT SETTLE) (___ NEXT COURT DATE)

(___ VERDICT) (REMANDED) (___ NON PRCS/DISMISSED)

(___ JUDGEMENT NISI) (ORDER/DECREE SIGNED) (___ OTHER)

(___ JUDGEMENT ABSOLUTE) (ORDER/DECREE TO BE SIGNED)

(___ POSTPONED) (___ MOTION GRANTED)

(___ SUB CURIA) (___ MOTION DENIED)

PLEASE EXPLAIN:

JUDGE SIGNATURE *Ellen Hollander* DATE *6/24/94*

PRESIDING JUDGE *Ellen L. Hollander*

COURTROOM CLERK *Louise C. Baylor*

STENOGRAPHER *John Trumbidge*

ASSIGNMENT FOR FRIDAY JUNE 03, 1994

CASE NUMBER - 93203022
CASE TITLE - FELDMANN VS COLEMAN CL167652
CATEGORY - OTHER LAW
PROCEEDING - JURY TRIAL - GENERAL

CL

CRAWFORD, JAMES
FELDMANN, EDWARD

DEFENSE ATTORNEY
PLAINTIFF

744-2400

*Case submitted before the court without the aid of a jury.
The decision of the Orphans Court is hereby "Reversed and
Remanded". Cost Stained.*

TYPE OF PROCEEDING: (___ JURY) (NON-JURY) (___ OTHER)

DISPOSITION (CHECK ONE)

- (___ SETTLED) (___ CANNOT SETTLE) (___ NEXT COURT DATE)
- (___ VERDICT) (REMANDED) (___ NON PROS/DISMISSED)
- (___ JUDGEMENT NISI) (ORDER/DECREE SIGNED) (___ OTHER) PLEASE EXPLAIN:
- (___ JUDGEMENT ABSOLUTE) (ORDER/DECREE TO BE SIGNED)
- (___ POSTPONED) (___ MOTION GRANTED)
- (___ SUB CURIA) (___ MOTION DENIED)

JUDGE SIGNATURE *Ellen Hollander* DATE *6/24/94*

PRESIDING JUDGE *Ellen L. Hollander*

COURTROOM CLERK *Louise C. Taylor*

STENOGRAPHER *John Trubridge*

ASSIGNMENT FOR FRIDAY JUNE 03, 1994

CASE NUMBER - 93203022
CASE TITLE - FELDMANN VS COLEMAN CL167652
CATEGORY - OTHER LAW
PROCEEDING - JURY TRIAL - GENERAL

CL

CRANFORD, JAMES
FELDMANN, EDWARD

DEFENSE ATTORNEY
PLAINTIFF

744-2400

*Case submitted before the court without the aid of a jury.
The decision of the Appellate Court is hereby "Reversed and
Remanded"; Cost Stricken.*

TYPE OF PROCEEDING: (___) JURY () NON-JURY (___) OTHER

DISPOSITION (CHECK ONE)

- (___) SETTLED (___) CANNOT SETTLE (___) NEXT COURT DATE
- (___) VERDICT () REMANDED (___) NON PROS/DISMISSED
- (___) JUDGEMENT NISI () ORDER/DECREE SIGNED (___) OTHER
- (___) JUDGEMENT ABSOLUTE () ORDER/DECREE TO BE SIGNED PLEASE EXPLAIN:
- (___) POSTPONED (___) MOTION GRANTED
- (___) SUB CURIA (___) MOTION DENIED

JUDGE SIGNATURE *Ellen Hollander* DATE *6/2/94*

PRESIDING JUDGE Ellen S. Hollander

COURTROOM CLERK Louise G. Bayles

STENOGRAPHER John H. Kowledge

ASSIGNMENT FOR FRIDAY JUNE 03, 1994

CASE NUMBER - 93203022
CASE TITLE - FELDMANN VS COLEMAN CL167652
CATEGORY - OTHER LAW
PROCEEDING - JURY TRIAL - GENERAL

CL

CRAWFORD, JAMES
FELDMANN, EDWARD

DEFENSE ATTORNEY
PLAINTIFF

744-2400

*Case submitted before the court without the aid of a jury.
The decision of the Appellate Court is hereby "Reversed and
Remanded". Cost Stipulated.*

TYPE OF PROCEEDING: (___) JURY () NON-JURY (___) OTHER

DISPOSITION (CHECK ONE)

- (___) SETTLED (___) CANNOT SETTLE (___) NEXT COURT DATE
- (___) VERDICT () REMANDED (___) NON PROS/DISMISSED
- (___) JUDGEMENT NISI () ORDER/DECREE SIGNED (___) OTHER PLEASE EXPLAIN:
- (___) JUDGEMENT ABSOLUTE () ORDER/DECREE TO BE SIGNED
- (___) POSTPONED (___) MOTION GRANTED
- (___) SUB CURIA (___) MOTION DENIED

JUDGE SIGNATURE Ellen Hollander DATE 6/2/94

DATE

DOCKET ENTRIES

NO.

6-6-94 Case submitted before the Court without the aid of a jury. Hollander, J.

6-6-94 Case not concluded continued until 6/7/94 at 11:30 am in Pt. 20. Hollander, J.

6-7-94 The decision of the Orphans Court is hereby "Reversed and Remanded". Hollander, J.

6-7-94 Order to be signed. Cost Billed. Hollander, J.

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 C A S E I N Q U I R Y

DATE: 06/06/94
TIME: 09:30
TERMINAL: V151

CASE NUMBER: 93203022 FELDMANN VS COLEMAN CL167652
CATEGORY: OTLAW
ORIG COURT: CL AMOUNT OF SUIT :\$ LAST PLEA DATE : 06/01/94
DATE FILED: 07/22/93 TRANSCRIPT PAGES : 10 TERMINATION DATE: 06/01/95
STATUS: A CONSOLIDATED CASE: BOOK NUMBER :
STATUS CODE: 07/26/93 PROTRACTED: PAGE NUMBER :
WHO PAYS COSTS : WAIV
LAST MODIFIED ON: 06/01/94

| DATE | CODE | TIME | PART | ROOM | SCHED | ACTUAL | DISP | REAS | JUDGE | ID |
|----------|------|-------|---|------|-------|--------|------|--------------------------|-------|----|
| 06/03/94 | CAL | 09:30 | | 219W | JT | | | | | |
| 07/22/93 | FILE | | APPEAL, | | | | | EXHIBITS. (1) | | |
| 07/26/93 | ANSW | | DEFTS ANSWER | | | | | TO MOTION FOR APPEAL (2) | | |
| 09/22/93 | PLEA | | TRANSCRIPT OF RECORD | | | | | FD. (3) | | |
| 03/03/94 | MEMO | | PRE-TRIAL CONFERENCE REMINDER NOTICES GENERATED FOR | | | | | 05/02/94 | | |
| 05/02/94 | PPSN | | SUMMONS SENT TO PARTIES REPRESENTED AS PROPER PERSON | | | | | | | |
| 05/02/94 | MOTN | | APP. OF JAMES E. CRAWFORD, ATTY. FOR SUE COLEMAN AND STEVEN HEIN- | | | | | | | |

NEXT PAGE P/N PAGE: 001
CIRCUIT COURT FOR BALTIMORE CITY DATE: 06/06/94
MSV523 C A S E I N Q U I R Y TIME: 09:30
CASE NUMBER: 93203022 FELDMANN VS COLEMAN CL167652

05/02/94 ERMANN - PER. REP. OF ESTATE OF MARY THERESA HEINERMANN, SAME DAY
05/02/94 MOT. TO DISMISS APPEAL (4)
05/02/94 MEMO NO PROPOSED ORDER
05/02/94 CAL P01 04:30 236W PTC PTC CANC CAN ADMINISTRATIVE 8800
05/25/94 MEMO CASE SENT TO JUDGE GORDY ON ENTRY 4
06/01/94 ORDR ORDER OF COURT THAT THE MOTION TO DISMISS APPEAL IS DENIED ETC
06/01/94 (JUDGE GORDY)(5)
06/03/94 PPSN SUMMONS SENT TO PARTIES REPRESENTED AS PROPER PERSON
CONN NAME IDENT K40790
DEF COLEMAN, SUSAN NO ADDRESS ON RECORD

NEXT PAGE P/N PAGE: 002
CIRCUIT COURT FOR BALTIMORE CITY DATE: 06/06/94
MSV523 C A S E I N Q U I R Y TIME: 09:30
CASE NUMBER: 93203022 FELDMANN VS COLEMAN CL167652

DEF HEINERMANN, STEVEN IDENT I25332
NO ADDRESS ON RECORD

ADF CRAWFORD, JAMES
2201-A HAMMONDS FERRY RD.
BALTIMORE MD 21227

IDENT 002090
PHONE 410 744-2400
SSN 900-00-2090

PLA FELDMANN, EDWARD
7 POMONA SOUTH
APT. A-2
BALTIMORE MD 21208

IDENT X60102 PROPER PERSON
410

PTY HEINERMANN, MARY THERESA
NO ADDRESS ON RECORD

-DECEASED-

IDENT M26336
PHONE 410 -

END OF DISPLAY P/1

PAGE: 003

4

IN THE MATTER OF
THE ESTATE OF
MARY THERESA HEINERMANN
DECEASED

* IN THE
RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
1994 MAY -2 A 7 32
* BALTIMORE CITY, MARYLAND
CIVIL DIVISION
* CASE NO.: 93203022

CL167652

* * * * *

MOTION TO DISMISS APPEAL

NOW COMES SUE COLEMAN AND STEVEN HEINERMANN PERSONAL REPRESENTATIVES OF THE ESTATE OF MARY THERESA HEINERMANN by their attorney James E. Crawford, Sr. and says:

1. That counsel for the Personal Representatives, Sue Coleman and Steven Heinermann received in the mail on July 21, 1993 a pleading captioned "Appeal".
2. That the envelope in which said pleading was contained is post marked July 29, 1993.
3. That the Order in question was signed by the Honorable Judge Lee of the Orphan's Court of Baltimore City on June 16, 1993.
4. That the Order for Appeal is not timely filed and is not the depositive of the entire case and is not a final order from which an appeal may be taken.

James E. Crawford Sr.
Attorney at Law
2201A Hammonds Ferry Rd.
Baltimore, MD 21227
242-0600

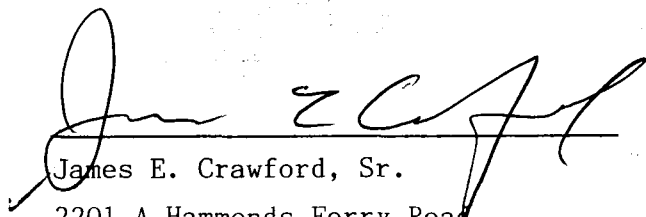
WHEREFORE Your Petitioners pray:

- a. That the appeal be dismissed.
- b. That said appeal was not timely filed and is not

Handwritten mark

a final order which is the depositive of the entire case and should be dismissed.

c. That for such other and further relief as the nature of their case may require.


James E. Crawford, Sr.
2201 A Hammonds Ferry Road
Baltimore, Maryland 21227
(410) 242-0600

002090

cc: ✓ Edward Feldman
7 Pamona South
Apt # 2
Baltimore, Maryland 21208

Sue Coleman
Steven Heinermann
2431 Zion Road
Baltimore, Maryland 21227

RECEIVED

JUN 1 1994

(5)

CIRCUIT COURT
FOR BALTIMORE CITY

ORDERED: DENIED

- Appeal timely filed on 7-9-94
- failure to comply with Md. Rule 2-311 (c) ... no statement of sufficient grounds and Authorities.

Judge Clifton J. Corday

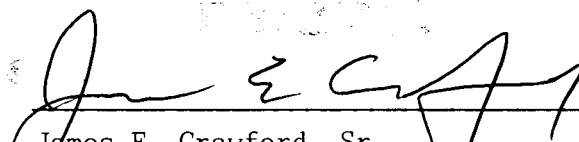
James E. Crawford Sr.
Attorney at Law
2201A Hammonds Ferry Rd.
Baltimore, MD 21227
242-0600

6-1-94

12/15/93
12/15/93
12/15/93
12/15/93

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 1994 a copy of the foregoing Motion was mailed to Edward Feldman, 7 Pamona South, Apt 2, Baltimore, Maryland 21208, Sue Coleman & Steven Heinermann, 2431 Zion Road, Baltimore, Maryland 21227, and the Clerk of the Circuit Court for Baltimore City, Lexington & St. Paul Streets, Baltimore, Maryland 21202.


James E. Crawford, Sr.
2201 A Hammonds Ferry Road
Baltimore, Maryland 21227
(410) 242-0600

James E. Crawford Sr.
Attorney at Law
2201A Hammonds Ferry Rd.
Baltimore, MD 21227
242-0600

JP

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

Revas
5/2/94

ASSIGNMENT FOR MONDAY MAY 02, 1994

P01

CASE NUMBER - 93203022
CASE TITLE - FELDMANN VS COLEMAN CL167652
CATEGORY - OTHER LAW
PROCEEDING - PRE-TRIAL CONFERENCE

CL

CRAWFORD, JAMES
FELDMANN, EDWARD

DEFENSE ATTORNEY
PLAINTIFF

744-240

TYPE OF PROCEEDING: (___ JURY) (___ NON-JURY) (___ OTHER)

DISPOSITION (CHECK ONE)

- (___ SETTLED) (CANNOT SETTLE) (___ NEXT COURT DATE)
- (___ VERDICT) (___ REMANDED) (___ NON PROS/DISMISSED)
- (___ JUDGEMENT NISI) (___ ORDER/DECREE SIGNED) (___ OTHER)
- (___ JUDGEMENT ABSOLUTE) (___ ORDER/DECREE TO BE SIGNED) PLEASE EXPLAIN:
- (___ POSTPONED) (___ MOTION GRANTED)
- (___ SUB CURIA) (___ MOTION DENIED)

JUDGE SIGNATURE *John P. ...* DATE *5/4/94*

FELDMANN VS COLEMAN CL167652

THIS IS TO REMIND YOU THAT THE ABOVE CASE IN WHICH YOU APPEAR
AS PLAINTIFF IS SCHEDULED FOR PRE-TRIAL CONFERENCE AND FOR TRIAL
ON THE DATES SET FORTH BELOW.

ALL COUNSEL, THEIR CLIENTS AND INSURANCE REPRESENTATIVES MUST ATTEND
THE PRE-TRIAL CONFERENCE IN PERSON. FAILURE TO ATTEND WITHOUT PRIOR APPROVAL
OF THE COURT CAN RESULT IN SANCTIONS.

JOSEPH H. H. KAPLAN
ADMINISTRATIVE JUDGE

FELDMANN, EDWARD
APT. A-2
7 POMONA SOUTH
BALTIMORE MD 21208

PRE-TRIAL
CONFERENCE:
DATE: 05/02/94
TIME: 04:30 PM
PLACE: ROOM 236 PART PO1
COURTHOUSE WEST

TRIAL:
DATE:06/03/94
TIME: 09:30 AM
PLACE: ROOM 219 PART
COURTHOUSE WEST

***** THIS NOTICE OF THE DATE, TIME, AND LOCATION OF EVENTS
SUPERCEDES ALL PREVIOUS NOTICES. *****

FELDMANN VS COLEMAN CL167652

THIS IS TO REMIND YOU THAT THE ABOVE CASE IN WHICH YOU APPEAR
AS DEFENSE ATTORNEY IS SCHEDULED FOR PRE-TRIAL CONFERENCE AND FOR TRIAL
ON THE DATES SET FORTH BELOW.

ALL COUNSEL, THEIR CLIENTS AND INSURANCE REPRESENTATIVES MUST ATTEND
THE PRE-TRIAL CONFERENCE IN PERSON. FAILURE TO ATTEND WITHOUT PRIOR APPROVAL
OF THE COURT CAN RESULT IN SANCTIONS.

JOSEPH H. H. KAPLAN
ADMINISTRATIVE JUDGE

CRAWFORD, JAMES

2201-A HAMMONDS FERRY RD.
BALTIMORE MD 21227

PRE-TRIAL
CONFERENCE:
DATE: 05/02/94
TIME: 04:30 PM
PLACE: ROOM 236 PART P01
COURTHOUSE WEST

TRIAL:
DATE: 06/03/94
TIME: 09:30 AM
PLACE: ROOM 219 PART
COURTHOUSE WEST

**** THIS NOTICE OF THE DATE, TIME, AND LOCATION OF EVENTS
SUPERCEDES ALL PREVIOUS NOTICES. ****

2113

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

1993 JUL 26 A 9:44

CIVIL DIVISION

IN THE MATTER OF

* IN THE

THE ESTATE OF

CIRCUIT

* ~~ORPHANS'~~ COURT

MARY THERESA HEINERMANN,

* FOR

DECEASED

* BALTIMORE CITY

93203022/CL 167652

* ~~ESTATE NO. A-21866~~

* * * * *

ANSWER TO MOTION FOR APPEAL

Now Comes Sue Coleman and Steven Heinermann Personal Representatives of the Estate of Mary Theresa Heinermann by their attorney James E. Crawford and says:

1. That counsel for the Personal Representatives, Sue Coleman and Steven Heinermann received in the mail on July 21, 1993 a pleading captioned "Appeal".

2. That the envelope in which said pleading was contained is post marked July 19, 1993.

3. That the Order in question was signed by the Honorable Judge Lee of the Orphans' Court of Baltimore City on June 16, 1993.

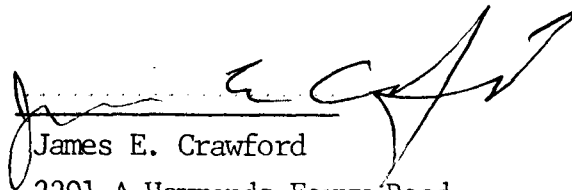
4. That the Order For Appeal is not timely filed and is not the depositive of the entire case and is not a final Order from which an appeal may be taken.

WHEREFORE; Your Petitioners pray:

a. That the appeal be dismissed.

b. That said appeal was not timely filed and is not a final Order which is the depositive of the entire case and should be dismissed.

c. For such other and further relief as the nature of their case may require.



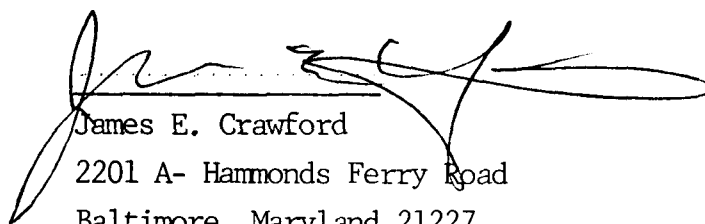
James E. Crawford
2201 A-Hammonds Ferry Road
Baltimore, Maryland 21227
(410) 744-2400

cc: Edward Feldman
7 Pomona South
Apt. #2
Baltimore, Maryland 21208

Sue Coleman & Steven Heinermann
2431 Zion Road
Baltimore, Maryland 21227

CERTIFICATION OF SERVICE

I hereby certify that on this 27 day of Jan 1993 a copy of the foregoing Answer To Motion For Appeal, was mailed to Edward Feldman, 7 Pomona South, Apt. 2, Baltimore, Maryland 21208 and to Sue Coleman & Steven Heinermann, 2431 zion Road, Baltimore Maryland 21227.


James E. Crawford
2201 A- Hammonds Ferry Road
Baltimore, Maryland 21227
(410) 744-2400

IN THE MATTER OF

* IN THE

THE ESTATE OF

* ORPHAN'S COURT

MARY THERESA HEINERMANN

* FOR

DECEASED

* BALTIMORE CITY

* ESTATE NO: A-21866

* * * * *

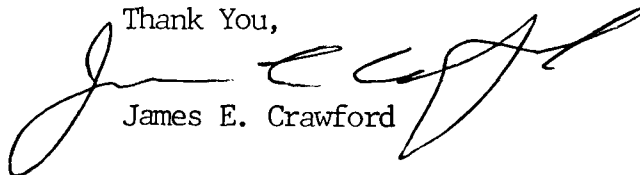
REQUEST FOR HEARING

Dear Mr. or Mrs. Clerk:

Please set the above captioned case in for a hearing.

Thank you for your cooperation in this matter.

Thank You,



James E. Crawford

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

FROM 93 JUL 22 AM 10:17

CIVIL DIVISION
THE ORPHAN'S COURT

FOR

93203022

BALTIMORE CITY

CL 167652

TO

THE CIRCUIT COURT FOR BALTIMORE CITY

ESTATE OF

MARY THERESA HEINERMANN, Deceased

EDWARD S. FELDMANN, *Plff.*

REMOVED SUCCESSOR PERSONAL REPRESENTATIVE,

PLAINTIFF AND APPELLANT

vs

SUSAN COLEMAN *Defds.*

AND

STEVEN HEINERMANN,

CO-SPECIAL ADMINISTRATORS,

DEFENDANTS AND APPELLEES

N/A
ATTORNEY FOR

EDWARD S. FELDMANN
7 POMONA SOUTH, APT. A2
BALTIMORE, MD 21208
(410) 486-4333

002090
JAMES E. CRAWFORD, ESQUIRE :
2201-A HAMMONDS FERRY ROAD
BALTIMORE, MD 21227
(410) 744-2400

ATTORNEY FOR

CO-SPECIAL ADMINISTRATORS,

DEFENDANTS AND APPELLEES

ACD

Set. Jury Trial

*OK
ATTYS*

46
305-A

68

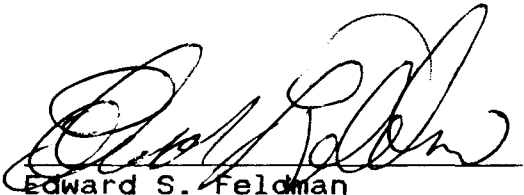
RECEIVED

JUL 9 1993

| | | |
|--------------------------|--------------------------|--------------------|
| IN THE MATTER OF | MARY W. CONAWAY | IN THE |
| | REGISTER OF WILLS | |
| THE ESTATE OF | * | ORPHANS' COURT OF |
| MARY THERESA HEINERMANN, | * | BALTIMORE CITY |
| DECEASED | * | ESTATE No. A-21866 |

APPEAL

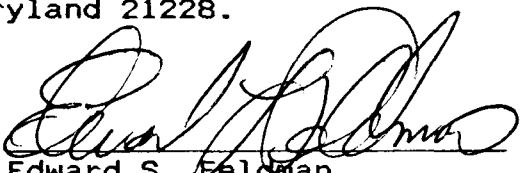
Please enter an Appeal to the Order of June 16, 1993, entered by this Honorable Court to the Circuit Court For Baltimore City.



Edward S. Feldman
7 Pomona South, Apt. A2
Baltimore, Maryland 21208
486-4333
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 1993 a copy of the foregoing Appeal was mailed, first class, postage prepaid, to James E. Crawford, Esquire, 405 Frederick Road, Suite 163, Baltimore, Maryland 21228.



Edward S. Feldman
7 Pomona South, Apt. A2
Baltimore, Maryland 21208
486-4333
Appellant

A-21866 xxx ●

Mary T. Steinman

FILED

JUL 12 1993

MARY W. CONAWAY
REGISTER

Return

✓

46
252,
305-A

67 ✓

IN THE ORPHANS' COURT
FOR
BALTIMORE CITY, MARYLAND

IN THE MATTER OF
THE ESTATE OF ESTATE NUMBER A-21866 ML
MARY THERESA HEINERMANN,

Decedent

* * * * *

ORDER

Upon the foregoing Petition for Contempt Removal of Successor Personal Representative and Amendment of Order Allowing Counsel Fees and Personal Representative Commissions (sic) filed on December 6, 1989, and upon the Petition for Contempt filed on March 17, 1992, and upon the Petition for Contempt Removal of Successor Personal Representative and Amendment of Order Allowing Counsel Fees and Personal Representative Commissions (sic) filed on June 15, 1992, Answers thereto, and hearing thereon, it is this 16th day of June, 1993

ADJUDGED, ORDERED AND DECREED as follows:

1. On February 10, 1992, the first Petition for Contempt Removal of Successor Personal Representative, etc. was dismissed subject to the filing of a second amended third and final administration account by February 28, 1992. The account was filed on February 28, 1992. The dismissal was also subject to full distribution to all heirs within twenty days following approval of the account. However, this condition became moot inasmuch as the account was not approved.

2. The parties have stipulated that the Successor Personal Representative, Edward S. Feldman, did not pay the sum of \$3,684.88 to Steven Heinermann as reimbursement of advanced funeral expenses, as ordered by this Court on February 3, 1992. This constitutes a failure to perform a material duty pertaining to the office of personal representative. In the absence of a

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satisfactory explanation, it must also be regarded as an admission by the respondent that he has wilfully disregarded an order of court.

3. The Respondent alleges that he no longer has possession or control of any estate assets, that he does not know the whereabouts of any assets, and that he is prohibited by order of the Court of Appeals of Maryland from exercising direct control over any assets. The Respondent is therefore incapable of effectively carrying out his duties as Successor Personal Representative.

4. The previous order of this Court dated December 3, 1987 awarding a counsel fee and personal representative's commission to Edward S. Feldman is hereby RESCINDED.

5. Edward S. Feldman is hereby REMOVED as Successor Personal Representative.

6. Susan Coleman and Steven Heinermann are hereby APPOINTED Co-Special Administrators, subject to posting a nominal bond in the amount of Four Thousand (\$4,000.00) Dollars.

7. The Petitioners have failed to prove by a preponderance of the evidence that the Respondent has the ability to comply with previous orders and thereby purge himself of civil contempt. Accordingly, all petitions for civil contempt are hereby DENIED. It may be that the petitioners believe that they can prove beyond a reasonable doubt, that the respondent's inability to comply was caused by a deliberate effort or a wilful act committed with the knowledge that it would frustrate the orders. If so, the petitioner should initiate criminal contempt proceedings pursuant to Subtitle P of the Maryland Rules. See State v. Roll and Scholl, 267 Md. 714, 730 (1973).

8. JUDGMENT shall be entered in favor of the estate against Edward S. Feldman for the cost of this proceeding.


JUDGE

IN TESTIMONY

That the foregoing is truly taken from one of the Records of the proceedings of the Orphans' Court of Baltimore City, I hereunto subscribe my name and affix the seal of the said Court, this 22nd day of July in the year of our Lord nineteen hundred and Ninety-Three.

TEST:

Mary H. Conway
REGISTER OF WILLS OF *mad.*
BALTIMORE CITY

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MSA SC 5458-82-152

Dates: 2010/02/17

Description: Case numbers received from J. Hollander -

BALTIMORE CITY CIRCUIT COURT (Paternity Papers) Arrington v. Rodriguez, 1989, Box 169
Case No. 119070 [MSA T3351-923, CW/16/31/25]
File should be named `msa_sc5458_82_152_[full case number]-####`

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Rolnik v. Union Labor Life
Ins. Co., 1987, Case No. 87313071
Case is split between 2 boxes:
Box 387 [MSA T2691-2026, HF/8/35/8]
Box 388 [MSA T2691-2027, HF/8/35/9]
File should be named `msa_sc5458_82_152_[full case number]-####`

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Shofer v. The Stuart Hack
Co., Box 128 Case No. 88102069 [MSA T2691-2232, HF/11/30/3]
See also for "brick binders":
Box 527 [MSA T2691-2631, HF/11/38/18]
Box 528 [MSA T2691-2632, HF/11/38/19]
File should be named `msa_sc5458_82_152_[full case number]-####`

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Attorney Grievance
Commission v. Yacono, 1992, Box 1953 Case No. 92024055 [MSA T2691-4591,
OR/12/14/65]
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BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Feldmann v. Coleman,
1993, Box 391 Case No. 93203022 [MSA T2691-5466, OR/22/08/037]
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BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Jefferson v. Ford Motor
Credit Corp., 1993, Box 470 Case No. 93251040 [MSA T2691-5545, OR/22/10/20]
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BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Shofer v. The Stuart Hack
Co. and Blum, Yumkas, Mailman, 1993, Box 518 Case No. 93285087 [MSA T2691-5593,
OR/22/11/20]
File should be named `msa_sc5458_82_152_[full case number]-####`

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Booth v. Board of Appeals,
1993, Box 589 Case No. 93330026 [MSA T2691-5665, OR/22/12/45]
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BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Scott v. Dept. of Public
Safety, 1993, Box 603 Case No. 93342002 [MSA T2691-5679, OR/22/13/11]
File should be named `msa_sc5458_82_152_[full case number]-####`

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Stubbins v. Md. Parole Comm'n., 1993, Box 616 Case No. 93354003 [MSA T2691-5692, OR/22/13/24]
File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Fitch v. DeJong, 1994, Box 109 Case No. 94077005 [MSA T2691-5817, OR/28/9/2]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Bowden, 1987, Box 142 Case No. 18721501 [MSA T3372-984, CW/2/23/13]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Redmond, 1988, Box 191 Case No. 48828071 [MSA T3372-1282, HF/11/23/43]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Parker, 1990
Box 100 Case Nos. 290213034,35 [MSA T3372-1476, OR/16/16/8]
Box 104 Case Nos. 290221060,61 [MSA T3372-1480, OR/16/16/12]
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BALTIMORE CITY CIRCUIT COURT (Criminal Transcripts) State v. Monk, 1991, Box 78 Case No. 591277019 [MSA T3657-403, OR/17/11/21]
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BALTIMORE CITY CRIMINAL COURT (Transcripts) Eraina Pretty, 1978, Box 43 Case Nos. 57811846, 57811847, 57811848, 57811858, 57811859, 57811860 [MSA T496-3990, OR/18/22/41]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Johnson (or Johnson-Bey), 1987, Box 11 Case No. 28701917 [MSA T3372-853, CW/2/20/26]

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System design by Dr. Edward C. Papenfuse and Nancy Bramucci.
Programmed in *Microsoft SQL Server* and *Cold Fusion 7.0* by Nancy Bramucci.
Technical support provided by Wei Yang, Dan Knight, Tony Darden, and Matt Davis.
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