

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

ABIGAIL M. LEGROW
MASTER IN CHANCERY

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 11400
WILMINGTON, DE 19801-3734

Final Report: November 5, 2013
Submitted: October 31, 2013

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MacElree Harvey Ltd.
5721 Kennett Pike
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Mr. Lawrence P. Pinno, Jr.
374 Arch Street
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Re: *Pinno v. Pinno, et al.*
C.A. No. 7878-ML
ROW Folio No. 153951

Dear Counsel and Parties:

This is an estate matter in which a Rule to Show Cause was issued by the Register of Wills to the three administrators of the estate, Deborah Pinno (“Deborah”),¹ James Pinno (“James”), and Lawrence Pinno (“Lawrence”) to show cause why they should not be removed as administrators for their failure to file a timely estate accounting.² At the hearing on October 31, 2013, Deborah and James appeared with their attorney, and explained the delays in filing the accounting. Lawrence did not appear. For the reasons that follow, I recommend that the Court enter an order removing Lawrence as

¹ I use the administrators’ first names for the sake of clarity. No disrespect is intended.

² The rule to show cause also referenced the administrators’ failure to file a timely inventory. That appears to be an error, because an inventory was filed on March 26, 2013.

administrator of the estate and requiring Deborah and James to file within thirty days the first and final accounting for the estate.

FACTUAL BACKGROUND

Patricia Y. Pinno (the “Decedent”) died testate on June 5, 2012. The Decedent’s estate was opened on August 6, 2012, and her three children, Deborah, James, and Lawrence were appointed as administrators on that date. Shortly after the estate was opened, Lawrence filed a civil action against Deborah and James, in which he sought partition by sale of the real estate the parties inherited from the Decedent.

After unusually contentious proceedings in the partition action, a trustee was appointed to sell the property. The property was sold by the trustee at public auction on May 23, 2013. The confirmation of that sale was complicated by the fact that, unbeknownst to the trustee or the other parties, Lawrence executed a mortgage on the property dated May 16, 2013. Lawrence also refused to either consent to the sale of the personal property in the home or allow the other administrators to remove the personal property from the home so the sale could be completed. The sale ultimately was approved and confirmed, and Lawrence’s portion of the proceeds was used to satisfy the mortgage. I also entered an order permitting Deborah and James to remove the personal property from the home and store it while the estate was administered.³ Although the partition case is now closed, Lawrence filed a “Request for Hearing” on August 14, 2013,

³ Lawrence did not appear at that hearing, and the attorney he hired to represent him in the partition action was not representing Lawrence in the estate matter and therefore could not comment on the personal property issue.

in which he described a number of alleged misdeeds committed by Deborah and James in the administration of the Decedent's estate. A hearing was scheduled on October 31, 2013 in response to Lawrence's request.

Meanwhile, the administration of the estate proceeded. An accounting was due on August 6, 2013 and the Rule to Show Cause was issued on September 12, 2013 relating to the overdue accounting. Deborah and James filed an accounting on or around October 7, 2013, but the accounting was placed on hold by the Register of Wills because additional documents were needed, supplemental information was requested, and the accounting had not been signed by Lawrence. Although the Rule to Show Cause originally was scheduled to be heard on October 10, 2013, I granted Deborah and James' motion for a brief continuance, so that the Rule to Show Cause could be addressed during the hearing already scheduled for October 31st.

On October 30th, I received a call on my private, chambers line from Lawrence. Upon realizing that he was a party to a pending matter, I provided my assistant's contact information and terminated the call. The following day, less than three hours before the hearing that Lawrence had requested, I received by facsimile a letter from Lawrence. The letter, which was both disrespectful and inaccurate, indicated that Lawrence was refusing to appear at the hearing that afternoon:

I will not be attending your Hearing [sic] this afternoon, as it bodes ill when a Judicial Officer hangs up the telephone on an innocent person who is not involved in a contested case, but merely an informant trying to do his duty to the Court, the Register and the system in general. I am not about the

drive for 6 hours to have my head handed to me, although that might be interesting, as it is Halloween and I need a costume.⁴

Unfortunately, I am not the sole recipient of Mr. Lawrence's caustic diatribes. He has been abusive to this Court and the Register of Wills staff, to say nothing of his treatment of Deborah, James, their counsel, or the third party vendor hired by Deborah and James to move the Decedent's personal property out of the home.

Although Lawrence elected not to attend, the hearing on the Rule to Show Cause and his August 14, 2013 "Request for Hearing" proceeded in his absence. At the hearing, counsel for Deborah and James explained that the accounting had been delayed by difficulties in obtaining certain documentation required by the Register of Wills, and by the fact that Lawrence refused to sign the accounting. Counsel indicated that she believed the accounting could be completed promptly, but she expected that Lawrence would continue to refuse to sign it, leaving the parties and the Register of Wills at something of an impasse. James also provided testimony regarding the location of the personal property that was removed from the Decedent's home after the partition sale.

ANALYSIS

The administration of an estate ordinarily is expected to be completed within one year of the date of the granting of letters, unless circumstances justify a longer period.⁵ Deborah and James, working together, have nearly completed the first and final accounting for the Decedent's estate. That accounting cannot be filed, however, unless

⁴ Ltr. to Court from Lawrence Pinno dated October 31, 2013, p. 2.

⁵ *Matter of Estate of Hedge*, 1984 WL 136921, at *3 (Del. Ch. Feb. 8, 1984).

all of the administrators sign it. Lawrence has refused to sign the accounting, and nothing in the record indicates he is likely to do so in the near future. Lawrence has raised a number of issues and concerns regarding his co-administrators' proposed accounting, though he has taken no action against the administrators. Instead, he filed his "Request for Hearing" laying out his concerns, in an apparent belief that this Court will "inquire into these matters and enter such orders as are just in the circumstances."⁶ Lawrence contends that he has "neither the means nor the authority" to take any action against his co-administrators.⁷

It is apparent that the three current administrators cannot work together to complete the administration of this estate. To date, based on the record before me, it appears that Deborah and James have undertaken a large majority of the work associated with the administration, while Lawrence has been content to sit back and criticize their efforts. Even more importantly, he has refused to appear for two hearings in this Court, including one that specifically required him to show cause why he should not be removed as administrator.

I therefore recommend that the Court enter an order removing Lawrence as administrator for neglect of his duties in that position.⁸ If Lawrence is removed as administrator, the first and final accounting can be promptly filed with the Register of Wills. As a beneficiary of the estate, Lawrence will then be entitled to take exceptions to

⁶ Request for Hearing dated August 14, 2013, p. 2.

⁷ Ltr. to Court from Lawrence Pinno dated October 31, 2013, p. 1.

⁸ 12 *Del. C.* § 1541(a).

that accounting, should he wish to do so.⁹ He may raise at that time any concerns regarding the administrators' actions. Contrary to Lawrence's apparent belief, this is not a court of inquisition intended to investigate and remedy alleged wrongdoing when no action has been filed against the alleged wrongdoers.

CONCLUSION

For the foregoing reasons, I recommend that the Court enter an order removing Lawrence Pinno as administrator of the Decedent's estate, and directing the two remaining administrators to file a first and final accounting within thirty days of the entry of the order. This is my final report in this action, and exceptions may be taken in accordance with Court of Chancery Rule 144.

Sincerely,

/s/ Abigail M. LeGrow
Master in Chancery

⁹ See 12 Del. C. § 2301(d).