

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-233

APRIL TERM, 2008

In re Guardianship of E.E.

} APPEALED FROM:
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}
} Addison Superior Court
}
}
} DOCKET NO. 216-9-06 Ancv

Trial Judge: Helen M. Toor

In the above-entitled cause, the Clerk will enter:

The son of a ward whose property is in guardianship appeals the superior court’s decision upholding a probate court order allowing the public guardian to sell the ward’s real estate to pay off the ward’s debts. We affirm.

The ward, who is in his nineties, owns a home in Bristol, Vermont that he built and lived in for over fifty years. When the ward’s wife died in 1996, appellant, his son, moved in with him. In December 2005, after appellant was charged with criminal neglect of his father, the probate court appointed a public guardian for the ward, who was placed in a nursing home. At the time the guardian was appointed, squalid conditions existed at the ward’s home. The insurance had lapsed, and the town had a zoning action pending against appellant and his father because of the condition of the property. The insurer would not reinstate coverage until the house was cleaned up. The guardian settled the zoning action by agreeing to reimburse the town for cleaning up the outside of the property. Following the cleanup, the guardian petitioned the probate court to allow her to sell the property. The probate court granted the request, which was opposed by appellant and his brother. The superior court upheld the probate court’s ruling, concluding that selling the house (1) was necessary to pay off the ward’s debts, and (2) was in the ward’s best interest because there were no funds to maintain the home. On appeal, appellant challenges the superior court’s order, but raises no specific claims of error. Instead, appellant states his version of the facts and expresses his belief that local and state officials conspired to unlawfully appropriate his father’s property.

Given general supervision over a ward’s income and resources, a guardian has the power “to liquidate resources for the benefit of the ward.” 14 V.S.A. § 3069(b)(4). The guardian has a duty to “manage the estate of his ward frugally and without waste and in a manner most beneficial to the ward.” *Id.* § 2797. The probate court may authorize the guardian to sell the

ward's real estate when the ward's property is insufficient to pay for the ward's debts or expenses. Id. § 2881(1)-(2). Here, the superior court found, on review, that selling the ward's property was necessary to pay off his debts and to prevent the house from wasting without insurance, and from being forcefully sold for delinquent taxes. Appellant has failed to demonstrate any error of law or fact with respect to the court's findings or conclusions. Accordingly, there is no basis for overturning the court's decision. See N.A.S. Holdings, Inc. v. Pafundi, 169 Vt. 437, 438 (1999) (we will uphold the trial court's findings of fact as long as any reasonable and credible evidence supports them).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Brian L. Burgess, Associate Justice