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DISTRICT I

July 9, 2024

To:

Hon. Lindsey Grady
Circuit Court Judge
Electronic Notice

Sara L. Eberhardy
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Janell Smith
1535 N. 57th Street
Milwaukee, WI 53208

You are hereby notified that the Court has entered the following opinion and order:

2022AP1796

In re the estate of Jewell Carl Triplett: Janell Smith v. The Estate of Jewell Carl Triplett (L.C. # 2017PR1504)

Before Donald, P.J., Geenen and Colón, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Janell Smith, *pro se*, appeals the final judgment of the formal probate administration for the Estate of Jewell Carl Triplett. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We summarily affirm.

Smith is the daughter of Jewell Carl Triplett, who died in September 2017. Attorney Sara Eberhardy was appointed successor personal representative of the Estate in August 2018; Smith,

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

who was the appointed personal representative pursuant to Triplett's will, was removed after an objection by an interested party.

Smith previously appealed a money judgment imposed against her in this matter. *Smith v. Estate of Jewell Carl Triplett*, No. 2021AP384, unpublished slip op. ¶1 (WI App June 1, 2022). The judgment, in the amount of \$26,436.82, was sought by Attorney Eberhardy after an accounting of the assets of the Estate revealed that certain assets had been sold by Smith. *Id.*, ¶3. Smith claimed the assets were sold for purposes of satisfying debts; however, the documentation Smith provided to Attorney Eberhardy did not substantiate that claim. *Id.* Attorney Eberhardy therefore determined that the proper recourse for the Estate was to treat those assets as advanced distributions made to Smith, and sought a return of their value to the Estate by way of a money judgment. *Id.* After several hearings on the issue, the money judgment was ultimately entered by the circuit court in January 2021. *Id.*, ¶¶3-12. This court affirmed that judgment. *Id.*, ¶19.

Subsequently, Attorney Eberhardy filed a petition for final judgment for the Estate with the circuit court on July 28, 2022. Smith filed an objection on August 29, 2022. The objection appears to consist primarily of arguments relating to the proceedings surrounding the money judgment.

A hearing on the petition for final judgment was held on September 14, 2022. Smith did not appear. The circuit court reviewed Smith's objection, observing that it consisted of merely "a series of ... paragraphs and narratives" and was not a "legal brief," that it did not include an affidavit, and that Smith had "not come forward to further [her] objection." The court therefore dismissed the objection for lack of prosecution. The court then heard testimony from Attorney Eberhardy, approved the petition, and entered the final judgment. This appeal follows.

The majority of the issues Smith raises in this appeal appear to relate to the proceedings that led to the money judgment entered against Smith in January 2021, as opposed to the final judgment and the related hearing held in September 2022. However, as discussed above, the money judgment was previously reviewed and affirmed by this court. *See Olson v. Dunbar*, 149 Wis. 2d 213, 216, 440 N.W.2d 792 (Ct. App. 1989) (citing WIS. STAT. § 808.03(1) for the premise that “[a] final judgment or final order is a judgment or order ... which disposes of the entire matter in litigation as to one or more of the parties, whether rendered in an action or special proceeding[.]” and further noting that “[p]robate is a series of special proceedings” (ellipses in *Olson*)).

As this court has already reviewed and affirmed the money judgment, our review in this appeal is limited to the final judgment entered on September 14, 2022. *See* WIS. STAT. RULE 809.10(4) (“An appeal from a final judgment or final order brings before the court all prior nonfinal judgments, orders and rulings adverse to the appellant and favorable to the respondent made in the action or proceeding *not previously appealed and ruled upon.*” (Emphasis added.)). We will therefore not consider those arguments raised by Smith specifically relating to the money judgment. *See id.*

Smith does raise an issue on appeal relating to the final judgment, regarding her objection to the petition for final judgment. She alleges that Attorney Eberhardy, in her response to Smith’s objection, “falsely claimed” that Smith had not filed tax returns for the Estate during her tenure as personal representative. Smith contends this alleged false claim “negatively influenced

the Judge[']s opinion of [her] and resulted in violating [her] due process right.”² However, Smith’s basis for this argument, as reflected in her brief, is nothing more than a rehashing of the proceedings that led to the money judgment, which is not part of this review. *See id.* Additionally, Smith’s argument is undeveloped and contains no references to any legal authority. We may decline to review issues that are inadequately briefed or unsupported by legal authority. *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

Furthermore, Smith makes no argument on appeal that the circuit court erred in dismissing her objection. We will not develop arguments for parties. *Id.* at 647.

Moreover, as previously noted, Smith did not appear at the hearing on the petition for final judgment. Smith asserts on appeal that she was unable to appear due to difficulties in connecting through Zoom. However, the record does not reflect that Smith made any attempt to contact the court regarding these technical difficulties, nor does it show that she subsequently sought to reopen the final judgment or sought other relief from the circuit court relating to the final order. In fact, Smith suggests in her reply brief that the circuit court should have called her or rescheduled the hearing when she did not appear.

That, of course, is not the circuit court’s responsibility. Furthermore, “[a]s a general rule, we will not decide a matter not presented to the [circuit] court.” *Olson*, 149 Wis. 2d at 219. As such, Smith’s failure to appear at the September 2022 hearing to argue her objection resulted in the forfeiture of any claims relating to her objection. *See State v. Huebner*, 2000 WI 59, ¶¶11-

² According to the final judgment, the money judgment entered against Smith was assigned to the Internal Revenue Service in partial satisfaction of its claim against the Estate.

12 & n.2, 235 Wis. 2d 486, 611 N.W.2d 727 (explaining that the forfeiture rule—that issues should be raised at the circuit court level to allow the court “to correct or avoid the alleged error in the first place, eliminating the need for appeal”—is “an essential principle of the orderly administration of justice” which “promotes both efficiency and fairness”).

Finally, we turn to Smith’s request on appeal for \$50,000 in punitive damages as relief. Smith does not develop any sort of argument in support of this claim. *See Pettit*, 171 Wis. 2d at 647. Furthermore, the record does not reflect that any evidence was submitted to the circuit court regarding such a claim, in accordance with WIS. STAT. § 895.043(3). The claim is therefore forfeited. *See Huebner*, 235 Wis. 2d 486, ¶¶11-12 & n.2.

For these reasons, we reject Smith’s claims and affirm the final judgment of the formal probate administration for this matter.

Upon the foregoing,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals