

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

IN THE ESTATE OF MARGARET)	No. ED102264
C. FREEBAIRN,)	
)	Appeal from the Circuit Court
Incapacitated.)	of the City of St. Louis
)	0922-PR00659
)	
)	
)	
)	Honorable Philip Heagney
)	
)	
)	FILED: November 3, 2015

Elizabeth St. John (Appellant), the daughter of Margaret C. Freebairn (Ward), appeals from the probate court’s, division of the circuit court, (probate court) entry of judgment dismissing her petition seeking the removal of the Ward’s guardians, Gay Norris and Margaret Norris, Ph.D., who are the nieces of the Ward, (collectively referred to as Respondents).

APPEAL DISMISSED. ¹

Division One Holds: Appellant does not meet the statutory definition of an “interested person,” under the probate code because the Ward does not yet have heirs or devisees, and Appellant is neither a spouse, nor a creditor, nor a person with a property right or claim against the Ward’s estate and lacks a vested financial interest in the Ward’s estate; therefore, Appellant does not have standing to appeal from the probate court’s dismissal of her petition to remove Respondents as co-guardians of the Ward.

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, Jr., P.J., concurs and Roy L. Richter, J., dissents in separate opinion.

Attorney for Appellant: Canice T. Rice, Jr.
Attorney for Respondents: Alex M. Kanter
Marc S. Kramer
Attorney for Conservator: John T. Ahlquist

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Respondents’ motion to dismiss Appellant’s appeal is moot. Respondents’ motion for frivolous appeal is denied.