

IN THE COURT OF APPEALS OF IOWA

No. 9-1033 / 07-1155
Filed March 10, 2010

**IN RE THE GUARDIANSHIP AND
CONSERVATORSHIP OF FRANCIS FAY LUCAS,**

JANICE HARDEN,
Interested Party-Appellant.

Appeal from the Iowa District Court for Wayne County, Carla T. Schemmel, Judge.

Janice Harden appeals from the district court order, ruling on her motions and terminating the conservatorship of Francis Lucas. **AFFIRMED.**

Janice Harden, Lineville, for appellant.

Roberta A. Chambers of Chambers & Relph Law Firm, P.C., Corydon, for appellee Michael S. Perkins.

Verle W. Norris, Corydon, for appellees Sharon Lee Perkins, Ann M. Stevens, Steven E. Lucas, and Mary K. Potter.

Monty Franklin of Franklin Law office, Humeston, for appellees Sharon Lee Perkins and Ann M. Stevens.

Alan Wilson, Corydon, guardian ad litem for ward.

Considered by Vogel, P.J., and Doyle and Mansfield, JJ.

VOGEL, P.J.

Janice Harden appeals the district court order filed on June 8, 2007, which ruled on several of Janice's motions filed in GCPR007431 and in CVCV022516. We affirm.

Francis Fay Lucas died on March 1, 2006, survived by five children: Janice Harden, Sharon Perkins, Steven Lucas, Ann Stevens, and Mary Potter. Since November 2002, Sharon and Ann served as their father's joint guardians and conservators and filed annual reports, which included a showing of the income and expenses handled by the conservators. After Francis died, the conservators filed a final report in the conservatorship, to which Janice objected. Specifically, she contested the accounting, the sale of real estate, and asserted the possible existence of another will executed by Francis. Janice also filed a civil action against her four siblings as well as the purchaser of forty acres of the farm, Michael Perkins, the son of Sharon.

After a hearing on March 1, 2007, the district court concluded the sale of real estate in the conservatorship was proper and that "other issues concerning a final accounting of the ward's personal property and issues concerning a possible second Will are better handled in the probate case." The district court ordered the conservatorship to be closed. It also denied relief in the civil action, as that case involved the same issues as were raised in the conservatorship. The court found Janice's claims against the conservators, and her speculative allegations of the existence of another will, would be more appropriately handled in the estate. The court ordered "matters not decided herein including the issues of a

full accounting of the ward's personal property and the issue of additional Wills may be brought and heard pursuant to the probate of the will of Mr. Lucas.”

On our de novo review we affirm. See *In re Guardianship and Conservatorship of Jordan*, 616 N.W.2d 553, 558 (Iowa 2000). We fully support the district court's fact finding and application of the law in denying Janice's motion to vacate and set aside the transfer of real estate. The two sales of real estate in the conservatorship were both properly made after obtaining court approval.

Further, we affirm the district court granting the application to terminate the conservatorship, and denying Janice's objection to the same. The death of Francis terminated his guardianship and conservatorship. Iowa Code § 633.675(2) (2007); *In re Guardianship of Pappas*, 174 N.W.2d 422, 424 (Iowa 1970). The conservators were then left with the task of paying administration costs and rendering a full accounting. Iowa Code § 633.677. All assets of the conservatorship were to be distributed to the persons entitled to them.¹ Iowa Code § 633.678. Upon termination, all property of the ward would be property subject to the administration of the estate. All claims other than costs of administration of the conservatorship must be dealt with in the estate proceedings. *Pappas*, 174 N.W.2d at 424.

Next the district court concluded that the proper forum for Janice to raise her claim of a full accounting of the personal property in the conservatorship as

¹ Although Janice questions the value of some farm equipment, she raised no claim of right to any property.

well as her assertion of the existence of another will of Francis, may be brought and heard in the estate proceedings in ESPR007659. As stated in *Pappas*:

The proper place for determining this claim following decedent's death was in the estate proceedings. Our statutes are clear and unambiguous in laying down that procedure. Quite obviously the legislature did not intend that two courts, or two divisions of the same court, administer the same assets and process the same claims.

Id.

We agree with the fact findings and conclusions of law of the district court. Janice also raises some issues on appeal that we will not address as they were neither raised nor ruled on below. *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002). Pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e), we affirm the district court order dismissing Janice's motions.

AFFIRMED.