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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

Estate of ROSS FRANK FELTY,
Deceased.

JAMES BOYD SMITH,

Petitioner and Respondent,

v.

DARLA LEE MIEDEMA,

Objector and Appellant.

B287506

(Los Angeles County
Super. Ct. No. 16STPB01675)

APPEAL from an order of the Superior Court of
Los Angeles County. Clifford L. Klein, Judge. Affirmed.

Darla Lee Miedema, in pro. per., for Objector and
Appellant.

Wiezorek & Geye, Shannon N. Wiezorek and Danielle A.
Geye for Petitioner and Respondent.

Objector and appellant Darla Lee Miedema (Miedema) challenges a probate court order settling the first amended final account of administration and petition for settlement thereof (final account and petition).

We affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

Ross Frank Felty (the decedent) died intestate on May 30, 2016, in Los Angeles. He was not survived by a spouse or any issue. He was survived by his half-brother, James Boyd Smith (Smith), and two half-sisters.

The decedent was married to Erna Margaret Felty until she passed away on June 9, 2002, approximately 14 years before the decedent's death. She had four children prior to her marriage to the decedent, including Miedema.

The decedent's estate was admitted to probate on August 2, 2016. On August 4, 2016, the probate court appointed Smith as the administrator of the estate, and letters of administration were issued. As administrator, Smith was granted full authority to administer the decedent's estate; his authority has never been revoked.

On March 21, 2017, Miedema, her sister, Deborah Lynn Nowaskey (Nowaskey), and Smith entered into a stipulation regarding the administration of the estate. They agreed that Miedema and her three siblings were entitled to 50 percent of the net proceeds from the sale of the decedent's real property, pursuant to Probate Code section 6402.5 (section 6402.5). They also agreed that Smith would not object to Miedema's subpoenas to financial institutions requesting financial records of their mother and/or the decedent.

On April 5, 2017, the probate court confirmed the sale of the decedent's real property.

On May 8, 2017, Smith filed the final account and petition. Miedema and Nowaskey objected.

At the hearing on July 17, 2017, the probate court found that additional evidence was required to rule on the matter, and the matter was continued to September 13, 2017.

In accordance with the probate court's order, on September 6, 2017, Smith filed a supplement to the final account and petition.

Two days later, Miedema and Nowaskey again objected. Smith responded to their objection. The probate court continued the matter, allowing Nowaskey to submit additional evidence in support of her objection.

On November 3, 2017, the probate court took Smith's final account and petition under submission. On November 9, 2017, the probate court approved the final account and overruled Miedema and Nowaskey's objections. In so doing, the probate court distributed 50 percent of the net proceeds of the sale of decedent's real property that he jointly owned with Miedema's mother to Miedema and her three siblings.

The order was entered, and this timely appeal ensued.

DISCUSSION

The major problem with Miedema's appeal lies in her opening brief. As another court observed in describing a similarly inadequate brief, "[i]ndeed, this document is strongly reminiscent of those magazine puzzles of yesteryear where the reader was challenged to 'guess what is wrong with this picture.'" (*People v. Dougherty* (1982) 138 Cal.App.3d 278, 280.)

It is well-established that a trial court judgment is “*presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.’ [Citations.]” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.)

Miedema has not overcome this burden. Issues are raised that are not thoroughly flushed out or supported by record citations and/or legal authority. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852 [appellant bears the burden of supporting a point with reasoned argument]; *County of Sacramento v. Lackner* (1979) 97 Cal.App.3d 576, 591 [appellant must present argument on each point made]; *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115 [appellate court is not required to make an independent, unassisted search of the appellate record].) We decline to consider the issues raised in Miedema’s opening brief that are not properly presented or sufficiently developed to be cognizable, and we treat them as waived. (*People v. Stanley* (1995) 10 Cal.4th 764, 793; *People v. Turner* (1994) 8 Cal.4th 137, 214, fn. 19; *In re David L.* (1991) 234 Cal.App.3d 1655, 1661; *Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545–546.) Miedema’s election to act as her own attorney on appeal does not entitle her to any leniency as to the rules of practice and procedure. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985; *Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, 1284; *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.)

With these principals in mind, we have attempted to address the merits of the issues raised by Miedema.

I. Standard of review

Pure questions of law are reviewed de novo. (*Ghirardo v. Antonioli* (1994) 8 Cal.4th 791, 799.) We review the trial court's factual findings for substantial evidence, resolving all conflicts and drawing all inferences in favor of the party that prevailed below. (*Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 571.)

II. The probate court properly approved Smith's final accounting

Miedema challenges the probate court's order settling the final account. To the extent Miedema challenges the probate court's application of section 6402.5, we are unconvinced. Section 6402.5 governs distribution of that portion of a decedent's estate attributable to the decedent's predeceased spouse. Applicable to this case is subdivision (a)(1), which provides: "For purposes of distributing real property under this section if the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse passes as follows: [¶] (1) If the decedent is survived by issue of the predeceased spouse, to the surviving issue of the predeceased spouse." (§ 6402.5, subd. (a)(1).)

The probate court followed section 6402.5, subdivision (a)(1), when it issued the order settling Smith's final account. The decedent's estate included real property that had been held jointly with his predeceased spouse (Miedema's mother). The probate court ordered that 50 percent of the net proceeds of the

sale of that real property be distributed to Miedema and her three siblings. There was no error. Our analysis could stop here.

For the sake of completeness, we note the following: Miedema asserts that the decedent and/or his girlfriend and/or his girlfriend's children stole Miedema's mother's assets. But Miedema provides us with no evidence or legal authority to support her contention that this theory compels reversal of the probate court's order.

Miedema also seems to argue that her attorneys were negligent. Again, that is not the issue before this court.

DISPOSITION

The order is affirmed. Smith is entitled to costs on appeal.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
LUI

_____, J.
CHAVEZ