

Circuit Court for Calvert County  
Case No. C-04-CV-19-000411

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1915

September Term, 2019

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JAMES CONTEE, et al.

v.

GARRETT CONTEE, et al.

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Fader, C.J.,  
Kehoe,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 29, 2020

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In this appeal from a civil action in the Circuit Court for Calvert County, Kenneth Contee (hereinafter “Kenneth”), appellant,<sup>1</sup> challenges the court’s assumption of jurisdiction over a fiduciary estate and appointment of a successor trustee. For the reasons that follow, we shall dismiss the appeal.

This case arises from the administration of the Living Trust (hereinafter “the Trust”) of Alice E. Spriggs, who died in April 2016. In August 2018, Ms. Spriggs’s niece Ruth Contee (hereinafter “Ruth”) filed in the Circuit Court for Anne Arundel County a petition for assumption of jurisdiction over the Trust. In November 2018, the court denied the petition, but granted Ruth sixty days “to file . . . missing information indicating that proper notice was provided to all interested persons.” In April 2019, Ruth’s counsel filed a line of voluntary dismissal of the petition.

In September 2019, Tammy Jones, successor trustee of the Trust, filed in the Circuit Court for Calvert County a petition in which she asserted that she “resid[es] in Calvert County,” and asked the court to “assume jurisdiction and appoint a successor trustee.” At a subsequent hearing on the petition, Kenneth, among other parties, asked to be appointed successor trustee. The court instead appointed Garrett Contee (hereinafter “Garrett”), and subsequently issued an order reflecting that appointment.

Kenneth first contends that the “Circuit Court for Calvert County erred in assuming jurisdiction,” because the petition “was already in the Circuit Court for Anne Arundel

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<sup>1</sup>In his brief, Kenneth purports to argue on behalf of multiple appellants. But, the only other party who filed a notice of appeal in the instant matter is James Contee, and there is no evidence in the record that he joins in Kenneth’s brief.

County.” But, the Circuit Court for Anne Arundel County denied Ruth’s petition for assumption of jurisdiction over the Trust, and Ruth’s counsel subsequently and voluntarily dismissed the petition. Also, Rule 10-501(b) states that a petition for assumption of jurisdiction over a fiduciary estate may “be filed in the county . . . where the fiduciary, if any, resides[.]” Kenneth does not dispute that Ms. Jones resides in Calvert County, and hence, the court did not err in assuming jurisdiction over the Trust.

Kenneth next contends that, for numerous reasons, the court erred in appointing Garrett to be successor trustee. But, we cannot reach the contention. We have stated that “any order that is not a final judgment[] ordinarily is not appealable,” *Huertas v. Ward*, \_\_\_ Md. App. \_\_\_, No. 2929, September Term 2018 (filed October 27, 2020), slip op. at 8 (citation omitted), and “[i]n general, an order is not a final judgment unless it fully adjudicates all claims in the case by and against all parties to the case.” *Id.* (citation omitted). Here, the court’s appointment of Garrett as successor trustee does not fully adjudicate all claims in the case by and against all parties to the case, and hence, the court’s order is not appealable.

**APPEAL DISMISSED. COSTS TO BE PAID  
BY APPELLANT.**