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DISTRICT IV

September 11, 2026

To:

Hon. Susan M. Crawford
Circuit Court Judge
Electronic Notice

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Matthew Charles Turner
Electronic Notice

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

2024AP566

In re the estate of Charles E. Turner: Matthew Charles Turner v.
Tracy William Turner (L.C. # 2023PR471)

Before Graham, P.J., Blanchard, and Kloppenburg, 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).

Matthew Turner, pro se, appeals a circuit court order denying his objection to the appointment of Tracy Turner as the personal representative of the estate of their father, Charles Turner.¹ Based on our review of the briefs and record, we conclude at conference that this case

¹ Because the parties and the decedent all have the same last name, we will refer in this opinion to the individuals by their first names.

is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).² We summarily affirm.

This probate case commenced with the filing of Charles’s will in the circuit court. Charles’s four children were named as beneficiaries in the will. The will nominated one of Charles’s children, Tracy, to serve as the personal representative of the estate. Tracy filed an application for informal administration of the estate and petitioned the court to issue domiciliary letters recognizing him as the personal representative. Matthew filed an objection.

The circuit court held an evidentiary hearing on February 13, 2024, on the limited issue of Matthew’s objection to the appointment of Tracy as the personal representative. Both Tracy and Matthew testified at the hearing. At the conclusion of the hearing, the court overruled Matthew’s objection to Tracy being appointed to serve as personal representative. The court ruled, “I find him qualified and domiciliary letters will be issued.” The court later entered a written order denying Matthew’s objection “for the reasons stated on the record at the hearing on February 13, 2024.” Matthew appeals.

The single issue on appeal is whether the circuit court erred when it determined that Matthew failed to show a ground under WIS. STAT. § 856.23 that would require disallowing the appointment of Tracy as personal representative of the estate. Matthew’s briefs discuss a number of other issues, but we need not address those other issues because they are outside the scope of the appeal.

² All references to the Wisconsin Statutes are to the 2023-24 version.

WISCONSIN STAT. § 856.23 provides, in pertinent part:

(1) A person including the person named in the will to act as personal representative is not entitled to receive letters if the person is any of the following:

(a) Under 18 years of age.

(b) Of unsound mind.

(c) A corporation not authorized to act as a fiduciary in this state.

(d) A nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and filed the appointment with the court.

(e) A person whom the court considers unsuitable for good cause shown.

The transcript of the February 13, 2024 hearing demonstrates that the circuit court applied the appropriate legal standard, WIS. STAT. § 856.23(1), to the evidence adduced at the hearing. Tracy's hearing testimony confirms that he is a resident of Wisconsin, that he is an adult, and that he has never been adjudicated incompetent.

The circuit court properly explained to Matthew at the hearing that it was Matthew's burden to prove any grounds under WIS. STAT. § 856.23 that would disqualify Tracy from serving as personal representative. Matthew did not meet this burden. Matthew attempted to show that Tracy was of unsound mind or otherwise was unsuitable to serve as personal representative by questioning Tracy about his behavior and mental health during childhood. Tracy's counsel objected multiple times to questions about Tracy's childhood. The court properly exercised its discretion by ruling that testimony about Tracy's childhood was too remote in time to be relevant. See *Ansani v. Cascade Mountain, Inc.*, 223 Wis. 2d 39, 54, 588 N.W.2d 321 (Ct. App. 1998) ("admission of evidence is a discretionary decision of the circuit court"). Matthew did not produce any evidence at the hearing that would have supported a

finding that Tracy was of unsound mind or otherwise was unsuitable to serve as personal representative.

Based on all of the evidence adduced at the hearing, the circuit court found there was “no evidence that he’s under 18 years old, of unsound mind, certainly not a corporation, no issue regarding his residency, and there is no basis upon which the Court could find him lacking capacity or competence to administer this estate.” The record is void of any evidence that contradicts the court’s findings.

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.83(2).

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

Samuel A. Christensen
Clerk of Court of Appeals