Rel: March 31, 2023

Notice: This opinion is subject to formal revision before publication in the advance sheets of <u>Southern</u> <u>Reporter</u>. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0650), of any typographical or other errors, in order that corrections may be made before the opinion is printed in <u>Southern Reporter</u>.

SUPREME COURT OF ALABAMA

OCTOBER TERM, 2022-2023

1200401

Tamera Erskine, as personal representative of the Estate of Joann Bashinsky, deceased

v.

J. Kenneth Guin, Jr., and Gregory H. Hawley

1210153

John P. McKleroy, Jr., and Patty Townsend

v.

Landon E. Ash and Tamera Erskine, as personal representative of the Estate of Joann Bashinsky, deceased

Appeals from Jefferson Probate Court (19BHM02213)

On Applications For Rehearing

PER CURIAM.

1200401 -- APPLICATION OVERRULED. NO OPINION.

Parker, C.J., and Bryan, Sellers, Mendheim, and Stewart, JJ., and

Thompson, Special Justice,* concur.

Bolin, Special Justice,* dissents, with opinion.

Shaw, Wise, Mitchell, and Cook, JJ., recuse themselves.

1210153 -- APPLICATION OVERRULED. NO OPINION.

Parker, C.J., and Bryan, Sellers, Mendheim, and Stewart, JJ., and

Bolin and Thompson, Special Justices,* concur.

Shaw, Wise, Mitchell, and Cook, JJ., recuse themselves.

*Retired Associate Justice Mike Bolin and Judge William Thompson of the Alabama Court of Civil Appeals were appointed to serve as Special Justices to consider these applications for rehearing. 1200401 and 1210153

BOLIN, Special Justice (dissenting in appeal no. 1200401).

I dissent to overruling the application for rehearing in appeal no. 1200401. Based on the reasoning set forth in my dissent to the main opinion on original submission, I would grant rehearing; I would dismiss the appeal in part, insofar as it challenges the trial court's December 11, 2020, order, because the appeal from that order was untimely; and I would affirm the trial court's January 22, 2021, order on the merits.