

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROSE MARIE SPANAGEL,	§
individually and as personal	§
representative of the estate of Robert J.	§ No. 523, 2000
Spanagel,	§
	§
Defendants Below,	§ Court Below—Court of Chancery
Appellants,	§ of the State of Delaware,
	§ in and for New Castle County
v.	§ C.A. No. 14488-NC
	§
JOHN H. WILLIAMS, JR.,	§
administrator with the will annexed of	§
the estate of Aline G. Brugmann,	§
deceased,	§
	§
Plaintiff Below,	
Appellee.	

Submitted: October 10, 2001  
Decided: November 7, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

**ORDER**

This 7th day of November 2001, it appears to the Court that:

1) This is an appeal from a final judgment entered by the Court of Chancery. These proceedings were filed on August 18, 1995 by Supportive Care Services, Inc., as guardian of the property of Aline G. Brugmann (“Mrs. Brugmann”). Mrs. Brugmann died on March 12, 1996. Mrs. Brugmann’s death resulted in the substitution of John H. Williams, Jr., the administrator of Mrs. Brugmann’s estate, as the party plaintiff (“plaintiff”).

2) The complaint asked for an accounting from Robert J. and Rose Marie Spanagel (“defendants”) and for the imposition of a constructive trust against certain real property that Mrs. Brugmann had transferred to the defendants.

3) A default judgment was entered against the defendants by the Court of Chancery on March 4, 1996. The defendants moved to set aside the default judgment on May 1, 1996. That motion was denied by an Order dated May 14, 1996.

4) The Court of Chancery held an inquisition hearing on March 27, 1999 to determine the damages and other relief due to the plaintiff. The defendants appeared at the March hearing. The Court of Chancery heard testimony from the plaintiff. It then continued the hearing to a later date to enable the parties to develop a pretrial order.

5) The Court of Chancery also asked the parties to submit letter memoranda to address the effect of the default judgment that had been entered against the defendants with regard to the issues pending in the inquisition. The plaintiff submitted a memorandum with the Court of Chancery. The defendants did not submit their own memorandum.

6) On April 9, 1999, the Court of Chancery issued an Order granting the specific equitable relief prayed for in the complaint: a constructive trust against the real property known as 3403 South Rockfield Drive, Wilmington, Delaware.

In the April 9, 1999 Order, the Court of Chancery ordered the defendants to execute a corrective deed transferring the property to the plaintiff.

7) The defendants did not comply with the Court of Chancery's April 9, 1999 Order. The plaintiffs filed a motion for performance by substitute. The defendants did not oppose the motion. The motion was granted by the Court of Chancery on April 27, 1999.

8) On September 13, 1999, the defendants filed another motion to vacate the default judgment. On September 21, 1999, the Court of Chancery again denied the motion.

9) The inquisition hearing reconvened on December 20, 1999. The defendants were afforded the opportunity to present their case. The Court of Chancery ordered post-trial briefing and further oral argument at the conclusion of the briefing.

10) The Court of Chancery issued its Memorandum Opinion on September 14, 2000. In its Opinion, the Court of Chancery granted most of the substantive relief sought by the plaintiff. A form of Order implementing the Memorandum Opinion was signed and entered. The defendants filed this appeal.

11) In this appeal, the appellants challenge the Court of Chancery's decision not to set aside the default judgment that was entered in 1996. We have concluded that the motion to set aside the default judgment was properly denied by

the Court of Chancery, for the reasons stated in its September 21, 1999 Letter Opinion. We have also concluded that the final judgment entered by the Court of Chancery should be affirmed for the reasons stated in its September 14, 2000 Memorandum Opinion.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgments of the Court of Chancery are affirmed.

BY THE COURT:

/s/ Randy J. Holland  
Justice