

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
ESTATE OF JOHN L. WEBB

§ No. 393, 2011
§
§ Court Below—Court of Chancery
§ of the State of Delaware,
§ in and for New Castle County
§ Reg. Wills No. 147884

Submitted: August 15, 2011

Decided: October 12, 2011

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 12th day of October 2011, it appears to the Court that:

(1) On August 1, 2011, the Court received a notice of interlocutory appeal filed by David O. Webb from a letter order issued by a Master in the Court of Chancery, dated June 29, 2011, holding that the appellant had a presumptive right to serve as the administrator of the estate of John L. Webb. The Master remanded the matter to the Register of Wills to determine who would serve as administrator. This Court issued a notice to appellant to show cause why the appeal should not be dismissed for appellant's attempt to appeal from an unappealable interlocutory order.

(2) Appellant filed a response to the notice to show cause on August 15, 2011. We find his response to no avail. It is well-settled that this Court is without jurisdiction to hear an appeal directly from any action

taken by a Master or Commissioner of a trial court.¹ The appellant's right to review of the Master's order was to a judge in the Court of Chancery.² Having failed to pursue that remedy, appellant waived his right to any further review or appeal.³

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ See *Johnson v. State*, 884 A.2d 475,479 (Del. 2005).

² See Del. Ct. Ch. R. 144 (2011).

³ *Id.* 144(a)(1).