

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF: §
HELEN J. CHADWICK, §
A DISABLED PERSON §

JUNE K. MOSES, §
§ No. 353, 2004
Petitioner Below, §
Appellant, §
v. § Court Below – Court of Chancery
§ of the State of Delaware,
§ in and for New Castle County
JOHN E. KENNEDY, JR., § C.M. No. 9653
Individually and as executor of the §
estate of Helen J. Chadwick, §
deceased. §
§
Respondent Below, §
Appellee. §

Submitted: February 16, 2005
Decided: March 1, 2005

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

O R D E R

This first day of March 2005, the Court having considered this matter after oral argument, has determined that it is manifest on the face that the appeal is without merit because: to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; and to the extent that the issues

raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied. Therefore, this Court has concluded that the final judgment of the Court of Chancery, dated July 19, 2004, should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its transcribed bench ruling on June 7, 2004.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Court of Chancery be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice