

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of
the Estate of Lois Irene Gould, Deceased.

Bradley R. WARKENTIN,
former Personal Representative,
Appellant,

v.

Corina SHIREY,
Personal Representative,
Petitioner-Respondent.

Deschutes County Circuit Court
17PB08036; A167535

Walter Randolph Miller, Jr., Judge.

On appellant's petition for reconsideration filed December 29, 2020. Opinion filed December 16, 2020. 308 Or App 1.

Anthony V. Albertazzi, for petition.

Before Ortega, Presiding Judge, and Egan, Chief Judge,
and Powers, Judge.

PER CURIAM

Reconsideration allowed; former opinion modified and
adhered to as modified.

PER CURIAM

Respondent seeks reconsideration of our opinion in *Warkentin v. Shirey*, 308 Or App 1, ___ P3d ___ (2020), in which we affirmed the probate court’s removal of respondent as personal representative pursuant to ORS 113.195(4), and its substitution of petitioner to that position. In respondent’s petition for reconsideration, he requests that we modify the opinion pursuant to ORAP 6.25(1)(a) for a “claim of factual error in the decision.” Specifically, he requests that we remove the line “Respondent was the decedent’s neighbor” because that factual assertion “is not contained in the record.”¹

We agree with respondent that that fact is not supported by the record. Accordingly, we allow consideration and modify the opinion to delete the following sentence: “Respondent was the decedent’s neighbor.”

Reconsideration allowed; former opinion modified and adhered to as modified.

¹ Respondent also requests that we modify a typographical error on the cover page. That error has been corrected.