

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 13, 2007

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2006AP1074

Cir. Ct. No. 1998PR139

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

IN RE THE ESTATE OF MABEL LARSON:

JOEL LARSON,

APPELLANT,

v.

**DAVID LARSON AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF
MABEL LARSON AND MARY CHRISTENSON,**

RESPONDENTS.

APPEAL from a judgment of the circuit court for Marathon County:
DOROTHY L. BAIN, Judge. *Affirmed.*

Before Higginbotham, P.J., Dykman and Bridge, JJ.

¶1 PER CURIAM. Joel Larson, pro se, appeals the circuit court’s judgment in this dispute over Mabel Larson’s estate. Larson raises seven issues. We affirm.

¶2 Mabel Larson died on March 18, 1998. She is survived by three children, David Larson, Joel Larson, and Mary Christenson. In her will, Mabel named Joel as her personal representative and David as a successor personal representative. The circuit court removed Joel as personal representative in an order filed October 1, 2003, because he had been “derelict in his duty as personal representative of the Estate and in his failure to close the Estate and manage it in a timely fashion.” The final judgment terminating this matter was entered on March 31, 2006.

¶3 Joel first argues that he should not have been removed as personal representative. Joel did not object to being removed as personal representative before the circuit court, so he has waived his right to raise this argument. *See State v. Huebner*, 2000 WI 59, ¶10, 235 Wis. 2d 486, 611 N.W.2d 727 (issues that are not raised before the circuit court will not usually be considered on appeal).

¶4 Joel next argues that Attorney Colin Pietz, David Larson’s counsel, committed trespass by entering Mabel’s home and having David make unnecessary repairs. Joel has not cited to the facts of record that support his assertions, nor has he provided legal authority or a reasoned argument in support of this claim. Therefore, we will not consider it. *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (we will not consider inadequately developed arguments).

¶5 Joel next argues that the quiet title action involving Mabel’s home was invalid because he was not properly served when the action was commenced.

Joel's argument ignores the fact that he subsequently consented to the court's jurisdiction by entering into a joint stipulation regarding the sale of the home at a June 14, 2005 proceeding. We reject Joel's argument.

¶6 Joel next argues that the attorney's fees charged to the Estate in this case were unreasonable. Joel has provided no reasoned argument to support this claim. The circuit court concluded that the attorney's fees were reasonable based on the documentation provided by counsel and the circumstances of this action, noting in particular that many of the fees were attributable to Joel because he "did everything within his power to slow and obfuscate the proper administration and closing of this estate." We reject this argument.

¶7 Joel next argues that the circuit court erred in giving his mother's piano to David. Once again, Joel provides no reasoned argument to support this claim. Therefore, we will not address it. See *Pettit*, 171 Wis. 2d at 646.

¶8 Joel next contends that the circuit court erred in finding the testimony of his sister, Mary Christenson, to be credible. It is well established that "it is not our function to review questions as to the weight of testimony and the credibility of witnesses." *Johnson v. Merta*, 95 Wis. 2d 141, 151-52, 289 N.W.2d 813 (1980). Because the issue of Mary's credibility was committed to the discretion of the circuit court, not this court, we reject this claim.

¶9 Finally, Joel argues that the circuit court acted improperly in deciding this case. Our review of the circuit court's actions shows no basis for this spurious accusation. Moreover, this appeal is not the proper forum for allegations of judicial misconduct.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* WIS. STAT. RULE
809.23(1)(b)5.

