

**IN THE COURT OF APPEALS  
OF THE  
STATE OF MISSISSIPPI  
NO. 95-CA-00023 COA**

**IN THE MATTER OF THE LAST WILL AND  
TESTAMENT OF GERTRUDE TOLIVER  
WILLIAMS, DECEASED: MARY JOHNSON**

**APPELLANT**

**v.**

**ELIZA JOHNSON**

**APPELLEE**

**PER CURIAM AFFIRMANCE MEMORANDUM OPINION**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND MAY NOT BE CITED,  
PURSUANT TO M.R.A.P. 35-B

DATE OF JUDGMENT:	05/27/94
TRIAL JUDGE:	HON. NATHAN P. ADAMS JR.
COURT FROM WHICH APPEALED:	WASHINGTON COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANT:	PRO SE
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: NICK CRAWFORD
NATURE OF THE CASE:	CIVIL - WILLS, TRUSTS AND ESTATES
TRIAL COURT DISPOSITION:	CHANCELLOR FOUND THAT A CONFIDENTIAL RELATIONSHIP EXISTED BETWEEN APPELLANT AND THE DECEDANT, AND THAT APPELLANT EXERCISED UNDUE INFLUENCE OVER THE DECEDANT.
DISPOSITION:	AFFIRMED - 12/2/97
MOTION FOR REHEARING FILED:	
CERTIORARI FILED:	
MANDATE ISSUED:	12/23/97

BEFORE BRIDGES, C.J., DIAZ, AND COLEMAN, JJ.

PER CURIAM:

Gertrude Williams died on December 26, 1992, leaving a Last Will and Testament dated March 26,

1987, in which she left her entire estate to her niece, Eliza Johnson. Williams specifically excluded from her will her daughter, Johnnie Mae Brisby. At the time of her death, Williams was in the care of and had been living with her granddaughter, Brisby's daughter, Mary Johnson. In August 1992, shortly before her death, Williams had been diagnosed with advanced senile dementia, a progressive disorder from which there is no recovery. Between her discharge from Delta Regional Medical Center on August 31, 1992 and her admission to St. Joseph's Hospital in Memphis on September 11, 1992, Williams resided with her granddaughter.

On September 7, 1992, Williams executed a quitclaim deed to her daughter, Johnny Mae Brisby, conveying her property in Metcalf, Mississippi. Williams also executed a new will, bequeathing all of her property to Brisby, and a Power of Attorney naming her granddaughter, Mary Johnson as her attorney in fact. Four days later Williams was admitted unconscious to St. Jude where she remained until her death on December 26, 1992.

On January 7, 1993 in the Washington County Chancery Court, Eliza Johnson filed a petition for probate of the March 1987 will, as a muniment of title only. The will was probated as a muniment of title only. Subsequently, on March 2, 1993, Brisby filed a motion in the Washington County Chancery Court to set aside the decree admitting the 1987 will to probate. Brisby filed a motion to probate the 1992 will.

The trial court tried two issues: the validity vel non of the September 7, 1992 will and the validity of the September 7, 1992 quitclaim deed. The chancellor found that a confidential, fiduciary relationship existed between Williams and her granddaughter and that Mary Johnson exercised a dominant influence over Williams in the procuring of the September 7, 1992 will and power of attorney. Mary Johnson failed to rebut the presumption of undue influence exercised over Williams. The chancellor based his decision on *Hendricks v. James*, 421 So. 2d 1031, 1041 (Miss. 1982). Additionally, the chancellor held that Brisby failed to overcome the presumption of undue influence inherent with the gift inter vivos of the Metcalf, Mississippi property. *See Madden v. Rhodes*, 626 So. 2d 608, 618 (Miss. 1993) ("With gifts inter vivos there is an automatic presumption of undue influence even without the abuse of the confidential relationship."). The chancery court held that the September 7, 1992 will must fail as well as the quitclaim deed conveying the Metcalf property. The petition to probate the 1992 will was dismissed and the quitclaim deed declared a nullity.

Mary Johnson filed her pro se appellate brief in which she claims the following errors: ineffective assistance of counsel at trial; suppression of evidence by counsel on both sides; collusion by attorneys on both sides; misrepresentation by attorneys on both sides; and general denial of her rights. Mary Johnson fails to provide any significant argument to support her claims, nor does she support any claim with case authority. When [an appellant] fails to make a clear argument or cite meaningful authority, this Court need not consider her issue. *Coleman v. State*, 697 So.2d 777,787 (Miss. 1997) . Eliza Johnson filed a motion to strike Mary Johnson's appellate brief. However, we do not see the necessity of striking the brief. Eliza Johnson's argument for affirming the chancellor is well taken, and we affirm the judgment of the Washington County Chancery Court. "The Court employs a limited standard of review on appeals from chancery court." *Reddell v. Reddell*, 696 So. 2d 287, 286 (Miss. 1997). "If substantial credible evidence supports the chancellor's decision, it will be affirmed." *Id.* (citing *Carrow v. Carrow*, 642 So.2d 901, 904 (Miss.1994). "The Court will not interfere with the findings of the chancellor unless the chancellor was manifestly wrong, clearly erroneous or a wrong

legal standard was applied." *Reddell*, 696 So. 2d at 288 (citations omitted).

**THE JUDGMENT OF THE WASHINGTON COUNTY CHANCERY COURT DISMISSING THE PETITION TO PROBATE THE WILL OF SEPTEMBER 7, 1992 AND DECLARING THE QUITCLAIM DEED OF SEPTEMBER 7, 1992 A NULLITY IS AFFIRMED. COSTS OF THIS APPEAL ASSESSED APPELLANT.**

**BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, DIAZ, HERRING, HINKEBEIN, PAYNE, AND SOUTHWICK, JJ., CONCUR. KING, J., NOT PARTICIPATING.**