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Shelby Cnty Judge of Probate, AL  
07/22/2025 09:36:22 AM FILED/CERT

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )  
OSCAR EUGENE BRIGHT, )  
Deceased. )

CASE NO. PR-2022-001149

**ORDER**

This cause came before the Court on July 14, 2025 for Hearing on the Application For Distribution and Request For Order Directing Transfer of Property filed on March 25, 2025 by Stephen P. Bright and Darren E. Bright, heirs of the estate of Oscar Eugene Bright; the Motion For Reimbursement of Expenses and Payment of Attorney's Fees filed on April 24, 2025 by Nelda Annette Anderson, by and through H. Emmanuel Scozzaro, Esq. and Elizabeth H. Mason, Esq., her attorneys of record; and on the Objection thereto filed on May 1, 2025 by the Stephen P. Bright and Darren E. Bright. Proper notice was given to all necessary parties. Parties present in open court were: Nelda Annette Anderson along with H. Emmanuel Scozzaro, Esq. and Elizabeth H. Mason, Esq., her attorneys of record; and Stephen P. Bright along with Jeremy M. Crowley, Esq., his attorney of record. The case was called and the Court proceeded to take ore tenus testimony.

The decedent died on or about January 21, 2015 and was an inhabitant of Shelby County, Alabama at the time of his death. Nelda Annette Anderson ("personal representative" or "Ms. Anderson") filed a Petition for Letters of Administration on December 19, 2022 and was issued Letters of Administration on or about January 27, 2023. Ms. Anderson claimed at the time of the filing of her Petition to be the widow of the decedent, a claim which was disputed by Stephen P. Bright and Darren E. Bright, the adult children of the decedent. This Court entered an order on June 8, 2023 finding that Ms. Anderson and the decedent did not establish a common law marriage. The decedent was survived by two adult children, namely: Stephen P. Bright and Darren E. Bright ("Heirs") which are the heirs at law of the decedent. Ms. Anderson remained as personal representative as she had posted good and sufficient surety and there was, at the time of the hearing in June 2023, no evidence presented to support her removal as personal representative.

The Accountings filed by the personal representative on July 10, 2023 and August 14, 2024 show the only asset of the estate to be the real property located at 112 Squire Drive, Helena, Alabama 35080. There have been no claims filed against the estate, nor are there any known debts of the estate noted in any filing by the personal representative.



The Heirs filed their Application for Distribution and Request For Order Directing Transfer of Property on March 26, 2025, wherein they requested that the personal representative execute an Administrator's Deed transferring the decedent's real property to the Heirs.

The Personal Representative responded by filing a Motion For Reimbursement of Expenses and Payment of Attorney's Fees on April 25, 2025, where she claims that she is due reimbursement for "out-of-pocket expenses on behalf of the estate" as follows:

Mortgage payments 2015-present	\$98,762.74
Estate Services and Supplies for Personal Representative	\$4,752.99
Death Certificates	\$33.00
Home Owners' Association Fees	\$644.25
Lawn Care	\$7,000.00
Carpet Cleaning	\$300.00
Plumbing Repairs	\$175.00
Gutter Repair	\$100.00
Porch Fan Repair	\$130.00
Scozzaro Law, Inc.	\$1,733.00

In addition to the claimed out-of-pocket expenses, the personal representative asserts that since the retainer was paid that she has incurred an additional \$2,278.00 in attorney's fees and court costs of \$140.75 which are due to be paid by the estate.

The personal representative testified that she has been living in the decedent's home located on the real property since the time of his death in 2015. She testified that she has been paying the mortgage of approximately nine hundred dollars (\$900.00) a month as well as insurance, which she noted was forced insurance as neither the mortgage nor the home is in her name. She testified that she has paid out of pocket for homeowner's association fees, lawn care, carpet cleaning, plumbing repairs, gutter repairs, and for the repair of the porch fan. The only evidence presented to support the amount of money claimed for the reimbursement of the out-of-pocket expenses was the testimony of Ms. Anderson.

It is undisputed that the Heirs were aware that the personal representative has been living in the house and that they agreed to allow her to remain in the home in exchange for paying the mortgage and other household expenses. The Heirs presented the testimony of Jennifer Curtis, a licensed real estate agent, who testified that the rental value of the decedent's real property is eighteen hundred dollars (\$1,800.00) per month.





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The Heirs object to the following out-of-pocket expenses claimed by the personal representative as the expenses were for the benefit of the personal representative and not for the benefit of the estate:

Mortgage payments 2015-present	\$98,762.74
Home Owners' Association Fees	\$644.25
Lawn Care	\$7,000.00
Carpet Cleaning	\$300.00
Plumbing Repairs	\$175.00
Gutter Repair	\$100.00
Porch Fan Repair	\$130.00

The Heirs object to the following out-of-pocket expenses and outstanding fees due claimed by the personal representative as they are not itemized or supported by receipts/vouchers to evidence the direct benefit of the same to the estate:

Estate Services and Supplies for Personal Representative	\$4,752.99
Scozzaro Law, Inc. (inclusive of retainer and fees claimed to date)	\$4,011.00

The Heirs do not object to the reimbursement of payment for death certificates in the amount of \$33.00 or to the payment of court costs with an outstanding balance of \$140.75.

Based upon the evidence properly introduced at the hearing, the Court **FINDS** as follows:

1. The personal representative is under a legal duty to settle and distribute the estate as expeditiously and efficiently as is consistent with the best interests of the estate and shall use her authority for the best interests of successors to the estate. Code of Alabama §43-2-833.
2. The Code of Alabama §43-2-830 provides that real property devolves upon the decedent's death to the persons to whom it is devised by the decedent's last will, except if needed by the personal representative for the payment of debts of the estate or costs or expenses of administration as set out in the Code of Alabama §43-2-441.
3. It appears from the Inventory and Accountings filed in this matter that the personal representative has not undertaken to settle or distribute any of the assets of the estate since the estate was opened in January 2023.
4. With the exception of attorney's fees and court costs, all costs or expenses of administration now claimed by the personal representative in this matter were related the upkeep and maintenance of the decedent's real property which she exclusively controlled and occupied for a period of time



well past what was necessary to determine if there were debts of the estate which would require her to sell the property for the payment of debts of the estate or costs or expenses of administration.

It is therefore **ORDERED, ADJUDGED and DECREED** as follows:

1. That the personal representative's claim for reimbursement for the following out-of-pocket expenses is due to be and hereby is **DENIED** as these expenses were for the benefit of the personal representative and not for the benefit of the estate:

Mortgage payments 2015-present	\$98,762.74
Home Owners' Association Fees	\$644.25
Lawn Care	\$7,000.00
Carpet Cleaning	\$300.00
Plumbing Repairs	\$175.00
Gutter Repair	\$100.00
Porch Fan Repair	\$130.00

2. That the personal representative's claim for reimbursement for the following out-of-pocket expenses is due to be and hereby is **ALLOWED** as this expense was for the benefit of the estate:

Death Certificates	\$33.00
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3. That the personal representative's claim for reimbursement for estate services and supplies and claims for initial attorney retainer fee and additional attorney's fees and expenses is due to be and hereby is **HELD IN ABEYANCE** pending the filing of an itemized billing statement by Scozzaro Law, LLC and an itemized list of items (with supporting receipts/vouchers) for the "Estate Services and Supplies for Personal Representative"):

Estate Services and Supplies for Personal Representative	\$4,752.99
Scozzaro Law, LLC (retainer, remaining balance, expenses)	\$4,011.00

4. That the personal representative shall prepare and execute an Administrator's Deed conveying the title to 112 Squire Drive, Helena Alabama to the Heirs, each receiving an undivided one-half (1/2) interest. She shall deliver the same to the attorney for the Heirs on or before 4:30 PM on August 4, 2025.
5. That the personal representative shall distribute any items of estate personal property, by






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delivering the same or arranging for the delivery of the same to the Heirs or their attorney of record on or before 4:30PM on August 4, 2025.

6. That the Letters of Administration issued by this Court to Nelda Annette Anderson on January 27, 2023 shall now be subject to the following restrictions: the personal representative is authorized to prepare and execute an Administrator's Deed and make transfer of personal property as set out herein. All other powers granted to the personal representative are due to be and hereby are **REVOKED**.
7. The personal representative shall prepare and file a full and complete final settlement in this matter on or before 4:30PM on August 8, 2025.
8. The oral motion of the Heirs that the personal representative be removed and that one or both of them be appointed as successor personal representative is **HELD IN ABEYANCE**, it appearing that the estate is in a position to close upon the proper conveyance of the real property and the transfer and delivery of the personal property to the Heirs the same will be considered were it to appear necessary for the estate to remain open and other actions taken to settle the estate.
9. Costs of Court are taxed to the estate of Oscar Eugene Bright.

**DONE AND ORDERED** this the 21<sup>st</sup> day of July, 2025.

  
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ALLISON S. BOYD  
PROBATE JUDGE

cc: H. Emmanuel Scozzaro, Jr., Esq.  
Elizabeth Hosmer Mason, Esq.  
Jeremy M. Crowley, Esq.  
Liberty Mutual Insurance Company